him was his sister, Miss Sue Pinckney, whom he loved and worshipped with a constancy as rare as it was beautiful. Between them had existed a devotion for which the language of poets, the canvas of artists, the marble of sculptors have no adequate expression. For more than half a century they had walked hand in hand through shadow and through light. Hardly a day had ever passed that they did not communicate in some way. As he embraced her on this supreme occasion the clamor immediately ceased and the great throngs in reverent silence observed this expression of as pure a love, a loyalty as sublime, as ever flowered in the human heart. Of his sister he once said:

I owe more to her than can ever be expressed, and the ambition of my life is so to live that I will be worthy of her affection.

It was when he assumed his seat in Congress that I made his acquaintance. We were drawn together by the fact that we were, respectively, the youngest and oldest Members of the Texas delegation. From acquaintance to friendship, from friendship to affection, were but short and eager steps. Our association here was most intimate. I had thorough opportunity to observe him in every phase and mood of life, and admiration rivaled love. He gave the closest and most conscientious attention to the proceedings of the House. He would remain in his seat through the tedious deliberations on long appropriation bills, evincing the liveliest interest in every motion and in every debate. When death retired him he was rapidly taking a high place among the most conservative and useful Members of this body. Of the civil war he frequently spoke. Of his record as a Confederate soldier he was justly proud. He accepted, however, the logic of Appomattox. He gloried in a reunited country and a common flag. He believed with Jefferson Davis that on the arch of the Union should be written, "Esto perpetua"—be thou perpetual.

The significance of his life lies in the fact that he was a typical Confederate soldier. Earth has no higher title. As I heard from his laconic lips the story of that giant strife I saw the hosts in battle line. I saw the thinning rank through four tempestuous years yield slowly to superior force. I heard the thundrous prelude of Manassas. I saw the fires of Carthage, Lexington, Columbus, and Ball's Bluff. I saw the surge of Shiloh's thousands, the clash of the legions at Murfreesboro. I saw the crimson skies of Malvern Hill, of Antietam, and of Fredericksburg. I saw the carnage of Chickamauga and Missionary Ridge. I heard the crash of Jackson's columns against the opposing myriads at Chancellorsville. I saw the charge at Gettysburg. I saw the gleam of a million bayonets encircle the tattered groups of gray. In the gloom of the Wilderness I saw them approach the superbest martyrdom since Calvary's agonies made all defeat and sorrow holy. And when the tumult of the conflict fell there rose above the ashes of Southern hopes and homes a cross that bore the figure of a Confederate soldier. Beyond the waste of nineteen hundred years I saw that other cross on which a God had died; and I knew that through my tears I saw the two sublimest sacrifices of God for man, and man for his conception of the truth.

Sleep, warrior, sleep. Your unimprisoned soul now mingles with the armies in the tents of light, where blue and gray together welcome every comrade to the rank immortal, armies summoned to the peace of endless morning by reveilles from the lips of God—enemies no more, but brothers there and their united children brothers here, forever and forever.

[Mr. RANDELL of Texas addressed the House. See Appendix.]

And then, in pursuance of the resolution heretofore adopted, the House (at 12 o'clock and 47 minutes p. m.) adjourned.

SENATE.

MONDAY, *April 30, 1906.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Phoebe N. Ver Neulen, widow of Edmund C. Ver Neulen, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, transmitted to the Senate resolutions of the House commemorative of the life and public services of Hon. JOHN M. PINCKNEY, late a Representative from the State of Texas.

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:

S. 47. An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes;

S. 956. An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska;

S. 3045. An act to incorporate the American Cross of Honor within the District of Columbia;

S. 4046. An act to incorporate the Edes Home;

H. R. 11037. An act relating to the transportation of dutiable merchandise without appraisement;

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;" and

H. R. 15911. An act to amend the laws of the United States relating to the registration of trade-marks.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of Thomas S. Watkins, post commander, Department of the Potomac, Grand Army of the Republic, of Washington, D. C., praying that an appropriation of $5,000 be made for the marking of historical places in the District of Columbia; which was referred to the Committee on Appropriations.

He also presented petitions of members of the Metropolitan police department of Washington, D. C., the police department of New York City, N. Y., and of the police department of Baltimore, Md., praying for the enactment of legislation to increase the wages of patrol drivers of the Metropolitan police force of the District of Columbia; which were referred to the Committee on Appropriations.

He also presented a petition of the Department of the Potomac, Grand Army of the Republic, of Washington, D. C., praying for the enactment of legislation providing for the purchase of a temporary home in the District of Columbia for ex soldiers and sailors of the late wars; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Washington, D. C., and the petition of George W. Evans, of Washington, D. C., praying that an appropriation of $8,400 be made for replacing granite block pavement with asphalt on Nineteenth street between I and L streets NW., in that city; which were referred to the Committee on Appropriations.

Mr. PLATT presented a petition of Local Council No. 50, Junior Order United American Mechanics, of Buffalo, N. Y., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented petitions of the Kemp & Burpee Manufacturing Company, of Syracuse; of the Warsaw-Wilkinson Company, of Warsaw; of Local Union No. 415, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Olean, and of Local Union No. 34, Brotherhood of Painters, Decorators and Paper Hangers of America, of Buffalo, all in the State of New York, praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

Mr. HALE presented petitions of the Maine State Grange, Patrons of Husbandry; of Coopers Mills Grange, Patrons of Husbandry; of the New Century Grange, Patrons of Husbandry, of Dedham, and of sundry citizens of Waldo County, all in the State of Maine, praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

Mr. BURNHAM presented the memorial of E. W. Poore, of Manchester, N. H., remonstrating against the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented the petition of Dr. F. M. Boyle, of Valdez, Territory of Alaska, praying for the enactment of legislation to regulate the practice of medicine in that Territory; which was ordered to lie on the table.

He also presented the petition of Herman G. Morrison, of Laconia, N. H., praying for the enactment of legislation to re-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

move the duty on denaturized alcohol; which was referred to the Committee on Finance.

Mr. ANKENY (for Mr. GAMBLE) presented the petition of Marvid Carlson and sundry other citizens of Centerville, S. Dak., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

Mr. PILES presented a petition of sundry citizens of St. Helen, Wash., and the petition of Ernest Aschau and sundry other citizens of St. Helen, Wash., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

Mr. KITTREDGE presented a petition of the Western South Dakota Stock Growers' Association, praying for the enactment of legislation to extend the time in the interstate transportation of live stock; which was ordered to lie on the table.

He also presented a petition of the Western South Dakota Stock Growers' Association, praying for the enactment of legislation providing for the segregation of agricultural from grazing land, and to provide a system of leasing said lands; which was referred to the Committee on Public Lands.

Mr. KEAN presented a memorial of sundry citizens of Elizabeth, N. J., remonstrating against the enactment of legislation placing the schools of Alaska under the supervision of the governor of that Territory; which was referred to the Committee on Territories.

He also presented sundry petitions of citizens of Newark, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. BURKETT presented a memorial of the Credit Men's Association of Lincoln, Nebr., remonstrating against the repeal of the present national bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. FULTON presented a petition of sundry citizens of Weston, Oreg., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

Mr. OVERMAN presented a statement and affidavits in support of the bill (S. 4602) for the relief of the Methodist Episcopal Church South, at Beaufort, Carteret County, N. C.; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 5937) for the relief of Leonidos H. Hall; which were referred to the Committee on Claims.

Mr. CULLOM presented a petition of Local Division No. 155, Brotherhood of Locomotive Engineers, of Decatur, Ill., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. RAYNER presented a petition of Local Union No. 1, Brotherhood of Painters, Decorators, and Paper Hangers, of Baltimore, Md., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

Mr. PENROSE presented a petition of the Presbyterian Ministerial Association of Philadelphia, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Universal Peace Union of Philadelphia, Pa., remonstrating against the enactment of legislation appropriating money for the purpose of increasing the Army and Navy, the enrollment of a general militia, and for erecting additional coast fortifications; which was referred to the Committee on Naval Affairs.

He also presented a petition of Heilman Council, No. 140, Daughters of Liberty, of Falls of Schuylkill, Pa., and a petition of Springtown Council, No. 929, Daughters of Liberty, of Springtown, Pa., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented memorials of Local Division No. 169, Amalgamated Association of Street and Electric Railway Employees of America, of Easton, Pa., and of Local Division No. 173, Amalgamated Association of Street and Electric Railway Employees of America, of Hazleton, Pa., remonstrating against the repeal of the present Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. FRYE presented a petition of 66 citizens of Portland, Me., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

Mr. HOPKINS presented memorials of sundry citizens of Chicago, Ill., remonstrating against the ratification of the Isle of Pines treaty; which were ordered to lie on the table.

He also presented the petition of E. J. Goodall, of Chicago, Ill., praying for the adoption of amendments to the postal laws; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Aurora and Enfield, Ill.; of Detroit and Saginaw, Mich.; of Dayton, Ky., and of Pittsburg, Kans., praying for the enactment of legislation granting pensions to the children of deceased soldiers and sailors; which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Batavia, Chicago, North Aurora, Decatur, Elburn, Sheffield, Hardinville, Gossett, Pekin, Moline, and Peoria, all in the State of Illinois, and of St. Louis, Mo., praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

NAVAL AND POSTAL EMERGENCIES IN CALIFORNIA.

Mr. HALE. From the Committee on Appropriations I report back without amendment the bill (H. R. 18709) making additional appropriations for the public service on account of earthquake and attending conflagration on the Pacific coast, 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 proposes to appropriate $100,000 to enable the Secretary of the Navy to employ such additional laborers and mechanics as may, in his judgment, be necessary for immediate service under the Bureau of Steam Engineering in the navy-yard at Mare Island, Cal., to remain available until June 30, 1906, and to appropriate $70,000 to enable the Postmaster-General, in his discretion, to meet emergencies in the postal service in the State of California occasioned by earthquake and fire, to be paid out of the revenues of the postal service and to remain available until June 30, 1906.

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

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5803) granting an increase of pension to William H. Meadows;

A bill (S. 5806) granting an increase of pension to Joseph D. Armstrong;

A bill (S. 5758) granting an increase of pension to Joshua J. Clark; and

A bill (S. 3750) granting an increase of pension to Wilbur F. Flint.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 5085) granting an increase of pension to Ellen Donovan, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14142) granting an increase of pension to James A. Scrutchfield;

A bill (H. R. 14980) granting an increase of pension to Matthew H. Bellomy;

A bill (H. R. 15201) granting an increase of pension to Edward O'Shea;

A bill (H. R. 15588) granting a pension to Hester Hyatt;

A bill (H. R. 15632) granting an increase of pension to Joseph B. Sanders;

A bill (H. R. 15675) granting an increase of pension to Harley Mowrey;

A bill (H. R. 15682) granting an increase of pension to Hannah M. Hayes;

A bill (H. R. 15807) granting a pension to Catharine Arnold;

A bill (H. R. 16372) granting an increase of pension to Andrew Dorn;

A bill (H. R. 16724) granting an increase of pension to James S. Burgess; and

A bill (H. R. 16902) granting an increase of pension to Dennis Winn.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 5046) granting a pension to George Amerine, reported it without amendment, and submitted a report thereon.

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

A bill (S. 1855) granting an increase of pension to J. J. Brown; and

A bill (S. 5731) granting an increase of pension to James McTwiggin.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5158) granting an increase of pension to Andrew J. Fosdick; and

A bill (S. 1224) granting an increase of pension to William A. Bowles.

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

A bill (S. 4458) granting an increase of pension to Andrea P. Quist;

A bill (S. 5557) granting a pension to Henry C. Sloan; and

A bill (S. 764) granting an increase of pension to Robert Carney.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5143) granting an increase of pension to Eugene V. McKnight;

A bill (S. 4784) granting an increase of pension to Lemuel Cross;

A bill (S. 2791) granting an increase of pension to John Lindt;

A bill (S. 4770) granting an increase of pension to Edward Hart; and

A bill (S. 668) granting an increase of pension to John C. Rassbach.

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 (S. 5809) granting an increase of pension to Hannah C. Church; and

A bill (S. 1849) granting an increase of pension to David T. Pettie.

Mr. McCUMBER (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. 15149) granting an increase of pension to William W. Ferguson; and

A bill (H. R. 15855) granting a pension to Will E. Kayser.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 2852) granting a pension to Bridget Manahan;

A bill (S. 4983) granting an increase of pension to John M. Farquhar;

A bill (S. 911) granting an increase of pension to Julius A. Davis; and

A bill (S. 1264) granting an increase of pension to Joseph Shiney.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 5834) granting an increase of pension to Charles F. Sheldon, reported it without amendment, and submitted a report thereon.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5583.) granting an increase of pension to Foster L. Banister;

A bill (S. 2294) granting a pension to Michael Reynolds;

A bill (S. 3904) granting an increase of pension to George J. Thomas;

A bill (S. 5784) granting an increase of pension to Mahala F. Campbell; and

A bill (S. 5785) granting an increase of pension to Joseph W. Doughty.

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

A bill (S. 5501) granting an increase of pension to Jacob L. Kline;

A bill (S. 4497) granting an increase of pension to Augustus McDowell; and

A bill (H. R. 9812) granting an increase of pension to Joseph B. Newbury.

Mr. LA FOLLETTE, 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. 11466) granting an increase of pension to Benjamin F. Heald;

A bill (H. R. 12331) granting an increase of pension to Daniel J. Miller;

A bill (H. R. 15064) granting an increase of pension to Jacob Wagenknecht;

A bill (H. R. 15272) granting an increase of pension to Patrick Mooney;

A bill (H. R. 15783) granting an increase of pension to George W. Sutton;

A bill (H. R. 16098) granting an increase of pension to Frederick Fenz;

A bill (H. R. 16220) granting an increase of pension to George C. Powell;

A bill (H. R. 16522) granting an increase of pension to Charles Meyer;

A bill (H. R. 16632) granting an increase of pension to Louis Lepine;

A bill (H. R. 16884) granting an increase of pension to William D. Woodcock;

A bill (H. R. 3227) granting an increase of pension to Isaac Tuttle;

A bill (H. R. 4222) granting a pension to Otto Boesewetter;

A bill (H. R. 4743) granting an increase of pension to Hiram N. Goodell;

A bill (H. R. 4745) granting an increase of pension to Henry D. Stiehl;

A bill (H. R. 6490) granting an increase of pension to William H. Gilbert;

A bill (H. R. 6912) granting an increase of pension to Charles H. Weaver;

A bill (H. R. 7419) granting an increase of pension to James Scott;

A bill (H. R. 7495) granting a pension to Susie M. Gerth;

A bill (H. R. 7498) granting an increase of pension to Mary Hanson;

A bill (H. R. 7500) granting an increase of pension to John McCandless;

A bill (H. R. 7876) granting an increase of pension to Julius Beier;

A bill (H. R. 8138) granting an increase of pension to Similde E. Forbes;

A bill (H. R. 8144) granting a pension to Ada J. Lasswell;

A bill (H. R. 8662) granting an increase of pension to Edward P. Paramore;

A bill (H. R. 12194) granting a pension to Minnie Irwin;

A bill (H. R. 13861) granting an increase of pension to Wilhelm Dickhoff; and

A bill (H. R. 15002) granting an increase of pension to George E. Wood.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom was referred the bill (H. R. 13787) granting an increase of pension to Malcolm Ray, 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 each with an amendment, and submitted reports thereon:

A bill (S. 3684) granting an increase of pension to George W. Hyde;

A bill (S. 5871) granting an increase of pension to William B. Ashton; and

A bill (S. 2429) granting an increase of pension to James Devor.

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 (S. 2619) granting an increase of pension to William H. Willie;

A bill (H. R. 14994) granting an increase of pension to Daniel C. Joslyn;

A bill (H. R. 15499) granting an increase of pension to Elias Andrew;

A bill (H. R. 15500) granting an increase of pension to John W. Thomas;

A bill (H. R. 16319) granting an increase of pension to Orrin D. Nichols; and

A bill (S. 5842) granting a pension to Marie G. Lauer.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 5791) granting an increase of pension to Margaret Simpson, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5786) granting an increase of pension to Mary J. Ivey, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16717) granting an increase of pension to Sterling Hughes;

A bill (H. R. 16941) granting an increase of pension to Thomas H. Hogan;

A bill (H. R. 11303) granting a pension to Joseph Matthews;

A bill (H. R. 16992) granting an increase of pension to John R. Baldwin;

A bill (H. R. 16993) granting an increase of pension to Melroe Tartar;

A bill (H. R. 15243) granting a pension to Artemesia T. Husbrook;

A bill (H. R. 15501) granting an increase of pension to Elizabeth Parks;

A bill (H. R. 16576) granting an increase of pension to Silas P. Conway;

A bill (H. R. 16577) granting an increase of pension to Joseph M. Pound;

A bill (H. R. 16602) granting an increase of pension to Christopher C. Reeves;

A bill (H. R. 16603) granting an increase of pension to Pleasant W. Cook;

A bill (H. R. 16881) granting an increase of pension to Joel R. Youngkin;

A bill (H. R. 16931) granting a pension to Cornelia Mitchell;

A bill (H. R. 16936) granting an increase of pension to Sherwood F. Culberson;

A bill (H. R. 16486) granting an increase of pension to Thomas Bosworth; and

A bill (H. R. 16466) granting an increase of pension to Asenith Woodall.

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 (S. 5775) granting an increase of pension to Harvey M. Traver;

A bill (H. R. 16828) granting an increase of pension to Georgia A. Hughs;

A bill (H. R. 16541) granting an increase of pension to Ambrose Y. Teague;

A bill (H. R. 16540) granting an increase of pension to Sarah M. Evans;

A bill (H. R. 15058) granting an increase of pension to Enoch Rector;

A bill (H. R. 16530) granting an increase of pension to William H. Gautier;

A bill (H. R. 16529) granting an increase of pension to James M. Sikes;

A bill (H. R. 16527) granting an increase of pension to William Martin;

A bill (H. R. 16526) granting an increase of pension to James R. Hilliard; and

A bill (H. R. 16224) granting an increase of pension to Francis M. Crawford.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 5326) granting an increase of pension to Annie A. West, reported it with an amendment, and submitted a report thereon.

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

A bill (S. 5801) granting an increase of pension to Andrew Jackson Parris;

A bill (S. 5800) granting an increase of pension to James N. Davis; and

A bill (S. 5742) granting an increase of pension to James A. Bryant.

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

A bill (S. 4887) granting an increase of pension to Calvin C. Hussey;

A bill (S. 1174) granting an increase of pension to Edwin Morgan;

A bill (H. R. 8650) granting an increase of pension to Sewell F. Graves;

A bill (H. R. 9034) granting an increase of pension to Mary F. McCauley;

A bill (H. R. 12792) granting an increase of pension to William Wiley;

A bill (H. R. 13047) granting an increase of pension to Walter Saunders;

A bill (H. R. 13877) granting an increase of pension to Juan Canasco;

A bill (H. R. 15977) granting an increase of pension to Mary E. Ramsey;

A bill (H. R. 16186) granting an increase of pension to William T. A. H. Boles; and

A bill (H. R. 16271) granting an increase of penison to Edwin Elliott.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 215) granting a pension to Elias Phelps, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4133) granting an increase of pension to George Brewster, reported it with an amendment, and submitted a report thereon.

REGULATION OF RAILROAD RATES.

Mr. DANIEL. Mr. President, I desire to give notice that to-morrow morning, after the morning business, I should like to address the Senate on the rate bill.

The VICE-PRESIDENT. The notice will be duly entered.

BILLS INTRODUCED.

Mr. DANIEL introduced a bill (S. 5951) to repeal section 3480 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5952) granting an increase of pension to Hyacinth Dotey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. RAYNER introduced a bill (S. 5953) to appropriate money for the payment of certain advances made to the United States by the State of Maryland; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 5954) for the relief of the Union National Bank of New Orleans, as the successor of the Union Bank of Louisiana; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 5955) granting a pension to Mary Elizabeth McCann; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY, introduced a bill (S. 5956) to correct the military record of Milton Newcomb; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5957) granting an increase of pension to Laban Rupard; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 5958) granting a pension to Bernard Charles; which was read twice by its title, and referred to the Committee on Pensions.

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

A bill (S. 5959) granting a pension to Catherine A. Wright; and

A bill (S. 5960) granting an increase of pension to George H. Eastman.

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

A bill (S. 5961) granting an increase of pension to Eugene B. McSwyny; and

A bill (S. 5962) granting an increase of pension to John A. Richards.

Mr. KNOX introduced a bill (S. 5963) granting an increase of pension to James Reed; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 5964) for the relief of the heirs of William Bullard, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

ISTHMIAN CANAL.

Mr. MORGAN. I introduce a bill, which I ask may be read at length on its second reading.

The bill (S. 5965) to establish the plan of a ship canal to be constructed in the Panama Canal Zone, ceded to the United States by the Republic of Panama, under the provisions of the treaty promulgated on the 26th day of February, 1904, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the President of the United States is authorized to construct a ship canal in pursuance of the general plan hereinafter described, between the 40-foot contour in the Bay of Limon, Caribbean Sea, and the 40-foot contour in the Bay of Panama, to connect the waters of the Atlantic and Pacific Oceans through the Panama Canal Zone.

The central section of said canal shall be constructed as a canal with locks, through the highlands of Culebra and Emperador, for the distance of about 8½ miles, to be connected with the sea-level sections at each end by means of locks to be located in the vicinity of Obispo and Miraflores. It shall be not less than 40 feet in depth between such locks, and shall be, at the surface thereof, not more than 85 feet, and not less than 65 feet above sea-level, as shall be determined by the President of the United States.

SEC. 2. For obtaining and securing a necessary supply of water to said central section, and for purposes of regulating the flow of the waters of the Chagres River, a sufficient and permanent dam shall be erected across said river in the vicinity of Gamboa on a suitable foundation of rock and in accordance with the general plan that is recommended in the report of the majority of the Board of Consulting Engineers submitted to Congress by the President in his message of February 19, 1906; and a channel shall be made between the lake created by such dam and the central section of the canal above mentioned, which shall be of sufficient dimensions, elevation, and capacity to supply water from such lake for all the purposes of floatation and lockage, the generation of power to aid in the construction and in the working said central section to its highest capacity and to serve its continued use for all commercial purposes, and also for service in the regulation of the waters impounded in such lake, which shall be known as "Lake Gamboa."

SEC. 3. That the northern sea-level section of the canal shall be constructed along the valleys of the Obispo and Chagres rivers, so as to connect with the northernmost lock of the central section in the vicinity of Obispo and shall extend to the 40-foot contour of the Bay of Limon.

Said northern section of the canal shall have a depth of 40 feet below mean sea level and shall correspond, practically, with the route, the location, the dimensions, and as to the protection of the same against inflowing waters, as the same are described in the report of the majority of the Board of Consulting Engineers above referred to, but the same shall be subject to such alterations thereof, in all respects except as to the sea-level plan, as the President of the United States shall direct or approve.

SEC. 4. That the southern section shall be a sea-level canal, to be constructed from the southernmost lock of the central section, and so as to connect with it in the vicinity of Miraflores, to the 40-foot contour in the Bay of Panama by the most practical route. It shall not be less than 40 feet deep below the mean sea level and not less than 200 feet wide at any place. It shall be provided with a sea gate or left without such protection according to the direction or approval of the President of the United States.

SEC. 5. That the locks of the canal shall be double or twin locks, with usual capacity of not less than 800 feet in length and not less than 80 feet in width or less than 40 feet in depth over the miter sills. The locks shall not be placed in flights, but shall be located as nearly in connection with each other as may be safe and convenient, having regard to the permanent stability of the foundations thereof, and the location of the respective sets of twin or double locks and the plan and method of construction of such locks shall conform to the best and most economical use of water supply from Lake Gamboa for the most advantageous operation of the central section of the canal, all under the direction or approval of the President of the United States.

Mr. MORGAN. I move the reference of the bill to the Committee on Interoceanic Canals.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PILES submitted an amendment providing that leave of absence authorized by law to clerks in post-offices shall be construed exclusively of Sundays and holidays, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. GALLINGER submitted an amendment relative to the pay and allowances of civil engineers and professors of mathematics in the Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

WITHDRAWAL OF PAPERS—FRANCES A. BLISS.

On motion of Mr. BURNHAM, it was

Ordered, That the papers in the case of S. 3631, first session Fifty-ninth Congress, "For relief of Frances A. Bliss," be withdrawn from the files of the Senate, there having been no adverse report thereon.

WITHDRAWAL OF PAPERS—FOREMAN S. WELLS.

On motion of Mr. FORAKER, it was

Ordered, That the papers relating to the bill (S. 3679), Fifty-seventh Congress, for the relief of Foreman S. Wells, may be withdrawn from the files of the Senate, there having been no adverse report thereon.

IRRIGATION FROM SACRAMENTO RIVER.

The VICE-PRESIDENT. The morning business is closed.

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

The VICE-PRESIDENT. Without objection, the unfinished business, being House bill 12987, will be proceeded with.

Mr. CLARKE of Arkansas. My friend the Senator from California [Mr. PERKINS] has a little matter of routine business that he desires to have transacted, and I yield to him for that purpose.

Mr. PERKINS. I thank the Senator from Arkansas kindly for the courtesy he has extended to me.

I ask unanimous consent for the present consideration of the bill (H. R. 11796) for the diversion of water from the Sacramento River, in the State of California, for irrigation purposes.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, on page 1, lines 8 and 9, to strike out "900 cubic feet per second of water" and insert "an amount of water which, at a stage of said river of 2 feet above low water, as determined by the United States engineer in charge of the improvement of said river, or at any lower stage, shall not exceed 900 cubic feet per second;" so as to read:

That the Central Canal and Irrigation Company, a corporation organized and existing under the laws of the State of California, and its successors, are hereby granted the right to divert, at all seasons of the year, from the Sacramento River, in the State of California, while and so long as such diversion shall not seriously injure the navigation of said river, an amount of water which, at a stage of said river of 2 feet above low water, as determined by the United States engineer in charge of the improvement of said river, or at any lower stage, shall not exceed 900 cubic feet per second, to be used for irrigating the lands of the Sacramento Valley, on the west side of the Sacramento River, in said State of California.

The amendment was agreed to.

The next amendment was, in section 1, on page 3, line 23, after the word "hereunder," to insert "instituted by the Government or any of its officers or agents;" so as to make the additional proviso read:

And provided further, That all costs accruing in any suit or proceeding hereunder instituted by the Government or any of its officers or agents shall be borne by the said Central Canal and Irrigation Company, its successors or assigns.

The amendment was agreed to.

The next amendment was, in section 4, on page 4, line 23, after the word "within," to strike out "one year" and insert "two years;" and in line 24 to strike out "three" and insert "five;" so as to make the section read:

SEC. 4. That this act shall be null and void if the actual construction of the structures for diversion and measurement of water herein authorized be not commenced within two years and completed within five years from the date hereof.

The amendment was agreed to.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

REGULATION OF RAILROAD RATES.

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. CLARKE of Arkansas. Mr. President, the pending bill is supposed to be a legislative response to the public demand that something shall be done to put limitations on the power of the common carriers of this country to unfairly tax and control its commerce. The question has received fragmentary attention in Congress and in the legislatures of many of the States. But the remedies that have been worked out and applied from time to time have been so inadequate and inefficient that the public has become almost hopeless of getting relief from any scheme of mere regulation. The magnitude of the evils of extortion and discrimination by the public carriers has grown until it has forced itself upon the attention of the country to such an extent that Congress now finds itself appealed to to remedy the wrong by striking at the very source of it. I feel compelled to say that if the pending bill, without being amended liberally and substantially, is to be the response made by this Congress to that appeal, we shall stand before the country inviting one of two criticisms—either that we have a meager and erroneous conception of the overpowering and widespread evil that calls for correction, or a very limited capacity, and a much more limited disposition, to devise adequate remedies to suppress evils of magnitude after their existence become manifest.

The bill as it now stands, in my humble opinion, is based upon an erroneous theory of regulation from its very first provision to its last. It betrays a rare ignorance of the evils to be overcome and of the methods available to Congress in their suppression. In the first place, the bill provides for the correction of a single rate, or the rate upon a single classification of freight, rather than for a comprehensive regulation of the entire schedule of rates charged by any given carrier. Even the partial remedy provided in the correction of the evil presented by a single excessive rate is only to be made upon complaint involving the challenged rate. This should not be so. The business of compelling common carriers to discharge their duties to the public is governmental in its character, and should be approached with that independence and fairness that should characterize the discharge of public duties and the exercise of

public power. No shipper or patron of the railroad should be compelled to involve himself in an adversary contention over the rates to be charged with the carrier. The contest is an unequal one. The means available to the offended carrier to punish and destroy the complaining shipper are too numerous and subtle to warrant the belief that the right of complaint will be independently and courageously exercised. When a course of conduct has become so notorious as to constitute a part of the everyday knowledge of life, it is the duty of those who hold the governmental power of correction to assume the burden of applying the remedy without exposing the interests of any citizen to the aroused resentment of the powerful class whose abuse of permitted opportunities and powers has made necessary a resort to the remedial powers of the Government. That the transportation of the country has been and is afflicted by a systematic and all-pervading burden of extortion and discrimination practiced by the carriers is a matter that is not seriously disputed.

The transportation facilities of the country have been combined to such a wide extent and in such close alliance that the matters of fixing the tax on transportation and of practicing discrimination between shippers and places are subject to no limitation except the arbitrary edict of those who control the business. Unless it be true that the transportation tax imposed by the limited number of persons who control the transportation facilities of the country is extortionate and confiscatory, then the agitation for the passage by Congress of a comprehensive and effective system for prescribing rates must be viewed in the light of a gigantic conspiracy against the commercial tranquillity of this country. The universality of the demand that Congress shall interpose the strong hand of the National Government to prevent imposition being practiced is evidence that those who are interested in our commercial prosperity and opportunities do not so regard this movement. That this sentiment pervades all classes of our people, and is persistently and earnestly pressed upon our attention, ought to convince us that it represents the conservative sentiment of the country, and is not due to any spirit of temporary unrest artificially produced by the irresponsible and sensational elements of our population. The agitation is the outgrowth of the nullification of the law of competition by the abnormal development of the evil of combination. I do not cry out against the men who have brought about this situation, for in doing so they have only pursued methods allowed by law, and have simply followed the bent of human instincts and inclinations. What they have done others would do, similarly situated. They are merely doing the things that education, environment, and interest qualify them to do, only too well for the general welfare of society. But legislative power is created to restrain, in some measure, the unfair assertion of selfish instincts.

In a strictly private employment, as long as a man avoids doing those things for which he might be put in jail, no one can legally complain; but when he seeks to unfairly advance his interest, at the expense of those who have equal rights, through the agency of a public privilege or franchise, he must submit to such regulations as will protect the rights of others and accord to him all to which he is legally entitled. The power of Congress to delegate to a commission the authority to prescribe rates to be charged by common carriers engaged in interstate commerce has been much disputed. I do not share the belief that there is any doubt about the authority of Congress to confer plenary power for this purpose. I think the right to confer this authority is a logical and inevitable extension of the doctrines and practices that have been declared and established by the court decisions and the course of legislation that have for their ultimate purpose the widening and broadening of national authority. Unless the Supreme Court of the United States has been uncandid with the public in what has been said in more than a score of decisions, the existence of this power must be admitted. That that great Court has not perpetrated a deception in this behalf I am convinced beyond all doubt. The power of the States to interfere with or regulate to any extent interstate commerce has been so uniformly denied that none now are bold enough to complain that it is so, to say nothing of insisting that it is otherwise. The Constitution says that all powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people. It is certain, therefore, that this power to regulate interstate commerce has not been reserved to the States, as their powers in this behalf have been defined by the Supreme Court of the United States, which is the final arbiter in such matters.

LEGALITY, DELEGATION OF RATE-MAKING POWER DOUBTFUL.

Notwithstanding I admit without reservation the power of Congress to delegate to a commission the power of fixing the tax to be imposed upon the transportation of the country by the carriers, I am not so sure that the delegation attempted by this bill is a valid exercise of the power. The power delegated is to prescribe just and reasonable rates, without fixing any standard by which this fact of justice and reasonableness is to be determined. The rule by which the validity or invalidity of a given delegation of legislative power is made to appear is laid down in the recent case of Buttfield *v.* Stranahan. (192 U. S., 496.) It is there said that the delegation will be valid if it appears that Congress has legislated on the subject as far as was reasonably practicable and then, from the necessity of the case, is compelled to leave to executive officials the duty of bringing about the results pointed out by the statutes. It is obvious to anyone who gives a moment's consideration to the question that a mere general direction to prescribe railroad rates that will be just and reasonable leaves to the Commission a vast field for the exercise of discretion as to the policy and wisdom of adopting one course or another, which, when it eventuates in completed form, may be said to prescribe just and reasonable rates. As there are many ways in which this business of fixing just and reasonable rates can be accomplished, according to the judgment of the person rendering the service, the choice as between these means is a legislative one. I think that Congress should formulate as definitely as practicable the basis upon which, or the standard by which, the justice and reasonableness of rates should be ascertained. I think that it is competent for Congress—in fact, I deem it to be the duty of Congress—to provide for the ascertainment of the value of the property of the several railroad corporations engaged in interstate commerce, and by an established method that will afford to each transportation company an opportunity to be represented and heard in the inquiry which is to result in fixing the value of its property.

As human intelligence must enumerate the elements that enter into this aggregate valuation, Congress should indicate which of these elements and how many are to be considered in fixing the value. If the franchise value is to be deemed a part of the value of the investment for the purpose of ascertaining a basis upon which a reasonable return to the carrier is to be computed, it should say so in terms, that the rule may be observed in all cases. If the bond and stock flotations are to be considered for any other purpose than as a mere particle of evidence, throwing light upon the ultimate question of value, definite directions as to this should be given. Then I believe that after the basis of actual value has been ascertained in a way that will challenge respect and be recognized and enforced in all tribunals where it may become a material inquiry, that Congress should indicate what is to be deemed the extent of income that will satisfy the carrier's right to just and reasonable rates. It may be that in a country where conditions differ as widely in the several sections as is the case in ours that an arbitrarily fixed percentage would not in all cases do justice. But this can be provided for by arranging a minimum and maximum, within the limits of which the Commission can be guided in any given case.

It is not my intention to discuss at length the many obvious defects in this bill, because it is my purpose to devote the greater part of the time I shall impose myself upon the patience of the Senate to the discussion of a defect which pertains to a matter of procedure, by which the orders of the Commission, when made, may be relieved of interference by the inferior Federal courts of the country in the exercise of the unlimited right to grant preliminary injunctions. It is a matter of common knowledge among the lawyers of the country that the right to issue injunctions of this character has been abused very greatly in recent years. But whilst it is my purpose to confine myself largely to the discussion of this particular defect, I have not thought it to be proper to entirely omit reference to others.

RIGHTS OF RAILROAD CONSTITUTIONALLY PROTECTED.

The property rights of the carrier, in so far as the same may be affected adversely by Congressional legislation, are absolutely secured against wrongful invasion by the Constitution of the United States and the decisions of the Supreme Court of the United States practically applying and adapting the guaranties of that instrument. There is no possible way by which the common carriers of the country can be compelled to serve the public without receiving for the service just compensation for the use of their property so employed. These companies enjoy absolute immunity from any wrongful invasion of their rights by legislation. This has been decided so often that it has come to be understood as part of the elementary knowledge of the subject. I therefore maintain that it is the duty of Congress to occupy, with a system of comprehensive, intelligent, and effective regulation, every square inch of the territory which lies outside of the barriers of the Constitution, behind which

the rights of the carriers are securely intrenched. Within this zone lie the rights of the public, and by the wrongful invasion of this domain by the carriers are the interests of the public injured and destroyed. The fact that the common carriers have not respected the rights of the public is our justification for seeking to devise and apply a remedy, as we are now doing. That some remedy should be applied all agree. The difference is as to the extent and effectiveness of the relief to be afforded. I believe that as our power is equal to our responsibility, the remedy we tender to the public should be as wide as the mischief, and that its execution should be along lines that will advance the remedy and suppress the mischief. In making these laws we should approach the duty in a frame of mind that will enable us to say that we have no conscientious scruples against doing what is right where the law and the evidence justify it.

The ingenuity of this particular class of lawbreakers has been strengthened and made familiar by an unobstructed exercise for many years, and any attempt upon the part of the lawmaker now to match his ingenuity against that of his adversary must be based upon a knowledge of the fact that he is dealing with one who has enjoyed his immunities so long that by toleration and acquiescence he has come to believe that his wrongdoing has become consecrated into a vested right. We shall not quit the subject with the consciousness of duty well performed if we put upon the statute book a law of meaningless generalities, that for practical purposes signifies nothing, and this, in my opinion, is what this bill unamended will do. We will find ourselves in the situation that the late John J. Ingalls said Kansas found herself in as the result of the adoption of a prohibition amendment to the State constitution. He said that the Prohibitionists of Kansas had all the law they wanted, and the whisky drinkers had all the whisky they wanted. I trust, therefore, that we shall not find that the railroad commission has all the law it wants, and the railroads are in the enjoyment of the right to collect all the rates they want. Although I say I trust that this will not be the result, if I were called upon to give a definite statement of my real opinion, I should find myself under the necessity of recording here and now the prediction that the passage of this bill, unamended in many substantial particulars, will result in a statutory condition that will never regulate, in the direction of a reduction, a single extortionate rate demanded by the railroads. It will amount simply to the introduction for a second time of the colorless regulation that was practiced by the Commission from 1887 to 1897, when it deemed itself to be possessed of the rate-making power. The power then supposed to exist was exercised so mildly that the railways of the country were unable to draw a distinction between the power of supervision exercised by the Commission and that exercised by their own traffic managers.

STATE AND INTERSTATE COMMERCE NOT DEFINED.

Another obvious defect in existing laws that is not remedied by the provisions of the pending bill is one made manifest in the decision of the Supreme Court in Smyth *v.* Ames, 169 United States. In that case the court says: "In our judgment, it must be held that the reasonableness or unreasonableness of rates prescribed by States for the transportation of persons or property wholly within its limits must be done without reference to the interstate business done by the carrier or the profits derived from it." Now, if a similar rule is to be applied, and there is no reason why it shall not be, in the ascertainment of the reasonableness or unreasonableness of rates fixed by the Interstate Commerce Commission, the result is that when the State commissions attempt to fix rates for that part of the traffic which is wholly within the State no notice whatever can be taken of the business interstate in character, and when the National Commission proceeds to ascertain what is a reasonable rate for interstate business no notice can be taken of that part of the carrier's business which originates and ends in a particular State. This is a practical difficulty growing out of the dual character of the government under which the railroads operate, and ought to be definitely and decisively provided for in this bill. Unless the court shall recede from its position as established in that case, the omission from the present bill of some proper provision on this subject will constitute a defect the existence of which is not in the slightest degree complimentary to the information of its framers, assuming always that they were inspired by an honest purpose to correct the defects that are within the limits of their knowledge.

CONGRESS HAS POWER TO PREVENT ISSUE OF PRELIMINARY INJUNCTION IN ANY CASE.

But, as I said a moment ago, my main purpose in taking the floor to-day is to say something in support of the proposition that Congress has power to prohibit the courts from issuing a preliminary injunction suspending the orders of the Commission pending a final disposition in the United States circuit court. I shall not only claim that Congress has this power, but I shall insist that the considerations which support the demand for its exercise in this instance are stronger than those that can be advanced in support of any one of the three distinct instances where Congress has exercised that power heretofore and to the satisfaction and approval of the Supreme Court of the United States.

I shall also have something to say upon the scope and effect of the court review of the orders of the Commission. I think Congress has nothing to do with the character of the review. I believe that the extent of judicial review is fixed by the Constitution itself, as expounded by the decisions of the Supreme Court. It has been exercised up to the present time to the utmost limit that it ever will be extended. The widest delegation of authority to the courts would confer no greater power in this behalf than the most specific limitation which we could incorporate into the statute.

Under ordinary circumstances it would be necessary for Congress to consider only the wisdom and policy of denying a resort to that feature of the judicial remedy afforded by the process of a preliminary injunction, in the light of the facts and circumstances brought forward in support of the particular application for such prohibition. The power to do so would be conceded. But the respect due to any contention seriously made by the distinguished Senators from Wisconsin [Mr. SPOONER] and Pennsylvania [Mr. KNOX] respecting a matter of law or procedure, presents a situation in which it well becomes those who would antagonize what they assert to be careful. Their deliberate support of any proposition will rescue it from any assault or criticism lightly made, and entitles it to be dealt with as one of the disputed questions of the law that can at least be attractively and plausibly exploited, if not successfully defended and maintained.

These Senators introduce for the first time, so far as any diligence I am capable of exercising has enabled me to locate any instance of its being done, a distinction between judicial power and the jurisdiction of a court to administer it. That courts can do many things incidental to the exercise of jurisdiction that are not specifically mentioned in the act creating the court and defining its jurisdiction is not denied. For instance, it inheres in the very function of the court that the judge or judges thereof shall have the right to choose as between conflicting or apparently conflicting principles those that will be recognized and applied as having the force of law in the decision of any given controversy. Nor can any legislative tribunal, in creating the court, direct the particular decision to be given, where the facts are conflicting or where the principles of law that would otherwise govern are established and recognized. The right to decide involves the right to choose the particular course of decision. But we have no such question here. We are dealing with the power of Congress to prescribe to one of the courts which owes its existence to legislative act a course of procedure in the merely incidental matter of issuing a process. The granting of a temporary injunction and the hearing incidental thereto rarely ever involve any consideration or decision as to the ultimate merits of the controversy. The effect is simply to preserve the subject-matter of the controversy in as nearly the same condition in which it is found as is practicable.

IF COURT HAS DISCRETION IN ONE CASE, CONGRESS HAS IN ALL OF A CLASS.

The grant or refusal of a preliminary injunction, therefore, only incidentally involves the ultimate rights of the successful litigant. In the very nature of things, the granting of such a process will disturb existing conditions, and it frequently calls for a nice balancing of consequences to determine whether greater harm will not result from the issue of the injunction than from its denial. The issue of the writ is therefore a matter of mere discretion with the judge or court to which application is made. This discretion is absolute, since no appeal will lie from a refusal to issue such a writ. It is not in any sense a suit or action, but is a mere process incidental to a suit or action. There is no such thing as a suit having for its independent and distinct purpose the mere issue of a preliminary injunction. It is the equivalent, in a court of equity, of the writ of attachment in a court of law. No reason is perceived why, if a writ of attachment may be denied in a court of law to seize and hold the property or its proceeds until the right thereto has been determined in an action, a similar right of abolition does not attach to the equivalent writ in a court of equity designed to accomplish the same purpose. There is nothing in the origin or history of the preliminary writ of injunction to controvert this suggestion to the extent of rendering it subject to the criticism of being unfairly applied here. This writ is the very counterpart

of the interdict of the prætor under the Roman law. When the English chancery jurisdiction began to develop as a branch of the royal prerogative, the peculiar character of relief necessary to do justice effectively made it inevitable that in many cases injunctive relief should be granted in advance of the hearing, if justice was to be fully done in the end. We according find in the very earliest recorded history of the chancery jurisdiction, when its powers were exerted and its remedies administered by the king in person, that preliminary injunctions were employed as a part of the system. It is said that the first recorded instance of a preliminary injunction being issued occurred in the time of Henry II. As the chancery jurisdiction was extended to the numerous cases where the harsh and technical rules of the courts of the common law would not enable them to do full justice, the writ of preliminary injunction was accordingly made use of more frequently.

The courts of equity are said to have been invented for the correction of that wherein the law, by reason of its universality, was deficient. The wholesome and effective character of relief to be gained in many cases through employment of the preliminary injunction where there would otherwise be a miscarriage of justice made the writ exceedingly popular, and this very popularity caused it to be abused to such an extent as to make it manifest to those who are charged with the duty of making laws to put limitations upon the right that would operate to prevent its abuse without impairing its real usefulness. Accordingly, we find that by legislation notice to the adversary party is required wherever it is practicable to give the same before making application for the writ. Certain judges are empowered to grant the writ, while others are denied the right by not having the same conferred upon them. Bonds are required to indemnify, as nearly as such a provision can, the persons whose rights are interfered with by the writ in the event it should be subsequently determined that it was wrongfully applied for and issued, and in some cases, in the exercise of the sovereign power to make laws, the legislature has denied to the courts the right to issue the writ at all. Our statute books contain three well-known instances where Congress has denied to the courts power to issue this writ, and its action in doing so has been expressly recognized and loyally respected by the Supreme Court of the United States, as I shall undertake to show as I proceed. I am not willing to be numbered among those who declaim vociferously against the employment of the writ of injunction; neither am I to be numbered among those who treat it as a specific for all the ills of life that are subject to judicial inquiry and determination. Our complex governmental and commercial conditions imperatively require that in a just determination of the numerous controversies that come about between individuals this writ shall at all times be available for rational and equitable service. But while I admit this, I also insist that it is a process whose employment is to be regulated by law, and that the law-making power not only has power, but it rests under an imperative obligation to deny its use whenever, in the exercise of its best judgment, it is apparent that the exercise of the power rightfully belonging to other governmental agencies will be unfairly obstructed in the due administration of the powers permitted to them. Whilst the process is important, and is therefore to be interfered with cautiously, and only after the propriety of doing so has been thoroughly considered and determined, yet the power to do so when the necessity for its exercise is made manifest is what we insist upon now.

PRELIMINARY INJUNCTION A MERE PROCESS.

As indicating that the writ of injunction is invariably treated as a mere process to be employed for incidental purposes in the administration of justice, and as such is subject to legislative control, it is permissible to call attention to the fact that in many of the States a reformed system of pleading and practice, known as the "code system," has been adopted, and in nearly all of these the writ of injunction has been in terms abolished by statute, and provision made by statute for the issuing of restraining orders by the judges and under the conditions therein named. Wisconsin is among the States that have pursued this course, as will be seen from the following extract from its revised statutes:

SEC. 2773. The writ of injunction is abolished. The injunction provided by law is a command to refrain from a particular act. It may be the final judgment in the action or may be allowed as a provisional remedy, and when so allowed it shall be by order in the form prescribed in this chapter. The order may be made by the court in which the action is brought or by a judge in the cases provided in this chapter, and when made may be enforced as the order of the court.

But our inquiry on this occasion is as to the authority of Congress to provide that the orders of the Interstate Railway Commission fixing rates shall not be suspended or interfered with by any preliminary injunction in advance of a decision by the circuit court.

That this is true ought to be considered as established, when we consider the nature of the National Government and the powers that it can rightfully exercise. In the first place, the National Government is one of delegated powers. There is no such thing as a national common law. There are therefore no common-law courts nor common-law powers of courts, nor does there exist any common-law source upon which courts may draw to supply themselves with desirable powers, which are inadvertently or otherwise withheld by statute. That this is true was recognized by the Supreme Court of the United States at a very early date, as will appear in the following extract from the opinion of Chief Justice Marshall, in the case of Ex parte Bollman (8 Cranch, 93):

As preliminary to any investigation of the merits of this motion, this court deems it proper to declare that it disclaims all jurisdiction not given by the Constitution or by the laws of the United States. Courts which originate in the common law possess a jurisdiction which must be regulated by the common law until some statute shall change their established principles; but courts which are created by written law and whose jurisdiction is defined by written law can not transcend that jurisdiction. It is unnecessary to state the reasoning on which this opinion is founded, because it has been repeatedly given by this court, and with the decisions heretofore rendered on this point no member of the bench has, even for an instant, been dissatisfied. The reasoning from the bar in relation to it may be answered by the single observation that for the meaning of the term "habeas corpus" resort may unquestionably be had to the common law, but the power to award the writ by any of the courts of the United States must be given by written law.

It has not been denied in this debate nor anywhere else by those who are entitled to be heard in the discussion of such questions that all the courts of the United States inferior to the Supreme Court are of statutory origin and that only such part of the judicial power of the United States as Congress has assigned to these can be exercised by them, respectively. This is not only true as to the subject-matter of litigation, but it is true in reference to the pleadings, writs, and other matters of procedure through and by which the system of courts is created and in accordance with which they administer justice. None of these courts have ever attempted to issue any writ or to take cognizance of any proceeding without being able to predicate its action in doing so upon some statute either prescribing the rule or adopting the scheme of procedure prevalent in the States or in the high court of chancery of England. Attentive examination of the decisions of our Supreme Court will show that in every instance save one, that of Florida *v.* Georgia, in 17 Howard, that court has insisted upon statutory authority for every step taken by it or permitted to the inferior courts when challenged.

In the case of Florida *v.* Georgia the court did proceed to hear the controversy under a system of pleading and procedure established by itself, but in doing so it took occasion to say that it did this in the absence of legislation by Congress, in order that there might not be a failure of justice. But it broadly and unmistakably stated that if Congress had prescribed rules governing its procedure that it would be compelled to conform thereto. From the very earliest day, as early as 1789, Congress has assumed to provide the means by which the Federal courts could supply themselves with the necessary means and machinery for discharging the duties imposed upon them. I call attention to the following sections of the Revised Statutes, which were originally passed prior to 1842.

ALL PROCESS SUCH AS CONGRESS AUTHORIZES.

Section 716 of the Revised Statutes, indicated as section 14 of the act of 1879, provides:

The Supreme Court and the circuit and districts courts shall have power to issue writs of scirs facias. They shall also have power to issue all writs not specifically provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the usages and principles of law.

Section 917 proves that—

The Supreme Court shall have power to prescribe, from time to time, and in any manner not inconsistent with any law of the United States, the forms of writs and other process, the modes of framing and filing proceedings and pleadings, of taking and obtaining evidence, of obtaining discovery, of proceeding to obtain relief, of drawing up, entering, and enrolling decrees, and of proceeding before trustees appointed by the court, and generally to regulate the whole practice to be used in courts of equity or admiralty by the circuit and district courts.

SEC. 913. The forms of mesne process and the forms and modes of proceeding in suits of equity and of admiralty and maritime jurisdiction in the circuit and district courts shall be according to the principles, rules, and usages which belong to courts of equity and of admiralty, respectively, except when it is otherwise provided by statute or by rules of court made in pursuance thereof; but the same shall be subject to alteration and addition by the said courts, respectively, and to regulation by the Supreme Court, by rules prescribed, from time to time, to any circuit or district court, not inconsistent with the laws of the United States.

The pleadings, practice, and writs employed in the trial of cases on the law docket of the Federal courts is the same as that in the

State courts of the State wherein the Federal court is sitting, except where expressly changed by Federal statute. This is so because of an express provision of an act of Congress that it shall be so. The practice in equity cases in the Federal court is the same in all the States, because Congress has so provided in the direction given to the Supreme Court to prescribe the rules which shall govern in such cases. At an early day, the Supreme Court, in execution of this statutory authority, formulated a number of rules which provided a system of procedure substantially similar to that which prevailed in the high court of chancery in England at the time of the adoption of the Constitution of the United States. In addition to the several rules covering particular features of the practice and procedure, the court adopted rule 90, indicating the source from which additional rules of procedure might be adopted and applied in the event a case should arise which was not covered by the provisions of any existing rule. Rule 90 of the Rules of Practice for the Equity Courts of the United States is as follows:

In all cases where the rules prescribed by this court or by the circuit court do not apply, the practice of the circuit court shall be regulated by the present practice of the high court of chancery in England, so far as the same may reasonably be applied consistently with the local circumstances and local conveniences of the district where the court is held, not as positive rules, but as furnishing just analogies to regulate the practice.

The whole matter, therefore, of providing a system of pleading, practice, and procedure for the Federal courts is regulated by statute, directly or indirectly. That this is so has been recognized by the Supreme Court of the United States, and made the basis of its action when its judgment has been invoked in cases that involved the matter. There is no intimation anywhere in any of the cases to be found in the books that in the matter of processes to be employed the court itself acts, or permits the inferior courts subject to its supervision to act, in the exercise of any pretended inherent power to frame remedies independent of the action of Congress, simply because by so doing they might thereby more effectively protect the rights of persons who come into the courts for their vindication. Instances are to be found where the most meritorious writs and proceedings in the entire field of jurisprudence have been refused in cases that obviously called for a remedy, for the sole reason that Congress had not authorized the courts to employ them. It was true in the case of a writ of habeas corpus and in the most useful proceeding of mandamus. The court has not only insisted that there shall be statutory authority for every step that it takes, but it has not treated the legislation of Congress under that latitudinous rule of construction which would permit it to seize upon general phrases in the statute to include thereunder matters resting on the same reason as those mentioned. The construction has been rather strict than otherwise, and under this rule the court has limited the right of Federal courts to issue the writs of mandamus and other writs to such instances as they may be so employed in aid of a jurisdiction expressly conferred, and not to an unlimited extent as independent remedies. As indicating somewhat the extent to which the courts have gone in this direction, I will read here extracts taken from a number of the opinions of the Supreme Court.

SUPREME COURT RECOGNIZES CONTROL OF CONGRESS.

In Livingston *v.* Story (9 Pet., 656), it is said:

That Congress has the power to establish circuit and district courts in any and all of the States, and confer on them equitable jurisdiction in cases coming within the Constitution can not admit of doubt. It falls within the express words of the Constitution. "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." (Art. 3.) And that the power to ordain and establish carries with it the power to prescribe and regulate the modes of proceedings in such courts admits of as little doubt.

In speaking of the obligation assumed by sureties on injunction bond, the Supreme Court in Bein *v.* Heath (12 How., 178) says:

Now, there is manifest error in subjecting parties to an injunction bond, given in a proceeding in equity in a court of the United States, to the laws of the State. The proceeding in a circuit court of the United States in equity is regulated by the laws of Congress and the rules of this court made under the authority of an act of Congress.

In United States *v.* Howland (4 Wheat., 113) the court says:

And as the courts of the Union have a chancery jurisdiction in every State and the *judiciary act* confers the the same chancery *powers* on all, and gives the same rule of decision, its jurisdiction in Massachusetts must be the same as in other States.

In Ames *v.* Kansas (111 U. S., 472) the court says:

The judicial power of the United States exists under the Constitution, and Congress alone is authorized to distribute that *power* among courts.

In Boyla *v.* Zacharie (6 Pet., 657) the court says:

And the settled doctrine of this court is that the remedies in equity are to be administered, not according to the State practice, but according to the practice of equity in the parent country as contradistinguished from that of courts of law, subject, of course, to the provisions of the acts of Congress and to such alterations and rules as, in the exercise of the powers delegated by those acts, the courts of the United States may from time to time prescribe. (Robinson *v.* Campbell, 3 Wheat., 212; U. S. *v.* Howland, 4 ibid., 108.) So that, in this view of the matter, the effect of the injunction granted by the circuit court was to be decided by the general principles of courts of equity and not by any peculiar statute enactments of the State of Maryland.

In Bath County *v.* Amy (13 Wall., 244) the court says:

Were there nothing more in the judiciary act than the grant of general authority to take cognizance of all suits at common law and in equity *it might well be doubted* whether it was intended to confer the extraordinary power residing in the British court of King's bench to issue prerogative writs. All doubts upon this subject, however, are set at rest by the fourteenth section of the same act, which enacted that circuit courts shall have power to issue writs of *scire facias* and *habeas corpus* and all other writs not specifically provided for by statute which *may be necessary for the exercise of their respective jurisdictions* and agreeable to the usages and principles of law. Among those other writs no doubt mandamus is included; and this special provision indicates that the power to grant such writs generally was not understood to be granted by the eleventh section, which conferred only to a limited extent upon the circuit courts the judicial power existing in the Government under the Constitution. Power to issue such writs is granted by the fourteenth section, but with the restriction that they shall be necessary to the exercise of the jurisdiction given. Why this grant if it had been previously made in the eleventh section? The limitation only was needed.

The Senator from Wisconsin, when he last addressed the Senate, sought to draw a distinction between the writs of habeas corpus and mandamus and the writ of preliminary injunction, by saying that the former, in Great Britain, were treated as high prerogative writs, whereas the writ of injunction was a judicial writ, entirely subject to control by the courts of equity, and not in any wise subject to be dealt with by the legislature in a way that any judge authorized to issue the same would deem to be an abridgment of his right. The judge who wrote the opinion in Bath County *v.* Amy said that at one time there was some doubt as to whether or not a general grant of jurisdiction to the Federal courts would carry with it the power to take jurisdiction of such proceedings as mandamus, but he also added that all doubt on that subject had been put at rest by the passage of the judiciary act of 1789, by the section as quoted above. He said that after the passage of that act all writs enumerated in the section or included in its provision should be dealt with in the same way. If these writs are to be dealt with in the same way and Congress has authority to abolish the use of the writ of mandamus in any case it may see proper, no reason is perceived why a similar right should not be exercised with reference to the writ of injunction. There is no distinction made in the Constitution of the United States between the rights, power, and authority of courts of equity and courts of law. It invests the courts with jurisdiction to hear and dispose of all cases of law or equity arising under the laws of the United States or belonging to certain other enumerated classes. But it will serve no really useful purpose to consume more time in attempting to show that Congress can rightfully deny the right to resort to the writ of preliminary injunction in any instance that, in its judgment, such a course should be adopted. The power of Congress to do so has not heretofore been denied, but, on the contrary, it has been exercised in three conspicuous instances, and the statutes by which the same has been done have been recognized and enforced by the Supreme Court of the United States without question or discussion as to policy or validity. In every instance where parties have relied upon the statute as a means of preventing an adversary from resorting to the remedy by injunction, the court has gone no further into the question than to determine whether or not the case made is one of those condemned by the statute denying the injunction. When this condition has been ascertained to exist, the court has invariably said in plain terms that the statute controls, and it was accordingly followed and made the rule of action in that particular case. There was no pretense made in any of the opinions in which it came under review that in the passage of the statute Congress had simply reenacted rules that were otherwise the law. It was treated simply as a case where the rule *ita lex scripta est* applies.

In order that the Senate may understand the scope and character of my contention in this behalf, I will now direct attention, in consecutive order, to the three instances to be found in our statutes where Congress has prohibited the courts from issuing the writ of injunction:

I call attention first to section 720 of the Revised Statutes, being a provision contained in the judiciary act of 1789. The section is as follows:

PROCEEDINGS IN STATE COURTS SHALL NOT BE ENJOINED.

SEC. 720. The writ of injunction shall not be granted by any court of the United States to stay proceedings in any court of a State, except in cases where such injunction may be authorized by any law relating to proceedings in bankruptcy.

The statute has served a very useful purpose in promoting harmony of administration in the peculiar system of govern-

ment under which we live. The anomalous situation of having courts equal in authority and deriving their powers from different sovereignties, administering justice in the same locality and among the same people, afforded a fruitful source of strife, or at least the opportunity for it, by the inspired ingenuity which at times characterizes the legal profession in designing ways and means by which the law's delays are made no less. The Senator from Wisconsin, when he addressed the Senate on March 23, 1906, in referring to this statute and the reasons which prompted Congress to enact it, said:

There were good reasons and strong reasons, peculiar to our form of government, which led Congress of that day to prohibit injunctions to restrain proceedings in State courts, for we have States.

It is no argument against the power of Congress to do a particular thing to say that good reasons and strong reasons should exist before the power is exercised. Good reasons and strong reasons ought to exist in support of any exercise of legislative authority by Congress at this late day, and especially should this be true when we come to curtail the power of a chancery court to issue a writ of preliminary injunction—a right of very ancient origin and usually of salutary effect. The reasons why I think the right to prohibit issuing preliminary injunctions should be still further exercised in this case is because I believe that the reasons which support our contention are not only strong reasons and good reasons, but they are stronger reasons and better reasons than exist in support of the enactment of section 720. But I think the consideration of this question has been taken out of the domain of debatable propositions by the action of the Supreme Court of the United States in the manner in which it has dealt with the several acts of Congress limiting the powers of the Federal judiciary in issuing injunctions by the numerous decisions rendered in controversies where such statutes were involved, and the explicit and decisive acceptance of the provisions thereof as the basis of decision. Among lawyers, where a practice or a principle is recognized and applied without question, in controversies, and among litigants, where objection to its validity should be urged by those interested, with a view of having these objections recognized or repudiated by the court, and this is not done, it is assumed that it was omitted because the formative stage of the discussion had been passed. I shall call to the attention of the Senate, without commenting on each case, the decisions of the Supreme Court in which this question of the right of Congress to deny the right of the chancery courts to issue the writ of injunction has been under consideration.

A very meritorious case was made in Haines *v.* Carpenter. It did not involve any actual conflict of jurisdiction. The matter was proceeding in a way that both courts might have gone on without the least inconvenience. Judge Bradley, in writing the opinion reported in 91 U. S., p. 254, says:

In the first place, the great object of the suit is to enjoin and stop litigation in the State courts, and to bring all the litigated questions before the circuit court. This is one of the things which the Federal courts are expressly prohibited from doing. By the act of March 2, 1793, it was declared that a writ of injunction shall not be granted to stay proceedings in a State court. This prohibition is repeated in section 720 of the Revised Statutes, and extends to all cases except where otherwise provided by the bankrupt law. This objection alone is sufficient ground for sustaining the demurrer to the bill.

In the case of Sargent *v.* Helton (vol. 115, U. S. Ct. Rep., p. 350) Judge Wood, in writing the opinion, says:

The circuit court of the United States was therefore—

After having quoted section 720 he continues—

The circuit court of the United States was therefore deprived of the power—

Not of jurisdiction, but was deprived of the power—

The circuit court of the United States was therefore deprived of the power, by the section just quoted, to protect the rights of the plaintiff, unless the writ of injunction was authorized by the law relating to proceedings in bankruptcy.

If there is any virtue in the contention that the right to issue injunctions is a part of the judicial power, and is not a simple matter of jurisdiction to be given or withheld by statute, the language of this decision must be deemed an authority against the position assumed by the Senators from Wisconsin and Pennsylvania. The thing of which the court was deprived by the statute was the power to issue the injunction.

In Dial *v.* Reynolds, in 96 United States, page 340, the same statute came before the court. The judge said:

There are two objections to these bills: (1) The gravamen of what is desired as to Reynolds is an injunction to prevent his proceeding at law in the State court. Without this, all else is of no account. Any other remedy would be unavailing. Such an injunction, except under the bankrupt act, no court of the United States can grant.

For the simple reason that the statute said they could not grant it.

With this exception, it is expressly forbidden by law.

The decision is placed squarely and explicitly upon the ground that the courts are expressly prohibited by statute from issuing an injunction in a case of that kind.

In Chapman *v.* Brewer (114 U. S., 172) it is said:

It must be held that Congress, in authorizing a suit in equity in a case like the present, has, in order to make the other relief granted completely effective, authorized an injunction, as necessarily incidental and consequent, to prevent further proceedings under the levies already made and new levies under the judgment. But for the supposed inhibitory force of section 720, a court of equity in granting, on the merits, the other relief here granted, would necessarily have power to award the injunction. We think the circuit court was authorized to award it here within the exception in section 720.

That was a case where the court had to find warrant for the issuance of a writ of injunction, and it is said that the exception contained in section 720 affirmatively gave it power to interfere there.

In the case of In re Sawyer (124 U. S., 219), the judge who wrote the opinion says:

The restraining order of the circuit court *was void*, because in direct contravention of the peremptory enactment of Congress, that the writ of injunction shall not be granted by any court of the United States to stay proceedings in any court of a State, except when authorized by a bankrupt act.

In the case of the United States *v.* Parkhurst-Davis Company (176 U. S., 320), Judge Brewer disposes of the question presented by saying:

Upon these admissions and facts the case comes clearly within the provision of section 720 of the Revised Statutes, to the effect that no writ of injunction shall be granted by a court of the United States to stay proceedings in any court of a State except in matters of bankruptcy.

After quoting from the decision of Judge Bradley in the case of Haines *v.* Carpenter (91 U. S., 254), he concluded:

Without stopping to consider any other questions presented by counsel, this is sufficient to sustain the ruling of the circuit court, and the decree is affirmed.

There is not a single intimation in any of the opinions delivered in the cases mentioned that the validity of the restriction laid upon the chancery courts is to be sustained independently of the positive command of the statute, on the ground that the courts would refrain from issuing injunctions in such cases even in the absence of a statute, in pursuance of the well-known rule of comity which prevents courts of concurrent and equal authority from interfering each with the jurisdiction of the other. The provision is comprehensive, and its inhibitory effect is operative against any injunction issued by the Federal courts against instituting or maintaining litigation in the State courts. An anxious desire to avoid friction between the courts is, therefore, not the only consideration which prompted the enactment of the law. It is a fact within the knowledge of all lawyers that where actual friction exists by reason of the Federal court having first taken cognizance of the controversy which brings about the litigation, it will protect the prior pendency by enjoining the parties from instituting conflicting proceedings in the State court. An instance where this was done is furnished in the well-known case of the Railway Company *v.* Julian, reported in 193 United States, and heretofore given a prominent place in the discussion conducted by the Senator from Wisconsin [Mr. SPOONER] and the Senator from North Carolina [Mr. OVERMAN]. The statute applies to many cases, and has been enforced in many cases where no conflict of jurisdiction was possible. In its last analysis it is a mere exercise of the legislative power to limit the remedies administered in courts of equity, and the processes by which those remedies are made effective.

As a second instance where Congress has exercised the right to deny to the chancery court the power to issue a writ of injunction I call attention to section 3224 of the Revised Statutes, which is as follows:

SEC. 3224. No suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court.

FEDERAL TAXES SHALL NOT BE ENJOINED.

This statute was enacted May 27, 1872.

For eighty years of our history the Government was able to lay and collect taxes without finding it necessary to impose this restraint upon the courts, but in 1872 a condition became manifest which convinced Congress that it would be a wise exercise of its prerogative to take away from the courts of chancery the power to issue injunctions of this kind. The Senator from Wisconsin says that the right to issue an injunction or institute any other form of suit against the Government is a matter of grace, and that in extending permission to sue, it is competent for the sovereign to grant a qualified right or to deny entirely the right to sue; that it is of the highest importance to the sovereign that the taxes laid shall be collected, and that interference by the courts with such collection is not to be tolerated. He therefore argues that Congress could, by omitting to grant affirmative authority to bring a suit on any terms, and could thereby deprive the taxpayer of all judicial

remedy to litigate the validity of a tax; that what was done in the passage of section 3224 was really to enlarge the taxpayer's remedy by permitting him to apply in the first instance to the Commissioner of Internal Revenue for the return of the taxes exacted illegally from him, and in default of prompt action by the Commissioner be permitted to bring a suit at law. This contention is plausable, and it doubtless represents the opinion of the Senator from Wisconsin as to the reason why existing legislation was enacted. Admit all this, and it does not militate against the contention we are now making, that Congress has the power to judge for itself when and to what extent the right to issue a writ of injunction shall be denied. The inducements to the enactment of this section may be like those that prevailed in the enactment of section 720 in that they constitute good reasons and strong reasons why it should be done, but that Congress had power to pass the statute and that its validity has long been recognized and enforced by the courts is the pivotal fact with which I am now interested.

The Supreme Court of the United States, in the case of Shelton *v.* Platt (139 U. S., 502), indicates the reason why, in its judgment, legislation such as section 3224 was enacted, and it is somewhat different in nature from the opinion entertained by the Senator from Wisconsin. It is as follows:

> Legislation of this character has been called for by the embarrassments resulting from the improvident employment of the writ of injunction in arresting the collection of the public revenue; and, even in its absence, the strong arm of the court of chancery ought not to be interposed in that direction except where resort to that court is grounded upon the settled principles which govern its jurisdiction.

This explanation by the court, made at the time it was, represents the wide opportunities afforded by a survey by that great court of the whole judicial field of the United States, and a familiarity with the recklessness and want of care with which preliminary injunctions are usually issued. Whilst the Government was willing to still permit this practice to continue so far as the interests of private individuals are concerned, it manifested a purpose to provide a better remedy for itself.

This statute came under consideration by the Supreme Court in the case of Snyder *v.* Marks (109 U. S., 189). A citizen whose property was about to be seized for a tax levied under Federal authority, applied to the court for an injunction to restrain the officer from seizing his property, and sought to escape the force of section 3224 by alleging that the seizure was wholly unauthorized, because the tax was illegal, and in this connection contended that the courts were deprived of the right to issue an injunction only in cases where the tax itself was conceded to be lawful. The Supreme Court denied the validity of that contention, and said:

> The inhibition of section 3224 applied to all assessments of taxes made under color of their offices by internal-revenue officers charged with general jurisdiction of the subject of assessing taxes against tobacco manufacturers. The remedy of a suit to recover for the tax after it is paid is provided by statute, and a suit to restrain its collection is forbidden. The remedy was given as exclusive, and no other remedy can be substituted for it.

It will be noted that the court does not decide that the right to sue to recover back the tax after the citizen's property has been seized and sold to satisfy the illegal tax is an adequate remedy. It simply says that the remedy is exclusive. There is quite a difference between an exclusive remedy and an adequate remedy. This distinction was made by the court understandingly and for the reason that in the light of its own decisions it could not have made the statement that the remedy by action to recover taxes illegally exacted was adequate. In Ogden City *v.* Armstrong (168 U. S.) the court says, in dealing with this particular question:

> It often happens, however, that the case is such that the person illegally taxed would suffer irremedial damage, or be subjected to vexatious litigation, if he were compelled to resort to his legal remedy alone. For example, if the legal remedy consisted only of an action to recover back the money after it had been collected by distress and sale of the taxpayer's lands, the loss of his *freehold by means of a tax sale would be a mischief hard to be remedied.* Even the cloud cast upon his title by a tax under which a sale could be made would be a grievance which would entitle him to go into a court of equity for relief.

The decision of the Supreme Court in the celebrated income-tax case, reported as Pollock *v.* Farmers' Loan and Trust Co. (157 U. S., 429), demonstrated more forcibly than any argument that I can make that the Federal courts regard section 3224 as nothing more than a positive assertion of power by the legislature in restraint of the power of a court to issue an injunction, and that there does not lie at the foundation of the statute a principle which, considered independent of it, is broad enough to do without the statute the things that it requires to be done. In other words, a tender consideration for the revenues of the country and a desire to remit persons to the remedies enacted by statute which deny a resort to the ordinary equity powers of the courts is not an inherent principle or practice of courts of equity, but is conformed to as a submission to positive restraints imposed by the sovereign authority of Congress. In the income-tax case the court entertained a complaint in equity brought by a stockholder against the officers of the trust company, alleging that it was the purpose of those officers to make returns under the income-tax provision of the Wilson bill, and that after making these returns it was their purpose to pay the tax to the officers of the United States Government. It further alleged that this tax was void because the statute which sought to impose it was unconstitutional. Now, here was a case that involved a vast volume of taxation, levied on the wealth of the country, and it would have been a most admirable opportunity for the court to have said that this suit, although nominally between persons who stood in nowise in adversary relations, was really brought for the purpose of interfering with the collection of the public revenue, and, looking through the mere form in which the action was brought, the court could see that its main purpose was such as brought it within the prohibitory effect of section 3224. Instead of doing that, the court proceeded to entertain the suit on the ground that it did not fall within the letter of the statute and that the restraint upon the court was no greater than the terms of the statute specifically imposed. It proceeded to hear the case, and decided that the tax was invalid.

Mr. Justice White, in his dissenting opinion, urges very strongly the contention that the action of the majority of the court was a plain evasion of the statute, because the litigation, although nominally between private persons, was really directed against the authority of the Government to lay and collect the tax. But the majority of the court stood upon the letter of the statute.

Mr. SPOONER. Mr. Justice Harlan also dissented upon the same ground.

Mr. CLARKE of Arkansas. Mr. Justice Harlan also dissented, and for the same reason, among others. But the court disregarded the restraint of the statute for the reason that the case before the court did not fall within the letter of it. It was not technically a suit against any officer who was attempting to collect the tax. Of course, in this collateral way, the trust company elicited the judgment of the court on the validity of the tax.

Mr. SPOONER. That case was decided on the ground that the law was unconstitutional.

Mr. CLARKE of Arkansas. Yes.

Mr. SPOONER. In the early part of the opinion the court lays down the rule and cites several cases which show that the court has the power in certain cases——

Mr. CLARKE of Arkansas. That is exactly what I am insisting on; that you can not deprive the citizen of the right to resist the tax collector or anybody else in an effort to take from him his property wrongfully. While the court, in the Income Tax case, admitted that an injunction can not be brought against an officer attempting to collect a tax, it allowed the same thing to be done in an indirect way. A suit to restrain the collection of illegal taxes has over and again been held not to be a suit against the sovereignty, but against the officer, on the theory that he is doing something that he is not authorized by law to do, and that he can only represent the sovereignty when acting lawfully in her behalf.

In re Tyler (149 U. S., 190), a case that came up from South Carolina, the court, in speaking of the distinction between suing the State directly and suing an officer thereof who is seeking to perform an illegal act, says:

> The subject was but recently considered in Pennoyer *v.* McConnaughy (140 U. S., 1), in which Mr. Justice Lamar, delivering the opinion of the court, cites and reviews a large number of cases. The result was correctly stated to be that where a suit is brought against defendants who claim to act as officers of a State and, under color of an unconstitutional statute, commit acts of wrong and injury to the property of the plaintiff to recover money or property in their hands unlawfully taken by them in behalf of the State; or for compensation for damages; or, in a proper case, for an injunction to prevent such wrong and injury; or for a mandamus in a like case to enforce the performance of a plain legal duty, purely ministerial, such suit is not, within the meaning of the amendment, an action against the State.

So I maintain that the restraint of this section is positive and represents the power of Congress to do what it purports to do. The decision in the Income Tax case shows how readily courts take advantage of the cases that lie without the letter of the statute, but are within its spirit, to do the things that they could not do in a case standing upon similar principles, but falling within the letter of the statute. It is the restraint of the statute, and not that of equitable principles, that prevents the courts from enjoining the officers of the National Government whenever a disputed tax is demanded. The court, in Shelton *v.* Platt, has indicated that it deemed the substituted remedy to be the exclusive remedy to which the taxpayer is entitled, but it does not state that it was an ade-

quate remedy. Nor could the court, as a matter of fact, have made any such declaration. Anybody, lawyer or layman, understands that where a citizen's property is levied upon, taken from his possession, and sold at a sacrifice at a public sale to satisfy an illegal demand made by the Government, which is charged with the duty of protecting his liberty and his property, that it is no adequate redress to send him to an official to receive back the amount of the tax illegally exacted from him, leaving him the loser by the loss and inconvenience of the deprivation of his property.

Mr. SPOONER. Will the Senator allow me a word?

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

Mr. CLARKE of Arkansas. Yes, sir.

Mr. SPOONER. In the Nichols case, which the Senator will find cited, opposite the section 3224 itself, and from which I read the other day, the court puts it entirely on the ground that the Government will permit the collection of its revenues to be interrupted in any way by judicial proceedings; but it prescribes the conditions upon which such suit may be brought.

Mr. CLARKE of Arkansas. I am aware that the Supreme Court held in that case that the duty of a taxpayer, whose property had been seized to satisfy an illegal tax, was to pay the tax, and then apply to the officer of the Government for its refund. That was his exclusive remedy, but I insist that it was not an adequate remedy, and if the court intended to lay down the doctrine there that motives of high public policy, based upon the prompt collection of the public revenue, were the considerations which induced the court to refrain from interfering where the administrative collection of public revenues were involved, it lost a most admirable opportunity to have applied the doctrine in its perfection when it omitted to do so in the income-tax case, as I should like to say. No matter what the court may have said in the Nichols case, or in any other case, it is an outrage of the grossest character for the Government to authorize its officers to seize a citizen's property to pay a tax that it had no authority to levy, and then to advise him that he may reimburse himself for the loss by applying to certain officials for a return of the amount wrongfully exacted from him, denying to him all remedy to protect his possession and to raise the question of the validity of the seizure in advance of its being taken from him. And, then, after doing all this, an outcry is raised when an attempt is made to restrain courts from interfering with just as important an exercise of public authority in the matter of fixing the taxes upon the transportation interests of the country by a board specially selected and peculiarly well qualified to discharge the service.

I can not quite understand the arbitrary invasion in the one case and the tender solicitude for the interests involved in the other. If Congress can deny to a citizen all remedy to protect his possession when a seizure is made to satisfy an alleged tax, it would seem that such a remedy might be denied in any case without offending against the constitutional provision which provides that his property shall not be taken without due process of law. Under section 3224 the citizen's right in the abstract to defend his possession exists, but all remedy to make this right effective is taken away from him by the enactment of this section, as construed and sustained by the Supreme Court. A less effective remedy is provided, and in a case where the taking may be conceded to be wrongful. The fact that the pretext for the wrongful taking is to make certain the collection of the revenue does not alter the force of the principle. Congress has simply asserted its supreme power to say that as against an invasion of his property rights by an officer assuming to collect a tax, no preventive remedy shall be available to the citizen. This refusal is a mere exercise of power. That is what we contend for here. We justify its exercise here by considerations of wisdom and policy rarely to be found supporting such an appeal.

Mr. SPOONER. In the Income Tax case the situation was peculiar. That was not a suit against the tax collector; that was a suit brought by a stockholder of a corporation to restrain the corporation from voluntarily making returns under the income-tax act.

Mr. CLARKE of Arkansas. I am perfectly familiar with the facts, the character of relief sought, and the character of relief granted in that case. The allegation was made that the trust company was about to pay the tax. The object of the litigation was to prevent the payment of the tax, and it did prevent it. The statute says that no suit shall be brought against an officer for the purpose of arresting the payment of a tax. They worked out the same result by indirect methods, but they worked it out all the same. I assert again that when Congress denied to the taxpayer whose property was seized to satisfy an illegal tax, the most proper remedy for the protection of his possession, that it went far beyond anything we are now asking to be done. Before the enactment of section 3224 the taxpayer could, without infringing the sovereign's immunity from action, obtain an injunction against the officer who was threatening to seize his freehold. The principle upon which this was done is adverted to briefly in the extract that I gave a few minutes since in the case of In re Tyler (149 U. S.). The right to challenge the validity of taxes in this way is a matter of every-day occurrence, so far as State taxes are concerned, and there is scarcely a volume of the decisions of the Supreme Court of the United States for the past twenty years that does not contain a case where such a suit was maintained as not being a suit against the State. A similar objection was presented when the railroad commission cases began to make their appearance in the litigation of the country. It was urged in the Reagan case, in 154 United States. The court made the same disposition of it that had been done in the tax cases, justifying its action in so doing upon the broad proposition that a citizen had a right to protect not only the title to his property, but its possession. The distinction between an officer doing an illegal act and an officer doing a legal act was pointed out and maintained.

STATE COURT SHALL NOT ENJOIN NATIONAL BANK.

I now desire to call to the attention of the Senate the third instance in which Congress has denied to a court the right to issue a preliminary injunction, and in doing so I read part of section 5242 of the Revised Statutes. It is as follows:

> SEC. 5242. * * * And no attachment, injunction, or execution shall be issued against such association (national bank) or its property before final judgment in any suit, action, or proceeding in any State, county, or municipal court.

The validity of this statute was established in the case of the Pacific National Bank *v.* Mixer (124 U. S., 721). The legality of an attachment issued by a State court against a national bank was the particular question submitted for adjudication, but as the statute which prohibited both attachment and preliminary injunction is the same, what was said by the court in disposing of the matter directly before it is applicable to the validity of the entire statute. The court held that the prohibition, in so far as the attachment was concerned, not only disabled the State court from issuing an attachment, but that by reason of the fact that attachments in the Federal courts are authorized only in cases provided for in State statutes, for the reason that the practice and procedure in the trial of law cases in Federal courts is the same as that which prevails in the State where the Federal court is sitting, it was held that as the Federal statute in effect so amended the State statute as to disable the State courts from issuing an attachment against the national banks, it took away from the Federal court the right to issue such an attachment. The court said that section 3224 likewise deprived the State courts of the power to issue injunctions. This the court expressly declared when it said:

> It was further said that if the power of issuing attachments has been taken away from the State courts, so also is the power of issuing injunctions. This is true.

Now, if the right to issue a preliminary injunction pertains to the judicial power and is not a mere process, it will puzzle the wit of a wiser man than I am to know how it can be taken away from the State court by an act of Congress and that the same Congress can not take it away from a court created by it. It will not be maintained, and the contention sustained by sound principle or decisive authority, that Congress can take away from the State courts anything that it could not take away from the Federal courts.

I am aware that it is said that Congress could deprive the State courts entirely of the right to try a suit against a corporation created by national authority by simply providing an easy method of removal to the Federal courts. The Congress of the United States can enlarge the jurisdiction of the Federal courts so as to bring within it any class of cases described in the constitutional provision indicating extent to which jurisdiction can be conferred on Federal courts, but it has not seen proper to do so. On the contrary, Congress has conferred exclusive jurisdiction on the State courts in all cases by and against national banks where the sum or matter in dispute is of less value than $2,000, and in all cases it has placed such associations upon the same footing with corporations created by the State in which the bank is located and doing business. But it has denied to the courts the right to extend to litigants generally, and without exception or qualification, the right to have the benefit of the wholesome remedy of preliminary injunction. Some days since, in answer to a suggestion of the senior Senator from North Carolina, the Senator from Wisconsin instanced a case of excessive hardship, when he said that it would be a perversion of justice to deny to a citizen, whose negotiable promissory note had been obtained through fraud, the right to seize that note in the hand of a wrongdoer before he had indorsed the same to an innocent holder and had thereby

rendered absolute the liability of the maker. Now, this very thing can occur at the present day, if the holder of the note happens to be a national bank. The whole thing illustrates as strongly as any circumstances can that the right to deny the use of the process of preliminary injunction is a legislative matter and can be applied or withheld, according to the legislative judgment or whim. This statute came before the Supreme Court of the United States in a very recent case, that of Van Reed *v.* People's National Bank (198 U. S., 554). Its validity was affirmed, and the purpose of the court to enforce it was emphasized.

Judge Day, who delivered the opinion in the case, says that it is not only not affected by repeal or otherwise by any subsequent statute, but that it has been generally accepted and followed as the authoritative law by the courts of last resort of many of the States and by the inferior Federal courts. He cites cases wherein the validity of the statute has been affirmed and recognized from Massachusetts, Georgia, Minnesota, and Tennessee. The effect of this decision is to show that Congress has the power to take away from the court which is invested with exclusive jurisdiction of a large class of lawsuits the right to issue preliminary process either in the form of an attachment or preliminary injunction. It is a sheer exercise of power by Congress, which no judge or lawyer concerned in these cases ever questioned or denied.

It is altogether probable that the delicacy of the situation presented when the Supreme Court was called upon to consider the validity of a Congressional statute, taking away from a State court a part of its power, would have prompted the court on its own motion to have first determined the power of Congress to do such a thing.

INJUNCTION AN IMPORTANT PROCESS, BUT IS SUBJECT TO CONTROL BY CONGRESS.

The nature of the case raised the inquiry, and the character of the decision made shows that it was disposed of in favor of the power of Congress. I am greatly encouraged to assume with some confidence that in view of the fact that Congress has denied the right to resort to injunction proceedings in these three notable instances, and that its action in doing so has been so uniformly and emphatically sustained by the United States Supreme Court, that there is no longer any reason for saying that the authority in Congress does not exist. Its exercise in any given case is of course to be controlled by considerations of wisdom and policy. It is not to be arbitrarily done, nor done for the asking. The remedy by injunction is the outgrowth of the paramount obligation that rests upon courts to do justice, and the wholesome character of its aid in this direction vindicates its right to exist. I am not to be included in the number who would sacrifice it as a concession to the idle fear that some judge, into whose hands shall be committed the right to grant it, may abuse the power thus conferred upon him.

Notwithstanding I do not underestimate its importance as an agency in advancing the cause of justice, I believe there are instances where Congress should exercise its discretion to deny a resort to it.

The whole business of administering justice is confessedly imperfect. There are many instances where perfect justice is meted out, but there are many more where something short of a complete remedy is extended. This grows out of the fallibility and imperfection of human judgment and of the sagacity and industry of the wrongdoer. In this matter of making rates we take unusual care to provide for the employment of the very fairest class of men that can be found. A salary of $10,000 a year is provided, and a term of seven year duration is fixed. This ought to secure the service of persons as well qualified to understand the problems that are submitted for their consideration as a lesser salary will secure for service in the judicial branch of the Government. The membership of the Commission is fixed at seven, and they are supplied with all of the accessories necessary to complete mastery of the problems involved in the controversies submitted to them before they are called upon to decide. Any resort to the court to correct their work does not partake of the nature of an application to redress a wrong tortiously inflicted by a wrongdoer, but is rather in the nature of a plea for a second hearing of the questions which we must assume have been carefully and conscientiously decided by the Commission. My support of the proposition to deny the writ of preliminary injunction is therefore predicated upon the belief that the judicial investigation will be no more than a second hearing of a matter that has already been carefully and honestly considered. I believe that it would best effectuate the policy that lies behind this movement to invest the Interstate Commerce Commission with rate making power, to impose upon them such responsibilities as will sober their judgment and make them aware of the care and diligence with which they should discharge their duties. If the unlimited right of injunction is permitted, the Commission will inevitably assume that what they do is of a merely tentative character, and will become operative only when it meets the approval of the court. The railroad companies themselves will not fully develop before the Commission all of the testimony and arguments which make in favor of their own case, knowing that in the light of former experience they can make a very plausible appeal to the court, based upon the fact that what the court is asked to do is not to reverse the Commission, but to consider new developments which have been brought into the lawsuit, and which were not before the Commission.

I now repeat what I said a short time since. I do pretend that because Congress can constitutionally exercise a certain power therefore it should do so. The writ of injunction, both in its preliminary and permanent form, is a remedy of great and demonstrated efficiency, and it should not be dispensed with, in any case, except for reasons of the most convincing character. That these exist in this case I am persuaded beyond the necessity for further argument. I limit my insistence on this occasion, as I would do on every other application that is made to curtail the scope and effect of the writ of injunction, to the facts and circumstances that bear directly on this particular effort to circumscribe its use. I shall therefore proceed to enumerate briefly, without attempting to elaborate, the reasons which occur to me as justifying the adoption of the proposed amendment denying to the courts the right to issue a preliminary injunction to suspend the operation of the order of the Commission pending the final decree in the circuit court. These reasons are not of my own invention, but are based exclusively upon the peculiar nature of the official action to be assailed and on the principles and practices of the law, as these have been developed in the decision of kindred questions by the court of last resort.

Assuming power to deny right to issue preliminary injunction, six reasons why it should be done in this case:

FIRST. ISSUE OF WRIT IS WHOLLY DISCRETIONARY.

In the first place, the issue of a preliminary injunction is a matter that rests solely in the discretion of the judge to whom the application is made. Now, the principal argument made in opposition to the pending amendment is that when a constitutional right is threatened with invasion that the privilege of invoking a preliminary injunction for its protection is necessary to constitute due process of law, and that the denial of the writ in any case destroys the right indirectly by denying the proper remedy for its enforcement. I may say, in passing, that I do not concede that any more sacredness attaches to a right created by the Constitution than to one created by statute or in any other lawful way. The constitutional right has the one advantage that it is secured by a law that is not subject to legislative change. It is a lawful right, no more and no less. The scope and effect of it is the same as if it were created by a valid statute, and the remedies for its enforcement should be no greater or less. Judge Miller, in his dissenting opinion in Gelpoke *v.* Dubuque (1 Wall., 214), said on this subject:

> Where the construction of a constitution is brought to bear upon the question of property or no property, contract or no contract, I see no sound reason for any difference in the rules for determining the question.

But be that as it may, it is perfectly obvious that a remedy which may be given or withheld at the mere option of the judge to whom application is made is not the kind of a remedy that may be spoken of as part of a vested right. Rights are protected by positive remedies that the litigant is permitted to invoke as a matter of right, and that the court must grant as a matter of duty when proper proof is presented. Even if it were true that every right implies a remedy for its enforcement, and that the Congress has no discretion to prescribe the character of this remedy, the argument would not apply where the so-called remedy can be afforded or withheld at the whim or caprice of the judge, and his action in doing so will not partake of the judicial character to the extent that will warrant the appellate court in reviewing and reversing his actions if it appear that the discretion has been abused. This has in terms been decided by the Supreme Court, as will appear from the citations which I append.

In the case of Buffington *v.* Harvey (95 U. S., 100) it is said:

> The granting of a rehearing is always within the sound discretion of the court, and therefore granting or refusing it furnishes no ground for appeal. (Steines *v.* Franklin County, 14 Wall., 15.) The granting or dissolution of a temporary injunction stands on the same footing. The granting of a permanent injunction is part of the same decree and abides the fate of the decree itself.

In our practice there is, in point of fact, no such thing as a permanent injunction. It is included in the decree and becomes a part of the decree. It is called a permanent injunction because it gives injunctive relief.

In Russell *v.* Farley (105 U. S., 438) it is said:

It is a settled rule of the court of chancery, in acting on applications for injunctions, to regard the comparative injury which would be sustained by the defendant, if an injunction were granted, and by the complainant, if it were refused. (Kerr on Injunctions, 209, 210.) And if the legal right is doubtful, either in point of law or of fact, the court is always reluctant to take a course which may result in material injury to either party, for the damage arising from the act of the court itself is *damnum absque injuria*, for which there is no redress except a decree for the costs of the suit, or, in a proper case, an action for malicious prosecution. To remedy this difficulty, the court, in the exercise of its discretion, frequently resorts to the expedient of imposing terms and conditions upon the party at whose instance it proposes to act. The power to impose such conditions is founded upon, and arises from, the *discretion* which the court has in such cases, *to grant or not to grant the injunction applied for.* It is a power inherent in the court, as a court of equity, and has been exercised from time immemorial.

SECOND. IT ASSAILS JUDGMENT OF SPECIAL TRIBUNAL.

The second reason which should impel Congress to deny the right to suspend the orders of the Commission in advance of demonstrated invalidity is that the application is in its nature a collateral attack on the judgment of a special tribunal, created by law to determine a given state of facts. The rule in such cases is that the determination of the tribunal is to be respected as the decision and judgment of a special court, and its findings are to set aside only when it is made apparent that the erroneous character of its action is so pronounced as to raise a presumption that it acted fraudulently. This rule has been declared in cases where a single person constituted the tribunal, and in a notable case where three persons constituted that tribunal, and in many cases where the tribunal was composed of persons who were vested with authority to act very largely upon their own judgment, informed by such investigation as to matters of fact as they might see proper to institute on their own motion. The plan upon which the Interstate Commerce Commission is to be organized will invest it with a dignity and confer upon it authority that should exclude the possibility of mere wrongdoing and minimize the probabilities of gross error. The round salary and long term will attract men of the first order of ability and character, and the liberal provisions made for supplying the accessories of counsel and masters at least puts into its hands the means of acquiring full and reliable information. That the President will make judicious selections of its membership and that the Senate will act with fairness and independence in confirming their appointment is a presumption that ought to be indulged. If, however, there is no ground for assuming that a commission so selected can be trusted to deal with the subject-matter committed to it in a way that will entitle its completed work to be respected until it is shown, on issue joined, to be wrong to an extent that honest men will not differ about its being so—and that is the rule of invalidity laid down by the Supreme Court in dealing with similar questions—then this furnishes a good reason why the Commission should not be created at all. A commission constituted as this one should be ought to be able to discharge its duties in such a way as to command respect until error is affirmatively shown.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Indiana?

Mr. CLARKE of Arkansas. Certainly.

Mr. BEVERIDGE. Does not the Senator think that for these very reasons a court would be very slow indeed to issue a preliminary injunction against rates fixed by such a commission?

Mr. CLARKE of Arkansas. I have not any information derived from my experience and observation that justifies me in saying that courts are under any circumstances very slow to issue injunctions where large interests are involved. I think they are very swift.

Mr. BEVERIDGE. If the Senator will pardon me, I do not think that general answer is an answer to my question. Whether they are swift or not, they sometimes can not be, as we all know, too swift. But the Senator gave some excellent reasons why a rate fixed after wide investigation and mature deliberation by a commission would be very likely to be a correct rate. Does not the Senator think that as a practical matter a court would be very slow indeed to suspend that rate by a preliminary injunction?

Mr. CLARKE of Arkansas. I would not have any reason for saying so, based on my experience with the books and from actual observation. I think the first requisite of a railroad lawyer is to be able to draw offhand a bill of complaint showing that any law or official action interfering with the plans of the carrier invades its constitutional rights. If he can not do that, they would not have him around as an office boy.

In commenting on the respect due to the findings of a special tribunal, Judge Brewer, in delivering the opinion in Pittsburg, etc., Company *v.* Backus (154 U. S., 434), says:

Whenever a question of fact is thus submitted to the determination of a special tribunal, its decision creates something more than a mere presumption of fact, and if such determination comes into inquiry before the courts it can not be overthrown by evidence going only to show that the fact was otherwise than as so found and determined. Here the question determined by the State board was the value of certain property.

Just as here they determine the value of certain service.

That determination can not be overthrown by the testimony of two or three witnesses that the valuation was other than that fixed by the board.

The board had increased the valuation from $8,000,000 to $22,000,000.

It is true such testimony may be competent, and was received in this case because, taken in conjunction with other testimony, it might establish fraudulent conduct on the part of the board sufficient to vitiate its determination. It is not, however, contended by counsel that there was any actual fraud on the part of that board.

The same doctrine was declared in the United States *v.* California Land Company (148 U. S., p. 43).

Also in the case of French *v.* Fyan (93 U. S., 170).

So it is plain that we are not dealing with a situation where the right of an individual has been tortiously invaded, or deemed to be tortiously invaded, by another, but we are protecting from inconsiderate assault the completed work of a very carefully organized Commission, composed of able and conscientious men, and it should have the presumption of verity accorded to it. It ought not to be sent out by the Congress that authorizes its existence with a statutory badge of suspicion of wrongdoing and an invitation to attack.

THIRD. PARTY SEEKING CAN NOT BE COMPELLED TO DO EQUITY.

The third reason why I think Congress is warranted in denying the right to apply for a preliminary injunction is based on the fact that the nature of the litigation deprives the court of the correlative power to so mold its order as to do justice to all parties interested in the litigation. It can not apply its favorite maxim of requiring those who enter its portals to come with clean hands, and, while asking for equity, agree to do equity. The Supreme Court of the United States has fixed the limit of the judicial power to interfere with the orders of a railway commission in the matter of fixing rates at the point of determining whether or not the entire body of rates will yield a sufficient fund to satisfy the carrier's constitutional right to just compensation for the use of its property in the public service of transportation. The court will look to the action of the Commission for this single purpose, and if it finds that it is wanting in ever so small a degree in satisfying the constitutional right to just compensation, it will nullify the entire proceeding of the Commission. The court will not assume to modify the rate by increasing it to a point that will satisfy the carrier's constitutional right. On the other hand, it may affirmatively appear that the rate fixed by the carrier is in excess of what it should be, and yet the court is without power to require the abatement of any part of it pending a final disposition of the case. This feature is not involved in the litigation. The litigation concerns the validity of the Commission's order. The only thing the court can do is to condemn the Commission's rate entirely or permit it to stand as a whole. The court has no power of apportionment. The principal consideration which makes the right to issue a preliminary injunction tolerable and equitable is the power of the chancellor to impose terms that will come as near protecting the rights of all concerned as human intelligence and conscience will permit, as is manifest from the extract I read a short while ago from Russell *v.* Farley (150 U. S.). For the purpose of showing the extent and character of the relief granted by the court in these railroad-commission cases when the validity of a rate-making order is called in question, I read from Judge Brewer's opinion in Reagan *v.* Trust Company (154 U. S.):

It is doubtless true, as a general proposition, that the formation of a tariff of charges for the transportation by a common carrier of persons or property is a legislative or administrative rather than a judicial function. Yet it has always been recognized that, if a carrier attempted to charge a shipper an unreasonable sum, the courts had jurisdiction to inquire into that matter and to award to the shipper any amount exacted from him in excess of a reasonable rate; and also in a reverse case to render judgment in favor of the carrier for the amount found to be a reasonable charge. The province of the courts is not changed nor the limit of judicial inquiry altered because the legislature, instead of the carrier, prescribes the rates. The courts are not authorized to reverse or change the body of rates imposed by a legislature or a commission; they do not determine whether one rate is preferable to another, or what under all circumstances would be fair and reasonable as between the carriers and the shippers; they do not engage in any mere administrative work; but still there can be no doubt of their power and duty to inquire whether a body of rates prescribed by a legislature or a commission is unjust and unreasonable, and such as to work a practical destruc-

tion to rights of preporty, and if found so to be, to restrain its operation.

* * * * * * *

The challenge in this case is of the tariff as a whole, and not of any particular rate upon any single class of goods. As we have seen, it is not the function of the courts to establish a schedule of rates. It is not, therefore, within our power to prepare a new schedule or rearrange this. Our inquiry is limited to the effect of the tariff as a whole, including therein the rates prescribed for all the several classes of goods, and the decree must either condemn or sustain this act of quasi legislation. If a law be adjudged invalid, the court may not in the decree attempt to enact a law upon the same subject which shall be obnoxious to no legal objection. It stops with simply passing its judgment on the validity of the act before it. The same rule obtains in a case like this.

I also read from the opinion in Pittsburg Railway Company *v.* Board of Public Works (172 U. S.):

One of the reasons why a court should not thus interfere as it would in any transaction between individuals is that it has no power to apportion the tax or to make a new assessment, or to direct another to be made by the proper officers of the State. These officers, and the manner in which they shall exercise their functions, are wholly beyond the power of the court when so acting. The levy of taxes is not a judicial function. Its exercise, by the constitutions of all the States and by the theory of our English origin, is exclusively legislative. A court of equity is, therefore, hampered in the exercise of its jurisdiction by the necessity of enjoining the tax complained of, in whole or in part, without any power of doing complete justice by making, or causing to be made, a new assessment on any principle it may decide to be the right one. In this manner it may, by enjoining the levy, enable the complainant to escape wholly the tax for the period of time complained of, though it be obvious that he ought to pay a tax if imposed in the proper manner.

It is an inflexible rule of equity jurisprudence that unless the court can see that it can render a decree that will afford to all parties in interest complete justice it will decline to interpose at all, leaving the parties to such remedies as may be afforded by other courts. Applying that principle here, the court ought not to grant a preliminary injunction in cases of this kind, because by doing so the excessive rates charged by the carrier must be the measure of the shipper's liability pending the litigation, notwithstanding it may on final hearing turn out that the Commission rate was lawfully made.

Mr. SPOONER. Will the Senator from Arkansas allow me to ask him a question?

Mr. CLARKE of Arkansas. Certainly.

Mr. SPOONER. Has the Senator any doubt of the power of a court granting a preliminary injunction in a case where it is apparent to the court that it should be granted to prevent irremediable loss to grant it upon terms to be fixed by the court?

Mr. CLARKE of Arkansas. I think the court could grant a preliminary injunction on any terms that will be consistent with the relief it could include in its final decree.

Mr. SPOONER. Could not a court require every dollar of money collected by the railway company under the order representing the difference between the rate fixed by the Commission and the rate collected to be deposited in the court to await the final result?

Mr. CLARKE of Arkansas. You mean to appoint a collector to do that?

Mr. SPOONER. To require the party to pay into the court every dollar collected in excess of the rate fixed by the Commission, to be held in the registry of the court, subject to the order of the court to abide the result of the litigation?

Mr. CLARKE of Arkansas. As a mere abstract question of power the court might make such an order, but it would be attended by so many practical difficulties I am quite satisfied the court would never undertake to do the collecting and reporting.

Mr. SPOONER. Could not the court require the carrier to present with each payment the name of the person from whom collected and the point from which it was collected?

Mr. CLARKE of Arkansas. I suppose it could appoint an auditor or collector to stand at every station door and collect the money, but the courts have not done that in the case of ordinary taxation.

Mr. SPOONER. The court is not impotent in such respects.

Mr. CLARKE of Arkansas. It is fettered with so many difficulties that I will say, in a general way, the court will never make such an order, because the integrity of the return depends entirely upon the integrity of the litigant. It puts it in the hands of the litigant to say how much is collected and how much shall be turned over. The court would never know whether the order had been complied with or not. The people who collect the money, the station agents, would report if they saw proper. I do not think any court has ever made an order of that kind where the efficiency and integrity of its enforcement was so completely under the control of the party whose wrongful and oppressive conduct is primarily the cause of the litigation. But, then, such an order as that would not do justice if the court should make it. That would only enrich the shipper at the expense of the consumer and the producer. The real owner of the money never would get it back. It would be better to put it in the Treasury. Then the taxpayers would get the benefit of it, as it would be used for public purposes. There is no justice in returning it to the shipper. He has not, in fact, paid a dollar of it. The shipper has not been damnified in a single cent. The shipper deducts the freight rates he is to pay from the price paid for the product to be carried, or adds it to the price when sold to the consumer.

FOURTH. COURT HAS NO OPPORTUNITY TO MAKE NECESSARY EXAMINATION.

The fourth objection to the justice of allowing a preliminary injunction to issue in cases of this kind is found in the numerous and complicated facts and computations that are to be considered before an intelligent judgment can be arrived at. A preliminary injunction issued without an intelligent and definite knowledge of the scope and effect of the litigation, is a mere matter of guesswork, and this ought never to be tolerated when the judgment of a respected tribunal concerning a public matter is to be made the point of attack. The practical force of this objection will appear more plainly by reference to a case decided by the Supreme Court of the United States, where the decree of the United States circuit court was reversed principally upon the ground that the judge in the lower court had made the computations and findings by his own efforts and without the aid of a master. Judge Brewer, in writing the opinion of the court in the case of the Chicago Railway *v.* Tompkins (176 U. S., 169), comments on this practice, as follows:

It would doubtless be within the competency of this court on an appeal in equity to do this—

That is, to examine all the testimony—

but we are constrained to think that it would not (particularly in a case like the present) be the *proper course to pursue.* This is an appellate court, and parties have a right to a determination of the facts in the first instance by the trial court. Doubtless if such determination is challenged on appeal, it becomes our duty to examine the testimony and see if it sustains the findings, but if the facts found are not challenged by either party, then this court need not go beyond its ordinary appellate duty of considering whether such facts justified the decree. We think this is one of those cases in which it is especially important that there should be a full and clear finding of the facts by the trial court. The questions are difficult, the interests are vast, and therefore the aid of the trial court should be had. The writer of this opinion appreciates the difficulties which attend a trial court in a case like this.

In Smyth *v.* Ames, supra, a similar case, he, as circuit judge presiding in the circuit court of Nebraska, undertook the work of examining the testimony, making computations, and finding the facts. It was very laborious and took several weeks. It was a work which really ought to have been done by a master. Very likely the practice pursued by him induced the trial judge in this case to personally examine the testimony and make the findings. We are all of opinion that a better practice is to refer the testimony to some competent master to make all needed computations and find fully the facts. It is hardly necessary to observe that, in view of the difficulties and importance of such a case, it is imperative that the most competent and reliable master, general or special, should be selected, for it is not a light matter to interfere with the legislation of a State in respect to the prescribing of rates nor a light matter to permit such legislation to wreck large property interests.

We are aware that the findings made by the master may be challenged when presented to the trial judge for consideration, and it may become its duty to examine the testimony to see whether those findings are sustained, as likewise, if sustained by the trial court, it may become our duty to examine the testimony for the same purpose. But before we are called upon to make such examination we think we are entitled to have the benefit of the services of a competent master and an approval of his findings by the trial court. As we have said, those findings may not be challenged by either party, and if so, a large burden will be taken from the appellate court.

For these reasons we not merely reverse the decree of the trial court, but also remand the case to that court with instructions to refer the case to some competent master to report fully the facts, and to proceed upon such report as equity shall require.

Now, if a judge, after considering all the evidence offered by both parties, hearing the arguments of counsel, and having taken weeks to work out a result deliberately, can not render an intelligent final decree, what hope is there that it can do justice upon the partisan allegations of the bill of complaint, supported by *ex parte* affidavits, and issue a preliminary injunction? If the appellate court will not permit such work to be done in person by a judge in the lower court, who devotes weeks to making the examination and computations necessary to enable him to intelligently render a final decree, on the ground that the service to be performed is such as to require more care and labor than the judge is capable of bestowing, then what foundation is there for saying that he may temporarily grant, with the scant consideration usual in such cases, the same relief that the Supreme Court declares him, unaided, incapable of extending intelligently when he comes to announce his final decree?

The litigation in Railroad *v.* Tompkins related to a rate fixed by the State commission of South Dakota. The estimated division of the commerce of the country is one-fifth State commerce and four-fifths interstate commerce. If the court felt justified in making the observation it did in connection with a controversy that related to rate making in one of the smaller

States of the Union, how much more difficult will the task be when the larger volume of interstate commerce is drawn in question? It is perfectly plain that any examination that a judge can give on the mere application for a preliminary injunction will not carry with it authoritatively that extent and character of intelligent judicial condemnation that should be required to overturn even temporarily the work of the Commission. The deliberate findings of that Commission ought not to be overturned by the partial examination which the court or judge will make when granting a preliminary injunction.

The opinion of the court in the Tompkins case was written by Judge Brewer, who served as United States circuit judge for many years on the largest circuit in the United States, located in the northwestern section of the country, where controversies affecting public carriers were more numerous and more intelligently supported and assailed than in nearly any other section of the Union. In the development and advancement of the law to its present condition, Judge Brewer has not only been a pioneer, but a veteran. He has brought to bear upon that complicated question all the powers of his great intellect and his superb qualities of a farseeing statesman. If the pending bill shall become a law, and shall eventually be the means of applying a remedy to any of the abuses against which it is nominally directed, it will owe much to the formative aid of that courageous and sagacious judge in enforcing the equity of its purpose and spirit, rather than its scant and defective phraseology.

FIFTH. COURT CAN NOT PROTECT REAL PARTY IN INTEREST.

There is a fifth reason why I deem it to be the duty of Congress to prohibit the issue of a preliminary injunction to suspend the order of a Commission, that is as strong in its equities as any that can be mentioned, and if none other existed would be sufficient to justify the denial asked for. It is obvious that if the Commission rate is enjoined pending the trial that the carrier will continue to charge the rate fixed by itself. The shipper of freight is usually a middleman, or mere dealer in commodities that he causes to be transported from one point to another. In some instances he deducts from the price to be paid for products bought by him the freight rate necessary to transport his purchases to the place at which he expects to market them. In instances where the shipper is a jobber or distributer of products, he adds the freight paid to the price of the commodity, and thus fixes the price that the consumer must pay.

If it should turn out that the commission rate was wrongfully enjoined, payment to the shipper would in nine cases out of ten enable him to reap where he had really never sown. The real loser is either the producer or the consumer. These unrepresented classes should be protected if it is possible to do so, and if it seems utterly impracticable to do so, the court should not be allowed to pursue a course where their loss would be inevitable, without any hope of recoupment, directly or indirectly. If it shall turn out that the commission rate is too low, the carrier is not without remedy pending the litigation, since it may bring a practical demonstration of this fact to the notice of the Commission, which body is invested with authority to modify the rates fixed by it; and if in the end it shall turn out that the rate is too low and a deficiency in the income of the revenues of the carrier is thereby produced, it would not be an arbitrary and unwarranted exercise of discretion on the part of the Commission to allow such increase in the rates as would reimburse the carrier for the loss that had been imposed upon it by the action of the Commission itself. This matter of considering the rights of interested and unrepresented parties is a well-known principle in equity jurisprudence. The recent case of Beasley *v.* The Texas and Pacific Railway Company, 191 U. S., 498, is a case that amply presents this feature. The railway commission of the State of Louisiana had directed the railway company to erect a depot at a certain place 3½ miles distant from an existing station. Persons interested in the existing station sought an injunction against the railway company to prohibit it from complying with the order of the commission. It appeared in the progress of the trial that the railway company was perfectly willing for the injunction to issue, so that, in fact, the nominal parties to the litigation were in agreement as to the outcome desired. In denying the injunction, Judge Holmes said that it was one of the cases where public policy demanded that the rights of the unrepresented should not be ignored, and that the relief should be denied because of the inability of the court to protect their interest otherwise. Judge Holmes said:

It is objected that the foregoing was not the ground of the demurrer. But, as was observed by the court below, other grounds are open on demurrer *ore tenus*, and apart from that consideration, if it appears that an injunction would be against public policy, the court properly may refuse to be made an instrument for such a result, whatever the pleadings. The defendant may desire the relief to be granted—

That is, in case the railroad company may desire to be successfully enjoined from building the depot—

It is suggested that it does. But the very meaning of public policy is the interest of others than the parties, and that interest is not to be at the mercy of the defendant alone.

SIXTH. MOTIVE FOR DELAY REMOVED FROM RAILROAD AND MOTIVE FOR DILIGENCE FURNISHED.

As promptness in decision is secondary only to correctness of decision, there is a sixth ground for denying to the courts the right to issue a preliminary injunction that must not be overlooked nor its importance minimized. The very fact that the Commission's work is to become operative for a time without the scrutiny and support of the court will impress upon the Commission a sense of fairness and conservatism that will be very wholesome. On the other hand, the railroad company, being made aware of the fact that no unfair advantage is to be gained by delaying the final hearing, will be invested with the very strongest motives for accelerating the trial in every possible way. In the first place, the railroad company, knowing that the Commission's rate must become operative for a time, at least, will make a full and frank showing before the Commission, and thereby in many cases obviate the necessity of a resort to court, and this must be so unless we are to assume that the attitude of the Commission is to be habitually antagonistic to the railroad interest and that everything it does is to be dictated by a partisan and oppressive spirit toward the carriers.

The circumstance that the rate will, by very force of the statute, expire and become inoperative in two years is a strong reason why Congress should remove from the carrier all motive for delay, since it is common knowledge among those whose business it is to be familiar with the course of procedure in courts that it is a rare case that can be originated in the circuit court and finally disposed of in the Supreme Court within a period of two years. It is a practical impossibility to do this if either party is anxious to avail himself of the law's delays.

I will now direct the attention of the Senate to what I conceive to be its duty and power in the matter of providing for a judicial review of the action of the Commission in fixing rates under the delegation of power to it for that purpose. I have heard so much in the course of this discussion about a broad review by the courts of the action of the Commission and about a narrow review of its action that I felt interested to ascertain which of these was preferable and what my duty in this connection required me to do. I had a sort of surface impression, in the absence of an examination of the authorities, that as the work of the Commission was done by way of substitution for Congress itself that its action must partake of the immunity from judicial interference that inherently pertains to a legislative act or acts. As a result of such limited and imperfect examination, as all such work done by me must be, I have reached the conclusion, firmly and clearly, that Congress has no real power in connection with the matter. The only judicial feature of a rate-fixing order of the Commission is as to whether or not the constitutional right of the carrier to just compensation for the use of its property has been respected. If the rate fixed affords a revenue that will satisfy this demand, then the courts are without power to interfere. Speaking for myself alone, I would just as soon the senior Senator from Rhode Island [Mr. ALDRICH] should write the review provision to be incorporated in this bill, if one is to be so incorporated, as to write it myself. I would not provide for any review, while he would require everything the Commission does, and every phase of its action, to be subjected to the consideration of the courts, and he may logically and consistently do this, since he maintains that this whole business is an infamous proposition.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Rhode Island?

Mr. CLARKE of Arkansas. Certainly.

Mr. ALDRICH. I know the Senator does not mean to misrepresent me.

Mr. CLARKE of Arkansas. Oh, no.

Mr. ALDRICH. I said the proposition to make the decision of the Commission final, without any possible chance to have the rights of the parties litigated or maintained by the courts, was an infamous proposition. I do not understand that the Senator from Arkansas or anybody else at this day is contending for any such proposition.

Mr. CLARKE of Arkansas. I am not contending that I can do it, but I will say that I should like to do so. When you denounce that contention as an infamous proposition you denounce a position assumed and earnestly defended by Justices Bradley, Gray, and Lamar, in the dissenting opinion in the case of Railroad *v.* Minnesota (134 U. S., 460), for these judges insisted that, under the law, the Commission rate should be entirely free from judicial interference or control.

Mr. ALDRICH. That is from the legal standpoint. I was not discussing it from the legal standpoint, but from the ethical standpoint.

Mr. CLARKE of Arkansas. I think that if it be true that the President can not select seven railroad commissioners who possess sufficient character and ability to properly discharge the duty of prescribing railway rates without the necessity for submitting its action to the revision of the court for any purpose, other than to protect the constitutional rights of the carrier to just compensation, I should consider the circumstance to be a very strong argument against creating a commission at all.

Mr. ALDRICH. Then, I understand the Senator would be glad to make the decision of a political body upon the question of rates throughout the United States final if he could?

Mr. CLARKE of Arkansas. I would, in order to do so, constitute the Commission somewhat differently from the Commission proposed in this bill. I would confine their proceedings and power as largely as practicable to that of an organized judicial court and have an entirely distinct bureau to originate and prosecute the partisan aspect of the inquiry. I would invest it with the dignity, power, and responsibility of a court as largely as I could, and keep away from its members all the lobbying influences that frequently infest legislative and administrative bodies.

Mr. ALDRICH. The Senator is promptly running away from the question I asked him. I asked him whether he would be glad to make the decisions of this board, a political board, to be appointed and removed by the President at will, final.

Mr. CLARKE of Arkansas. That is what lawyers call an abstract question. There is no possibility of it. As the law is established, there is no power in Congress to make the orders of the Commission impervious to judicial assault when the carrier's constitutional right to just compensation is invaded.

Mr. ALDRICH. The Senator was saying what he would like to do.

Mr. CLARKE of Arkansas. I should not hesitate to create a commission and invest it with power to finally dispose of this business of rate making. But in doing so, I should select and equip the Commission in such a way as to give to its proceedings and decision such manifest fairness as to relieve these from every criticism that affected their fairness, save such as might arise from errors honestly made. No tribunal composed of merely human beings can escape the possibility of these, nor would I degrade the Commission into a mere figurehead to escape the fear that something of this kind might happen.

Mr. ALDRICH. The Senator would like to appoint the Commission, I suppose?

Mr. CLARKE of Arkansas. Not necessarily so. But if it were my duty to do so, I think I could select a commission that would do justice according to my idea of justice. Any officer competent in character himself, and endowed with sufficient knowledge of men to select judges to review the work of the Commission when completed, ought to be able to select a competent commission. I would not allow any commission to originate complaints and try them, and then make their action final. I would provide a bureau or force of attorneys to originate and prosecute complaints, limiting the power of the Commission to impartial judgment. I would not allow them to be personally approached and solicited by railroad men and subjected to all sorts of lobbying influences, as legislative and administrative bodies sometimes are. I would invest them with the same dignity as our courts and judges, and protect them by a public opinion that will make it improper to deal with them except in the public and fair presentation of matters to be considered by them.

Mr. ALDRICH. Then the Senator is not entirely pleased with the proposition to make this Commission prosecutors and judges and executors?

Mr. CLARKE of Arkansas. No; I am not at all pleased with the bill. I can make a better bill than this, in my humble opinion.

Mr. ALDRICH. I hope the Senator will offer some amendment before the discussion is over.

Mr. CLARKE of Arkansas. I would offer a new bill, and I would offer one that would effectually put the railroads in the business of hauling freight and passengers through the country, and out of the business of hauling fictitious bonds and watered stock through Wall street. I would confine the carriers to the discharge of their duties as public carriers, in the exercise of powers and rights that they can not enjoy for a single hour without public permission. But I should give them a fair return for doing it; and not only that, but pay them liberally for doing it, and to an extent that would furnish encouragement to build new railroads through Arkansas and all the western country, where others are needed beyond what is now there. I would not grind them down to any petty and precarious return on the real value of the property employed in the service of the public.

Mr. ALDRICH. How much does the Senator think they ought to pay in Arkansas in the way of dividends?

Mr. CLARKE of Arkansas. I would fix the sum at about 6 per cent.

Mr. ALDRICH. Would the Senator make that rule apply to the country at large?

Mr. BEVERIDGE. Based on investments?

Mr. CLARKE of Arkansas. No; on the actual value of the property at the time it is being employed in the service of the public.

Mr. ALDRICH. Without regard to the stocks and bonds outstanding?

Mr. CLARKE of Arkansas. I do not think that the condition of the stock and bond floatation of any railroad has a controlling influence as to what is a just compensation to the carrier for the use of its property by the public. The Supreme Court says that the basis of computation is the value of the property, not the extent of its debts nor the number of its stockholders, at the time the property is so employed, that is to control.

Mr. ALDRICH. I presume the railroads of Arkansas never issued securities improperly?

Mr. CLARKE of Arkansas. I am not making any particular complaint against, nor warfare on, the railroads of Arkansas or the railroads of the country. They are all about alike. I do not attach personal blame to the railroad men of Arkansas or the railroad men of the country for anything they are doing. They are simply doing the things the law permits them to do, and probably as I would do under the same circumstances.

Mr. ALDRICH. I am very glad to hear the liberal views of the Senator from Arkansas as to the amount of dividends to be paid. The average dividend paid in the United States is in the neighborhood of 4 per cent.

BASIS OF ADJUSTING JUST AND REASONABLE RATE.

Mr. CLARKE of Arkansas. The railroads are capitalized at an average valuation of $63,000 per mile. Official investigations made in three of the leading States, and in which investigation the railways had a right to take part, showed that for $25,000 per mile the railways there could be replaced and put in operation.

Mr. ALDRICH. Twenty-five thousand dollars a mile might build a railroad in Arkansas, but it would not in New York.

Mr. CLARKE of Arkansas. I am sure the railroads in Arkansas are as well equipped as those anywhere. I see no good reason why $25,000 per mile would not build a railroad anywhere, where the conditions were not exceptional.

Mr. ALDRICH. You have good railroads; but it costs a good deal more for the right of way to build a railroad in the East.

Mr. CLARKE of Arkansas. That may be true, but the territory embraced in the calculation is so wide that in reaching an average valuation of $25,000 a mile so many inferior roads are included at that rate without being worth so much that a wide margin remains to make up the deficiency of the estimate when the good ones are considered.

Mr. ALDRICH. A railroad might be built in sparsely settled regions of Arkansas if there were good grades for probably fifteen or twenty thousand dollars a mile, while in the mountain regions of Colorado and in some places in the East where the right of way is extremely expensive $150,000 a mile would be a very moderate sum.

Mr. CLARKE of Arkansas. That is very true. I have not any doubt that there are a few cases of that kind. I presume, however, that such situations could be fairly adjusted. I would have a system so completely adjustable that justice could be done to every particular enterprise. I would have it understood where the cost of construction was $150,000 a mile that owners should have a fair return upon their expenditure, but I would want to be first advised as to the cost of the railroad and of the fact that the amount had been really invested in the railroad. I would not accept the bond and stock flotations which represent the concreted evidences of the whole system of abuses, of extortion and discrimination practiced upon the public who patronize the railroads, as conclusive evidence that this sum had been so invested. I would deal fairly and liberally with the railroad companies. I do not believe in any parsimonious policy or in the inauguration of unjust warfare against the railroads of the country. We can not get along without them, but we ought to understand how much liberality we are extending to them, and not make them the sole account keepers of the whole business.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Indiana?

Mr. CLARKE of Arkansas. Certainly.

Mr. BEVERIDGE. I am very much interested in the Senator's argument, and I wish to ask him if he has thought of any method by which the railroads can be brought down to their actual value?

Mr. CLARKE of Arkansas. I should say that can be done just as satisfactorily as you can can estimate just compensation for rights of way and other similar things. Just compensation is a matter of market value; it is very largely a matter of opinion. The Constitution does not actually mean "just compensation," because that is an unknown standard—that is to say, it is a variable standard—it depends upon the judgment of a jury, board, commission, or court that decides the particular case. The witnesses who are called upon to testify, the skill of the lawyer, and many other things enter into it. I have heard of cases where equal undivided interests in the same tract of land have been differently valued by different juries where separate trials were necessary. I should say there was a way of finding that out. If the investigation should be conducted in good faith, I would not undertake to say that every doubt should be resolved against the railroads. In regard to the amount of income or wherever it was doubtful as to what the railroad cost, I would give proper weight to the representations made by the railroad company itself and those who represent it as to its value.

Mr. BEVERIDGE. How would the Senator——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Indiana?

Mr. CLARKE of Arkansas. With pleasure.

Mr. BEVERIDGE. How would the Senator from Arkansas reduce this improper overcapitalization? I think every student of this subject concedes that this is perhaps the most critical question in the whole series of questions—this overcapitalization issued and absorbed by the public more or less innocently. I addressed the same question the other day to the Senator from Wisconsin [Mr. LA FOLLETTE] as to how this improper overcapitalization, which is absorbed by the innocent public and held by them, can be reduced. That it ought to be reduced I suppose every man will concede; but how does the Senator propose to do that? I think the man who solves that problem will have won for himself fame that will almost amount to immortality.

Mr. CLARKE of Arkansas. I can get along on a great deal less than that.

Mr. BEVERIDGE. But how would the Senator reduce it? I am very much interested in that question.

Mr. CLARKE of Arkansas. I would adopt for myself the doctrine of the Supreme Court, that the carrier shall be entitled to a fair compensation on the value of his property used in the service of the public, and at the time it is being so used, and then I should let the overcapitalization take care of itself. I would put upon that part of the public who are patrons of the road a tax that would produce just compensation to the carrier, and base this upon the actual value of the property used, and I would not further tax the patrons to raise an additional fund to enable the companies to declare dividends on watered stock and to pay interest on fictitious bonds. That will be a matter for the carrier, and the so-called "innocent investors" will have to look out for themselves. The rule of caveat emptor applies to these.

WHAT TO DO WITH WATERED STOCKS AND BONDS.

Mr. BEVERIDGE. Mr. President, I do not wish the Senator to understand that I am in any sense by these questions defending overcapitalization. On the contrary, I am quite in sympathy with the Senator's stand that there should not be any overcapitalization; but I call the Senator's attention to the fact that when I also asked the Senator from Wisconsin the other day in regard to it, he made the same answer, and I have thought about it since. If you charge a rate which will produce a proper dividend upon the actual investment, and, as the Senator from Wisconsin the other day stated, let the overcapitalization take care of itself, this income will have to be distributed among the stockholders alike and among all the stock alike, both that which is proper capitalization and that which is overcapitalization. Where, then, would you make the dividing line and pay to the holders of stock who held proper stock a proper dividend and to those who hold watered stock no dividend? I should be very glad to hear the Senator's opinion upon that.

I say again that I am quite in sympathy with the idea that there should not be any overcapitalization nor any dividends, if possible, paid upon a single share of watered stock; but in the distribution of the dividends how will we differentiate the stock which represents a just valuation of the railroad from the stock which represents water?

Mr. CLARKE of Arkansas. In the first place, there are very few innocent holders of railroad stock. There may be such holders of railroad bonds.

Mr. BEVERIDGE. But suppose there are a thousand stockholders and that one is an innocent holder; while 999 are not innocent holders, you would have to distribute the income among all of them. How would you determine what was watered stock and what portion of the stock represented the exact actual investment?

Mr. CLARKE of Arkansas. That would be a matter for each stockholder to determine for himself before he bought the stock, whether or not he was buying stock in an enterprise that had been overcapitalized.

Mr. BEVERIDGE. I am not talking about the man who bought watered stock, but I am talking about the man who bought stock representing actual value before the watered stock was issued. After the income derived from the operation of the roads is in its treasury and the expenses are paid the excess must be distributed in the form of dividends among the stockholders, unless there is some provision to the contrary in the stock itself.

Mr. CLARKE of Arkansas. The Senator describes a condition that very rarely exists, as I think. There may be different series of stocks, where increases and additions are subsequently made after the so-called "innocent stockholders" have purchased shares of the issue whose amount is not open to the criticism of being excessive and fictitious, but these instances are so exceptional that their correction can be looked after by the ordinary courts of justice where remedies against fraud are administered. Certainly the remedy is not by taxing the public to make the scheme profitable. To do so would be to put a premium upon the dishonest manipulation of the finances of the carrier and impose a handicap on the honestly conducted corporation. The larger income would go to the least deserving. Nearly all the corporation laws that I know anything about provide that the stockholders shall be consulted and shall authorize, by a vote of three-fourths or two-thirds, the proposed increase. If any stockholder objects to the issuance of fictitious stock, and the same be issued notwithstanding, he would have his remedy in court. If he let the opportunity pass, then he would have to take his chances along with the others, and his stock would be no better than that of the holders of the more recent issue.

But I say without qualification that, so far as the public is concerned, no matter how innocent he may be in fact of any guilty participation in issuing the fictitious stock, he has no moral or legal right to call upon the public to pay him dividends on his stock simply because he happens to be associated with enterprises that have put upon the market fictitious or watered stock. That is a matter of adjustment between him and the corporation. The public ought to be required to pay and the carrier ought to be authorized to receive only a fair return upon the value of the property that it is using for the time being in the public service. If that sum does not enable the carrier to pay interest on its bonds and dividends on its stock, it is not a matter that concerns the public. They can not call on the shippers and producers of the country to furnish money to make profitable every fraudulent investment in which they may be interested. They have no right to ask that the power of Congress be exerted to insist that the irregularity of their business methods—not to characterize it more strongly—shall be made good. What the public is entitled to is the use of the railroads, and what the railroads are entitled to from the public is a fair and reasonable rate for doing the service. That reasonable rate is a mere matter of adjustment between shippers and the carriers as the law is now, or between the Commission and the court and the carrier as we now propose.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Rhode Island?

Mr. CLARKE of Arkansas. Certainly.

Mr. ALDRICH. If the Senator from Arkansas is right in his contention, it would be a very simple matter to arrive at a proper basis as to the rates of charge of the railroads of the United States.

Mr. CLARKE of Arkansas. Yes; I think so.

Mr. ALDRICH. If the railroads of the United States cost $25,000 a mile, and no more than that——

Mr. CLARKE of Arkansas. Taken as a whole.

Mr. ALDRICH. And they would be entitled to 6 per cent, which would be $1,500 a mile, it would be easy for the Commission, or somebody else charged with this matter, to ascer-

tain what rate would be required to pay that amount. It is true you would wipe out $8,000,000,000 of securities in the United States in the hands of innocent holders—although the Senator from Arkansas will not agree with me that they are innocent holders—but the Senator would see that justice would be done in that case in Arkansas, if not anywhere else. I think the plan of the Senator from Arkansas is a very simple one, and we do not need to adopt the amendment of the Senator from Wisconsin to ascertain the valuation of the railroads; but we can assume that $25,000 a mile is a proper valuation for the railroads of the United States, and that 6 per cent is a reasonable sum to be paid on that $25,000 a mile, which makes it a very simple proposition. Then, if you should reduce your rate to a rate per ton per mile and take the gross tonnage of those railroads, you could find out what the Pennsylvania road ought to charge, and what every other railroad ought to charge. It would be very easy and simple, according to the Senator's mathematical basis, to fix this whole matter.

ASSUME NOTHING, BUT FIX VALUE IN EACH CASE.

Mr. CLARKE of Arkansas. The Senator from Arkansas is not going to assume anything. I am going to take each railroad company and find out accurately, not by statistics nor by broad generalization that includes the whole 200,000 miles of railroad, but I am going to take each railroad and determine how much it is actually worth, how much its tonnage ought to be taxed to make a 6 per cent return on its actual value. I am not going to take $25,000 a mile as an arbitrary amount, for the reason that that is more than some are worth and it is vastly less than others are worth. I am satisfied in my own mind, from the little investigation I have made, that $25,000 a mile the country over would be an amount of money for which the whole railroad mileage could be reproduced.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Indiana?

Mr. CLARKE of Arkansas. Certainly.

Mr. BEVERIDGE. I do not wish to pursue the Senator with this inquiry——

Mr. CLARKE of Arkansas. I am very glad to hear the Senator. It is an important matter, and one that is involved in this inquiry, and it ought to be talked about.

Mr. BEVERIDGE. I think that, as the Senator from Wisconsin stated the other day, it is by far the greatest problem in this whole great problem, and I want to see if I can not put my question in still more concrete form. The Senator says that he would give to certain investors, representing the actual value of the road, 6 per cent upon their investment, and to other investors, representing watered stock, or representing overvaluation, nothing. How would he determine which stockholders were to get 6 per cent and which were to get nothing?

Mr. CLARKE of Arkansas. I would pay 6 per cent into the treasury of the railroad company and allow them to distribute it in any lawful way. If they had bonds enough out to require the whole income to pay interest on these, I would first pay to the bondholders the interest.

Mr. ALDRICH. Would the Senator leave that to the Commission?

Mr. CLARKE of Arkansas. The Commission has nothing to do with the distribution. The Commission simply fixes the rate.

Mr. ALDRICH. I thought, with the Senator's idea of the Commission, especially a political commission, that he would probably be willing to leave it to them.

Mr. CLARKE of Arkansas. No; I would not be willing to leave anything to them, except the adjustment of the rate and having it reviewed to prevent the invasion of any constitutional right, and then I should make the railroads do the business they contracted to do when they accepted the franchise they exercise. The income of the railroad company will presumably be disbursed to those lawfully entitled to receive it. If it is not voluntarily disbursed to them, the courts are open to enforce the rights of those unjustly deprived of their rights to the fund collected from the public.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Indiana?

Mr. CLARKE of Arkansas. Very cheerfully.

Mr. BEVERIDGE. I am very much obliged for the Senator's patience. I think the Senator will agree with me that his last answer was hardly an answer to the question. His answer was that in case there were bonds enough out which would absorb the entire 6 per cent or any other earnings of the railroad, they would be paid first. That is not an answer to the question that if, after the bonds were paid and the fixed charges were paid, or if there were no bonds still there was stock held by holders which represented the actual value of the road, and stock held by others which represented the excess value, how would the Senator determine which stockholders should have the excess after the bond interest was paid and which stockholders should have nothing? Suppose there are no bonds of the road, as an illustration, and the whole income, after the payment of charges, was to go in the form of dividends, the Senator says that certain stock should receive 6 per cent and certain other stock nothing. I am asking this question, as I asked it before and as I intend to ask it again of other Senators, How would that be determined? How would the Senator pick out certain stockholders and certain stock to receive the 6 per cent which he says they ought to have, and exclude other stockholders and other stock?

WHAT TO DO WITH WATERED STOCK NOT A MATTER THAT SHOULD CONCERN PUBLIC.

Mr. CLARKE of Arkansas. That is not a public question, nor is it one that any law we can enact will answer; therefore I can not give an answer to it as a Senator, but I could answer it if I belonged to one or the other named classes of stockholders. If I were a holder of stock that had represented the actual value, and fraudulent or watered stock had been put upon the enterprise in opposition to my consent, I would object to it, and in some proper form of action ask that the dividends should be declared and paid upon the valid stock certificates. If, upon the other hand, I was among those who held certificates representing the fictitious stock, I should, of course, be in favor of an equality of division of what was left after the bonds and fixed charges had been taken care of.

Mr. BEVERIDGE. How would you determine which was fictitious and which was not?

Mr. CLARKE of Arkansas. That is a matter that does not enter into the situation we are dealing with. It is not a public feature at all.

Mr. BEVERIDGE. Yes, Mr. President, I think, as has been said by many Senators here, it does. It is upon this overcapitalization, to which too severe epithets can not be applied, that these excess charges, which constitute in reality a tax upon the public, are based. That is what you are trying to cure by this and other legislation. What I am asking the Senator—as I asked the Senator from Wisconsin the other day and hope to have it answered before this debate is closed—is, How are you to determine what portion of the stockholders are to be paid and what portion are to be excluded?

Mr. CLARKE of Arkansas. With the utmost deference to my friend from Indiana, I will say that this is not a public question. It is not a question with which Congress has any possible concern. It is a question that arises between different classes of stockholders. What we are authorized to do is to authorize quasi public corporations to levy a tax upon the public sufficient to pay a proper return upon the value of the property that they use for the public good; but as to how they are to distribute that fund is a matter for them to determine. If it produces insolvency, then the railroad company must be reorganized; the railroad will not be torn up, and the country will not be deprived of it, but somebody will take it who is willing to run it for a fair return upon its value. If they have got its ownership scattered among stockholders of different character, so that they can not tell the good from the bad, the public is not interested in that, nor is it to be taxed any more on that account than it would if it were honestly conducted. In other words, it does not inhere in our duty to adjust controversies of that sort between parties. We leave them to be settled by the common sense and the ingenuity of the lawbreaker, without calling at all on the ingenuity of the Congressional lawmaker to furnish any additional remedies.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Rhode Island?

Mr. CLARKE of Arkansas. Very cheerfully.

Mr. ALDRICH. Can the Senator tell me what the average passenger rate is in the State of Arkansas on Arkansas roads?

Mr. CLARKE of Arkansas. About 3 cents a mile. That is the minimum.

Mr. ALDRICH. What is the average freight rate per ton per mile?

Mr. CLARKE of Arkansas. All the traffic will bear.

Mr. ALDRICH. Can the Senator tell me about what it will bear?

Mr. CLARKE of Arkansas. It is pretty high, but I have not the figures at hand.

Mr. ALDRICH. In other words, the truth is, I suppose, the rates in Arkansas are about twice what they are in other parts of the United States. I do not know whether it is the fault of the State of Arkansas or the fault of the railroads of Arkansas, yet I should think it would be a desirable proposition if the

Senator could spend a little time investigating that question, because his people are interested in it.

Mr. CLARKE of Arkansas. I want to put the railroads of Arkansas on the footing of "the most favored nation." I have no special complaint about the railroads of Arkansas that does not extend to every other railroad all over our country. I do not know any better roads in point of physical equipment. They are run, of course, by human beings.

Mr. BEVERIDGE. Mr. President, I hope the Senator will pardon me for another interjection, rather than a question, in response to the Senator's statement that this is not a public question. On the contrary, does not the Senator think the excuse for making these great charges that they are made in order to pay proper dividends upon overcapitalization, is really the greatest public question and the root public question of the whole thing? That is the reason why these so-called "excess charges" are made.

Mr. CLARKE of Arkansas. We differ about the character of the question, not its importance. I think it is a private question instead of a public one. I think what we are called upon to do here is to see that the public is not taxed for the use of this public facility, this public utilty, any more than the service is worth, and the worth of the service is a fair return upon the actual value of the property employed for the public purpose and at the time it is so employed.

I did not originate that idea. There is nothing peculiar about it. There is nothing about it that I claim. I got it out of recorded utterances of the Supreme Court of the United States.

NO DIFFERENCE IN LAW BETWEEN BROAD AND NARROW COURT REVIEW.

When interrupted I was just entering on that part of my remarks in which I hope to be able to show that the single purposes for which the courts will take cognizance of the action of the Interstate Commerce Commission in the matter of making rates is to determine whether or not the carrier's constitutional right to just compensation had been respected. The Supreme Court of the United States is the final arbiter in all disputes concerning the validity of Congressional legislation or that of the States. When that court decisively fixes the boundaries of legislative power and discretion it will accomplish no good purpose to insist that something in conflict therewith may be done, no matter how wholesome, as a matter of theory, it might prove to be if done. The doctrine of that court, as I think I will be able to show as I proceed, is that it will not hesitate to nullify the action of a legislative commission in fixing rates when it appears that the constitutional right of the carrier to just compensation would be invaded if it is compelled to charge and receive the rates as fixed. But the court has with equal emphasis decided that in determining this question it will not consider a single rate, but will take under review the entire body or schedule of rates which the railroad company is charging and collecting from its patrons. It is further established, as I think I may say without fear of successful contradiction, that the character of the service performed by the Commission in fixing rates is legislative and as such does not fall within the revisory powers of the court except for the single purpose of determining its harmony with the paramount restraints and guaranties of the Constitution. I read now from the opinion of the court in the case of San Diego Land Company *v.* National City (134 U. S., 754):

But it should also be remembered that the judiciary ought not to interfere with the collection of rates established under legislative sanction unless they are so plainly and palpably unreasonable as to make their enforcement equivalent to the taking of property for public use without such compensation as under all the circumstances is just both to the owner and to the public—that is, judicial interference should never occur unless the case presents, clearly and beyond all doubt, such a flagrant attack upon the rights of property under the guise of regulations as to compel the court to say that the rates prescribed will necessarily have the effect to deny just compensation for private property taken for the public use.

* * * * * * *

Each case must depend upon its special facts; and when a court, without assuming itself to prescribe rates, is required to determine whether the rates prescribed by the legislature for a corporation controlling a public highway are, as an entirety—

Not a single rate, but as an entirety—

so unjust as to destroy the value of its property for all the purposes for which is was acquired, its duty is to take into consideration the interests both of the public and of the owner of the property, together with all other circumstances that are fairly to be considered in determining whether the legislature has, under the guise of regulating rates, exceeded its constitutional authority, and practically deprived the owner of property without due process of law.

* * * * * * *

What the company is entitled to demand, in order that it may have just compensation, is a fair return upon the reasonable *value of the property at the time it is being used for the public.* The property may have cost more than it ought to have cost—

And it may have outstanding more bonds and stocks than it ought to have—

and its outstanding bonds for money borrowed and which went into the plant may be in excess of the real value of the property. So that it can not be said that the amount of such bonds should in every case control the question of rates, although it may be an element in the inquiry as to what is, all the circumstances considered, just both to the company and to the public.

The test is the value of the property used on behalf of the public and at the time so employed, not how many bonds or shares of stock have been issued by the corporation owner.

Continuing, the court says:

It is sufficient to say, upon a careful scrutiny of the testimony, our conclusion is that no case is made that will authorize a decree declaring that the rates fixed by defendant's ordinance, looking at them in their entirety—and we can not look at them in any other light—are such as to be a taking of property without just compensation.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. CLARKE of Arkansas. Certainly.

Mr. ALDRICH. I infer from the Senator's remarks that he does not think that the courts can ascertain whether the constitutional rights of the carrier have been invaded without an investigation into the whole subject as to all the rates.

Mr. CLARKE of Arkansas. Yes, sir; that is my opinion.

Mr. ALDRICH. And as to the stocks and bonds and capital, etc. In other words, there can be no such thing as a narrow review.

Mr. CLARKE of Arkansas. No; there can not be a narrow and there can not be a broad review. The courts can review for one purpose, that of determining whether the income of the railroad allowed by the Commission is sufficient to satisfy the constitutional demand of just compensation. That is what it means; that is all it means; you can not limit it and you can not make it any broader.

I repeat, so far as I am concerned, I would just as soon that the Senator from Rhode Island would write the review amendment as to write it myself, because they would both mean the same thing in law. You can put it into the bill that the court shall not review it, but it will review it, as it did in the Minnesota case, in 134 United States. The supreme court of Minnesota had construed the statute of that State to mean that the action of the Commission was final; the United State Supreme Court reversed this ruling, holding that the carrier could not be denied the right to show that the rate was confiscatory.

Mr. BACON. Mr. President, will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. CLARKE of Arkansas. Certainly.

IS RIGHT TO PREVENT DISCRIMINATION A JUDICIAL QUESTION?

Mr. BACON. The Senator has been giving very careful study to this particular branch, and I confess there are some features of the question which are troublesome to me. The question of review as to the particular matter of compensation is one thing. I want to know what is the Senator's view? I am asking this, not for the purpose of antagonizing whatever view he may express, but for the purpose of eliciting an expression from him. What is the Senator's view as to the power of Congress to confer upon the courts the right to call in question and review the orders of the Commission, not as to rates, but as to regulations and practices?

Mr. CLARKE of Arkansas. I can answer that question by saying that anything of a legislative character done by the Commission can not be reviewed by a judicial tribunal. If you can frame a system of regulations by which a judicial question may be made to appear, the court will take charge of that and dispose of it in a proper case.

Mr. BACON. Of course I recognize that as a general proposition. It covers the question of compensation and every other question as to what is done by the Commission under the delegation of authority from Congress; but it was for the purpose of finding out what was the Senator's view as to whether or not this fell within the particular class of questions which the courts could be given authority by Congress to review.

The Senator will pardon me a moment. I want to draw, if I can, a distinction between the class of questions where the authority of the court would obtain, under the suggestion of the Senator from Arkansas, regardless of what Congress might do on the question of compensation. Recognizing that now as correct, when it comes to the question of compensation, the power conferred or withheld by Congress, according to the view of the Senator, will not amount to anything, the courts having a certain jurisdiction which they will certainly, in the absence of any distinct denial of it, and even in some cases with the denial of it, exercise. The point I want the Senator's

expression upon—and I repeat I do it for the purpose of getting his view, as he seems to have given very careful study to this particular branch, as well as other branches of the subject—is as to the power of Congress to confer upon the courts the duty and the authority to review the orders of the Commission which do not relate to compensation, but which relate to regulation and practice, because there, it seems to me, is the doubtful domain.

Mr. SPOONER. Suppose it involves compensation?

Mr. BACON. I want to leave that out. The Senator from Wisconsin suggests, soto voce, "Suppose it involves compensation?" I want to leave that out of the present question, because I want to draw the distinction clearly, if possible, between the authority given to the court to review so much of the orders as involve the constitutional question of compensation and other orders which do not involve that, but which do involve questions of regulation and practice.

Mr. ALDRICH rose.

Mr. BACON. I hope the Senator from Rhode Island will pardon me just a moment until I finish my statement.

I started to give an illustration, but I do not know that I am sufficiently familiar with railroad matters to give it clearly, but I would rather enlarge what I have said. The same question might be suggested as to the orders of the Commission, which should be deemed to be preferential, which should be deemed to give a preference—and I use the word "preferential" not in its technical sense there—which should be deemed to give a preference to one community over another community upon the same line. That is not a question of compensation, but it may be a most vital question in the practical administration of this law as to whether or not the orders of the Commission in all these matters of regulation and practice shall be final with them, or whether the courts shall be distinctly vested by Congress with the power to pass them under review. I think it extremely important that the court should have the power to pass upon the question whether or not the Commission has given preference to one community over another. It may be at some time of most vital importance to the business of a community; it may involve its business life or death, and for that reason I am particularly anxious to hear the learned and distinguished Senator upon that particular phase from a legal standpoint, under the authorities, as to what is the power of Congress to devolve upon a court the authority to review orders which do not relate to matters of compensation, but which do relate to the vital matters of regulation and practice.

Mr. CLARKE of Arkansas. It is hard——

Mr. ALDRICH. When I sought to interrupt the Senator——

Mr. BACON. I beg the Senator's pardon; I ought to have yielded to him earlier.

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Rhode Island?

Mr. BACON. I hope the Senator from Rhode Island will let the Senator from Arkansas respond to my inquiry, because I am anxious to get a concrete answer, if possible.

Mr. ALDRICH. I will wait until the Senator from Arkansas answers that question, and then I will call the attention of the Senator from Georgia to some provisions of the pending bill.

Mr. CLARKE of Arkansas. I could not answer wholesale that question. Before I can answer intelligently I must have my attention directed to the particular practice called in question.

Mr. BACON. I will call the attention of the Senator to one, if he will pardon me. Suppose upon the same line of road—and I say the same line, I mean the connecting road—an order of the Commission is deemed to give a preference to one community over another, thinking it has equal rights in the matter of interstate commerce affected by that particular order. Does the Senator think, outside of the provisions of this bill—I am not speaking about that, I am speaking about constitutional power, because that is what the Senator is so earnestly and learnedly discussing—under the constitutional power it is within the province of Congress to give to the courts the power to review and set aside as unjust an order of the Commission which gives a preference to one community over another community?

Mr. CLARKE of Arkansas. Certain elements of discretion and policy enter into this whole business of rate making. There are different theories on which it may be done. There is the mileage basis, for instance; or, on the other hand, the Commission might take into consideration the question of the economic distribution of products, so that one rate would be relatively higher than another. Those are matters of policy and wisdom to be weighed and concluded by the Commission. In the exercise of that power the Commission may abuse it, and so obviously so as to be guilty of fraud, when it can be attacked by any shipper or community, where the instance of discrimination is so pronounced that honest men would not differ in saying that the Commission had not been actuated by proper motives in doing what it did. There is a measure of discretion in matters of that kind. That would probably be referred to the Commission. To what extent the courts would undertake to control them I am not prepared to say. I would have to know all the facts of the particular case.

Much that is said in Interstate Commerce Commission *v.* Baltimore and Ohio Railroad Company (145 U. S., 263) would indicate that the courts will interfere to prevent undue preferences as between individuals and localities. But in Interstate Commerce Commission *v.* Detroit (167 U. S., 646) the court says much must be left to the discretion of the Commission, but how much the courts will tolerate before interfering to enforce some constitutional right said to be violated is the question.

Mr. BACON. If the Senator will pardon me, and I do not unduly interrupt him, I am not limiting the question to what the courts would undertake to do as a matter of inherent jurisdiction, if I may so term it, but I am speaking with practical reference to what we do in the framing of this bill.

Mr. CLARKE of Arkansas. I think we can direct the Commission to make all the rates upon a mileage basis. When we do it we will hear from somebody.

Mr. BACON. I think so, too, and for one I would not——

Mr. FORAKER. Mr. President——

Mr. BACON. I hope the Senator from Ohio will pardon me for a moment, and let me finish the question. That is true. I think the Senator from Arkansas is correct, that we would hear from a number of people on that subject. But I wanted to know, with a view to guiding my own actions, whether, in the opinion of the Senator, we would be within constitutional bounds if we inserted in this bill what I think ought to be inserted in it—if we have the constitutional authority to do it—that if the Commission issues an order which gives a preference to one community over another community claiming the right to equal privileges——

Mr. SPOONER. An undue preference.

Mr. BACON. That is a question of degree; whether we can insert in this bill, and constitutionally insert in it, a provision giving to the courts the authority to review the order of the Commission giving a preference to one community over another community in the rate which it established.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Ohio?

Mr. CLARKE of Arkansas. Certainly.

Mr. FORAKER. If the Senator from Arkansas does not object, I will call the attention of the Senator from Georgia to the fact that the Supreme Court of the United States has already decided that under existing law a discrimination against a community made by the railroads in the fixing of their rates may be enjoined at the suit of the Interstate Commerce Commission, predicated upon a complaint made to it of such discrimination. The case is reported in 189 United States, page 274, and is known as the case of the Interstate Commerce Commission *v.* The Missouri Pacific Railroad, otherwise known as the Wichita case. It was a suit commenced before the passage of the Elkins law, and the jurisdiction of the court was contested, but when it went to the Supreme Court the Elkins law had been in the meanwhile passed, and the Supreme Court said, without regard to what the law prior to that time provided, under the Elkins law such a suit can be maintained.

If so, I do not see why we should be complicating the situation by seeking a remedy of that kind through some other sort of legislation. It is just as clear as anything can be, and it is upon that section of the Elkins laws—and that is the reason why I have broken in with this interruption, which I very much dislike to do—it is upon that section of the Elkins law that I think our attention ought to be turned. I have sought by the amendment I have offered to broaden and strengthen that provision, so as to have all suits of that character brought at the expense of the Government instead of at the expense of the individual litigant.

Mr. ALDRICH. That is one of the things——

Mr. BACON. I hope the Senator from Rhode Island will let the Senator from Arkansas give me a response to my question; but before he does so I want to say a word. I recognize that he has clearly indicated the correct line of cleavage between acts which are legislative and which can not be reviewed and acts which are not legislative; and I wanted to find out, as the result of the Senator's investigation, into which class he considers that this particular question falls; whether the action of the Commission in fixing a rate which is alleged to give a preference to one community over another community is

such a legislative act, or, rather, such a performance of a delegated legislative intent on the part of the Legislature as would exclude it from the class of questions which can be considered by the court, or whether it is, on the other hand, of the other class, where the court might voluntarily take jurisdiction, or where we could with propriety expressly and explicitly require it to be done in this bill.

Mr. CLARKE of Arkansas. The question as to whether any community or any shipper can complain of a discrimination of rates that are fixed by the Commission is not here. I have no hesitancy in saying that the Commission has a certain latitude of discretion and policy that is available to them in making up their orders and fixing rates which may upon their face appear to be discriminatory between communities. The extent of that would determine its legality. The court might say it was a fraudulent exercise of power, which presents an inquiry always the subject of judicial inquiry.

The case cited by the Senator from Ohio hardly answers the question of the Senator from Georgia, for the reason that there the Interstate Commerce Commission brought the action, whereas he is inquiring as to whether we can authorize the shipper or the community to bring an action against the Commission to correct its work.

Mr. FORAKER. I apprehend that if we can authorize the Commission to bring a suit on behalf of the shipper, we could authorize the shipper himself to bring it.

Mr. CLARKE of Arkansas. Against the Commission?

Mr. FORAKER. Against the railroad.

Mr. BACON. But that is not the question.

Mr. CLARKE of Arkansas. Against the Commission.

Mr. FORAKER. Oh! To bring it against the Commission?

Mr. BACON. I asked the question because I think it is perfectly proper for us in the enactment of this legislation to anticipate not simply the possibility, but the probability, that the time may come when the Commission will fall under the influence of the railroads.

Mr. CLARKE of Arkansas. And will Congress also fall under the influence of the railroads?

Mr. BACON. It is so charged by some, but I think unjustly.

Mr. CLARKE of Arkansas. I deem it to be rather an excessive fear to assume the existence of a condition when improper influences will not only control the action of the Commission, but the corrective power of Congress as well. The courts might not preserve their independence in such surroundings.

Mr. BACON. The Senator will recognize the fact that when it comes to an administrative officer, the ease with which such influence can be exerted is very much greater. It is different from where Senators and Representatives are chosen from the length and breadth of this land.

Mr. FORAKER. I had just come into the Chamber, and I may be under a misapprehension as to what preceded. But what difficulty is there about authorizing any person who may be aggrieved to bring a suit to test the validity of an order that has been made by the Commission? The law as it now stand authorizes anyone who is aggrieved by an order that is made to put it to the test in the court.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Rhode Island?

Mr. CLARKE of Arkansas. Yes, sir.

Mr. ALDRICH. I have been trying to get the attention of the Senator from Georgia to a statement which I desire to make, which is along the lines of that made by the Senator from Ohio.

The Senator from Georgia was asking this question, as I understood him—whether Congress could give to the courts power to review the decisions of the Interstate Commerce Commission affecting regulations and practices where no question of rates is involved.

Mr. BACON. Yes.

Mr. ALDRICH. And he cited questions of discrimination.

Mr. BACON. Yes.

Mr. ALDRICH. Now, what I was about to say was that we did that precise thing in the Elkins law. We gave to the courts power to review questions of discrimination where it had been once heard by the Commission, and the Supreme Court of the United States, as the Senator from Ohio has said, in the Wichita case upheld the validity of that act. I think that answers the Senator from Georgia. It seems to me it does clearly.

Mr. BACON. Where does the Senator draw the line? Does the Senator mean to say that, according to his view, we could give to the Commission—I am not speaking of the propriety of it, but of the power—certain powers, and, as to the exercise of each and every one of those powers, we could give to the courts the right to review?

Mr. ALDRICH. I did not make the statement as broad as that. The Senator's question was not as broad as that.

Mr. BACON. Is that the Senator's view?

Mr. ALDRICH. That is hardly a question which anybody ought to be required to answer. The Senator was putting a concrete case, and I was saying with respect to it that exactly what the Senator asked whether Congress had the power to do Congress had done, and the court upheld that action.

Mr. CLARKE of Arkansas. I will answer that question generally, and pass on. Courts have jurisdiction to hear any judicial question, and it is a difficult matter to keep them from doing it in a proper case. They have no jurisdiction to hear and determine anything which pertains to legislative policy or legislative discretion, and you can not confer upon them authority to do so. A question may partake of the nature of both. I think a legislative duty may be performed in a way to conflict with some constitutional right, and when that is the case the courts will take possession of the controversy for the purpose of settling it, just as they have taken possession of the rate-making question for the purpose of determining whether the completed action of the commission leaves to the carrier just compensation for the service it renders. I say there is a discretion there. It must not be granted simply because it is asked for. The court says the rule is that before it will interfere with rates fixed by legislative authority that the case must show such a palpable invasion of the right of the carrier that honest men will not differ about the result.

Now, I was insisting that the one function that the court would discharge in connection with this rate-making business—and I was on the rate-making branch of it at the time—was to determine the only judicial question in the controversy viewed from that standpoint, and that was whether or not the body of rates afforded to carriers just compensation for the use of its property.

COURTS DO NOT SIT AS APPELLATE BOARD OF REVIEW.

I read now from the case of the San Diego Land Company *v.* Jasper (189 U. S.), the opinion being delivered by Mr. Justice Holmes:

> The main object of attack is the valuation of the plant. It no longer is open to dispute that under the Constitution "what the company is entitled to demand, in order that it may have just compensation, is a fair return upon the reasonable value of the property at the time it is being used for the public.

Again:

> We will say a word about the opposite contention of the appellant, that there should have been allowance for depreciation over and above the allowance for repairs. From a constitutional point of view we see no sufficient evidence that the allowance for 6 per cent on the value set by the supervisors, in addition to what was allowed for repairs, is confiscatory. On the other hand, if the claim is made under the statute, although that would be no ground for bringing the case to this court, it has been decided by the supreme court of California that the statute warrants no such claim. (Redlands, Lugonia and Crafton Domestic Water Co. *v.* Redlands, 121, California, 312, 313.) We go no further into detail. *We do not sit as a general appellate board of revision for all rates and taxes in the United States. We stop with considering whether it clearly appears that the Constitution of the United States has been infringed, together with such collateral questions as may be incidental to our jurisdiction over that* ONE.

The court will look into it with a view of determining whether or not a constitutional right has been invaded. The Constitution is above the statute. The obligation to bring about conformity between laws and alleged laws, striking down those that are invalid and maintaining those that are valid, is the supreme function of the court. It is the only question connected with the legislative function of prescribing rates that has ever been brought before the court and decided.

In Minneapolis and St. Louis Railroad Company *v.* Minnesota (186 U. S.), the court, in the course of its opinion, says:

> While we never have decided that the Commission may compel such reductions, we do not think it beyond the power of the State commission to reduce the freight upon a particular article, provided the companies are able to earn a fair profit upon their entire business, and that the burden is upon them to impeach the action of the Commission in this particular.

In that case the carrier was compelled to haul coal from Duluth to St. Paul and places south of there for a less rate than it thought it ought to have. It made a difference of about $1,500 in the income of a railroad whose gross income was $700,000. The court said the matter was too trifling to affect the general question of just compensation. It could not determine the matter on the basis of that single rate. What it looked at was the entire body of rates; and if those rates, looked at as an entirety, produce a sufficient income to satisfy the constitutional guaranty of just compensation, they would allow the other matter to be disposed of in some administrative way.

Summing up in the case of the Interstate Commerce Commission *v.* Railway Company (167 U. S., p. 469), Judge Brewer, in his opinion, said:

> It is one thing to inquire whether the rates which have been charged and collected are reasonable—that is a judicial act; but an entirely

different thing to prescribe rates which shall be charged in the future—that is a legislative act.

We have therefore these considerations presented:

First. The power to prescribe a tariff of rates for carriage by a common carrier is a legislative and not an administrative or judicial function, and having respect to the large amount of property invested in railroads, the various companies engaged therein, the thousands of miles of road, and the millions of tons of freight carried, the varying and diverse conditions attaching to such carriage, is a power of supreme delicacy and importance.

And again, on page 511, as follows:

Our conclusion, then, is that Congress has not conferred upon the Commission the legislative power of prescribing rates, either maximum or minimum or absolute.

In the case of the Chicago Railroad *v.* Wellman (143 U. S.) the judge who wrote the opinion said:

The legislature has the power to fix rates, and the extent of judicial interference is protection against unreasonable rates.

Judge Brewer, in the case of Reagan *v.* Farmers' Loan & Trust Company (154 U. S.), said:

It is doubtless true as a general proposition that the formation of a tariff of charges for the transportation by a common carrier of persons or property is a legislative or administrative rather than a judicial function. * * * The courts are not authorized to revise or change a body of rates imposed by the legislature or a commission; they do not determine whether one rate is preferable to another, or what under all the circumstances would be fair and reasonable as between the carriers and the shippers; they do not engage in any mere administrative work; but still there can be no doubt of their power and duty to inquire whether a body of rates prescribed by a legislature or a commission is unjust or unreasonable, and such as to work a practical destruction to rights of property, and, if found so to be, to restrain its operation. * * *

The challenge in this case is of the tariff as a whole, and not of any particular rate upon any single class of goods. As we have seen, it is not the function of the courts to establish a schedule of rates. It is not, therefore, within our power to prepare a new schedule or rearrange this. Our inquiry is limited to the effect of the tariff as a whole, including therein the rates prescribed for all the several classes of goods, and the decree must either condemn or sustain this act of quasi legislation.

If a law be adjudged invalid, the court may not, in the decree, attempt to enact a law upon the same subject which shall be obnoxious to no legal objections. It stops with simply passing its judgment on the validity of the act before it. The same rule obtains in a case like this.

If that is the only judicial feature in the business of making rates; if that is the only judicial aspect in which it can be considered; it is perfectly obvious that the court can not undertake to substitute its judgment as to a matter of policy or discretion for that of the Commission. They can review the entire action of the Commission with one object in view, and that is, to determine whether or not the carrier has been protected in his constitutional right to just compensation. That being the case, it is unnecessary in a body composed so largely as this is of lawyers to cite authorities in support of the proposition that courts will refuse, if called upon, to exercise a revisory power over legislation with a view of correction if they should differ in opinion as to a matter of policy with the legislature.

In Gordon *v.* The United States (117 U. S.), the opinion having been prepared by Chief Justice Taney, and which has been referred to with strong approval by the Senator from Wisconsin [Mr. SPOONER], the court sustains the proposition. I am content that the court will decline, when called on by Congress, to pass on any question not of a strictly judicial character. I will read just enough of the opinion to show what that court thought of the principle at that time:

This power over legislative acts is not possessed by the English courts. They can not declare an act of Parliament void, because, in the opinion of the court, it is inconsistent with the principles of Magna Charta or the Petition of Rights. They are bound to obey it and carry it into execution. Yet, in that country, the independence of the judiciary is invariably respected and upheld by the King and the Parliament, as well as by the courts; and the courts are never required to pass judgment in a suit where they can not carry it into execution, and where it is inoperative and of no value, unless sanctioned by a future act of Parliament. The judicial power is carefully and effectually separated from the executive and legislative departments. The language of Blackstone upon this subject is plain and unequivocal.

Quoting Blackstone, who says:

In this distinct and separate existence of the judicial power in a peculiar body of men, nominated indeed but not removable at pleasure by the Crown, consists one main preservative of public liberty, which can not subsist long in any state unless the administration of common justice be in some degree separated from the legislative and executive power. Were it joined with the legislative, the life, liberty, and property of the subject would be in the hands of arbitrary judges, whose decisions would be then regulated only by their own opinions, and not by any fundamental principles of law, which, though legislators may depart from, yet judges are bound to observe. Were it joined with the executive, the union might soon be an overbalance for the legislative. For which reason, by statute (Car. I, chap. 10), which abolished the court of star chamber, effectual care is taken to remove all judicial power out of the hands of the King's privy council, which it was then evident, from recent instances, might soon be inclined to pronounce that for a law which was most agreeable to the Prince or his officers.

Judge Taney proceeds:

These cardinal principles of free government have not only been long established in England, but also in the United States from the time of their earliest colonization, and guided the American people in framing and adopting the present Constitution. And it is the duty of this court to maintain it unimpaired as far as it may have the power. And while it executes firmly all the judicial powers intrusted to it, the court will carefully abstain from exercising any power that is not strictly judicial in its character and which is not clearly confided to it by the Constitution. (117 U. S., 707.)

Mr. FULTON. I understand the Senator's position to be that the only question that can become judicial in this matter of rate making is whether or not a prescribed rate amounts to confiscation or is an invasion of the constitutional rights of the carrier to have a just compensation. Now, I ask the Senator if the courts have not, when the question was whether a rate prescribed by the carrier is or is not a reasonable rate, taken jurisdiction of such cases, and whether they have not enjoined the carrier from charging a rate which they held to be unreasonably high; and if they have done that, does not that amount to prescribing a maximum rate for the future?

Mr. CLARKE of Arkansas. In the first place, I am not familiar with any case where the courts have enjoined a railroad from charging too much. I am familiar with a line of cases where carriers have been sued to recover back after payment of the excess beyond what is reasonable.

Mr. FULTON. I call the Senator's attention to a case where the Commission has condemned a rate established by the railroad as being unreasonably high. Under the law as it stands at the present time the Commission is authorized to institute a suit against the railroad company to enjoin the exaction of such rates in the future. Now, such cases have been twice, if I remember correctly, before to the Supreme Court, and have gone off on another question. But the circuit courts have enjoined such rates as being unreasonably high—extortionate. I ask the Senator——

Mr. CLARKE of Arkansas. Enjoined the Commission's rates?

Mr. FULTON. No; enjoined the rates of the railroad at the suit of the Commission—enjoined them as extortionate.

Mr. CLARKE of Arkansas. That is in line with my argument.

Mr. FULTON. It is not in line with the Senator's contention that the only time that the question as to a rate becomes judicial is when it is confiscatory. It is just exactly the opposite.

Mr. CLARKE of Arkansas. It is a question in the instance named by the Senator of complying with the order of the Commission. It is a question of complying with the legislation and not antagonizing it.

Mr. FULTON. The court goes into the inquiry whether the rate is unreasonably high.

Mr. CLARKE of Arkansas. It goes into the inquiry for the purpose of determining whether, as the Commission has said, it is unreasonably high, and if found to be so, for the purpose of enforcing the order of the Commission.

Mr. FULTON. I ask the Senator this: Whenever it is taken before a court to determine whether a rate is reasonable or not, does it not then become a judicial question which the court must determine? When issue is joined on that, whether it be between the Commission and a railroad company or a private shipper and a railroad company—when issue is joined, whether a charge made by the railroad is reasonable, is not the question a judicial one?

Mr. CLARKE of Arkansas. No; it is a legislative one in many of its aspects. Judge Brewer, in opinions, says whether a completed rate that has been charged is reasonable or not for the services rendered is a judicial question. The question as to what will be reasonable rates for the future is a legislative question. As the Commission makes its rates entirely for the future, its action is not judicial. Then, of course, the circumstance as to whether the challenged rate was one made by the railroad company, as in the absence of action by the sovereignty it may do, or was one that was prescribed by the legislature, either directly or through the agency of a commission, would determine its character as being of judicial or legislative cognizance. A railroad-made rate may be challenged for excessiveness in court, and the court may determine that it is excessive and give judgment for the recovery of the excess wrongfully demanded. But it is quite another thing for a carrier to go into court asking for a review of rates fixed by legislative authority. This character of rates are subject to assault in their entirety only on the ground that the body of rates will not yield revenue sufficient to afford the carrier just compensation for the use of its property. This is the only inquiry subject to court review, and even in this connection the court, although it may decide that the rate is too low, will not modify the legislative rate to the extent only that it finds it to be less

than the carrier is entitled to, but will nullify the entire rate fixed, leaving an excessive railroad-made rate in force.

Mr. FULTON. If that be true, and if it is always a legislative question unless there is an invasion of the constitutional rights of the carrier, how can the Commission under the present law condemn a rate charged by the railroads and recommend a lower rate, and the railroad company refusing to obey the recommendation of the Commission, maintain a suit to have the rate charged by the company enjoined as being too high if it is always a legislative question?

Mr. CLARKE of Arkansas. The present law says that a suit of that character may be brought, but in the event it is, the finding of the Commission is only prima facie unreasonable.

Mr. FULTON. Who determines whether or not the rate is unreasonably high?

Mr. CLARKE of Arkansas. The Commission has only indicated an opinion. They have no power to fix a rate. They do not make a decisive order. They do not assume to fix the rate. We are now attempting to give power to fix the rate.

Mr. FULTON. Before the court, finally, who determines whether or not the rate is unreasonably high?

Mr. CLARKE of Arkansas. The Commission sends it to the court with the simple statement that that is, in its opinion, prima facie excessive. The nature of the reference shows that the Commission has not fixed a rate, and has no power to do so.

Mr. FULTON. Suppose the court finally determines that the Commission was wrong; that the rate was not unreasonably high?

Mr. CLARKE of Arkansas. It is sent there for that specific purpose——

Mr. FULTON. Does not the court exercise——

Mr. CLARKE of Arkansas. With the statement that it is prima facie excessive, and then the court determines whether or not there has been a showing made which overcomes the prima facie showing.

Mr. FULTON. Does not the court exercise judicial power in determining that question——

Mr. CLARKE of Arkansas. In the first place, the Supreme Court——

Mr. FULTON. Or does it exercise legislative power?

Mr. CLARKE of Arkansas. It is exercising judicial power alone in whatever it does in that connection. The rate under investigation is one made by the railroad company, and such rates are subject to judicial action. In a Commission-made rate the immunity from judicial revision arises from the fact that the Commission's action is in effect that of the legislature. Judicial supervision of legislative action goes no further than to determine its conformity to the Constitution.

Mr. FULTON. It is a judicial question.

Mr. CLARKE of Arkansas. It is a judicial question in so far as it assails a rate made by the railroad company. The matter comes to the court for the purpose of showing the unreasonableness of the railroad-made rate. The Commission indicated an opinion which is to be deemed evidence and not a finding, and this is to receive a presumption of prima facie verity. The Supreme Court in 167 United States decided that the Commission did not have power to fix a rate. The cases mentioned by the Senator from Oregon do not appear to me as overruling all of these other cases, wherein it is said so specifically and emphatically that the only question that is judicial in dealing with a legislatively fixed rate is to determine whether or not the carrier was getting enough out of the rate allowed to satisfy the constitutional guaranty of just compensation.

Mr. FULTON. I would not contend that the cases I suggest overrule the case the Senator has read or that they are even inconsistent. But in the *Reagan* case, and the other case read by the Senator, the court was speaking simply of the case that was before it. It was not speaking of a case where issue might be joined as to whether the rate was too high, because manifestly issue may be joined in a case as to whether a rate is too high. Otherwise at common law a shipper could not go in and enjoin a rate if it was too high nor could the Commission go in and enjoin a rate if it was too high. If it was not a legislative question and not a constitutional question, manifestly it must be a judicial question when issue is joined whether it be contended that the rate is unreasonably high or unreasonably low.

Mr. CLARKE of Arkansas. I can not conceive of a case where the Commission will fix a rate and go into court and ask to have it enjoined on the ground that it is too high.

Mr. FULTON. The Senator misunderstands me. The Commission under the law as at present does not fix the rate, but it inquires on complaint whether or not a rate established by the railroad is unreasonably high. It condemns a rate, we will say, but nevertheless the railroad continues to charge the rate. The Commission then brings suit to enjoin that rate, and the court must determine whether or not the rate is unreasonably high in order to sustain the order of the Commission and grant the relief prayed for, and in determining that question I submit it determines a judicial question. The question does become judicial when issue is joined on that proposition.

COMMISSION HAS NOW NO POWER TO FIX RATES.

Mr. CLARKE of Arkansas. The defect in the position assumed by the Senator's question is that the Commission has fixed no rate. They have simply made a finding that in their opinion a given rate made by the railroad is too high, and that the proper rate ought to be so and so, provided no evidence is offered to the court in the controversy which shall overcome the prima facie force and effect of this finding. They do not fix any rate; they have no authority to do it; they are expressly forbidden by not having the power to do so conferred in express terms. In the absence of legislative action the rate fixed by the carrier is always subject to investigation from a judicial standpoint by those who have to pay it. But that is a different question from attacking a rate fixed by legislation.

To make more clear my answer to the inquiry of the Senator from Oregon [Mr. FULTON], as I understand him, I will emphasize by stating this: The action of the Interstate Commerce Commission in condemning the railroad-made rate is efficient to the extent only of precipitating or creating an inquiry which involves that rate. The Commission does not assume to make a rate, and therefore no part of the legislative power of the Government inheres in its action. It simply challenges a rate, and when the court comes to pass upon the reasonableness of it it is not called upon to exercise its judgment as to whether or not a legislative body has erred, but it deals with a rate made by the corporation itself. Railroad-made rates have always been subject to judicial investigation with reference to their reasonableness in all proper cases. To assume that simply because the Interstate Commerce Commission challenges a rate it thereby prescribes the rate it suggests would be, in effect, to give by indirection to the Commission the rate-making power. This has never been done, but we trust that it will not be long before this statement can not be made. The force of my answer to the Senator from Oregon may be made plainer by calling his attention to what the Supreme Court has said on the subject. The court, in Interstate Commerce Commission *v.* Railway Company (167 U. S., 511), said:

> Our conclusion, then, is that Congress has not conferred upon the Commission the legislative power of prescribing rates, either maximum or minimum or absolute. As it did not give the express power to the Commission, it did not intend to secure the same result indirectly by empowering that tribunal to determine what in reference to the past was reasonable and just, whether as maximum, minimum, or absolute, and then enable it to obtain from the courts a peremptory order that in the future the railroad companies should follow the rates thus determined to have been in the past reasonable and just.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. CLARKE of Arkansas. Certainly.

Mr. FULTON. I wish to say, before asking the question, that I realize the Senator has been on the floor a good while and he may be tired. So I will not annoy him.

Mr. CLARKE of Arkansas. I am not in the least fatigued. I will hear the Senator.

Mr. FULTON. I do not wish to detain him.

Mr. CLARKE of Arkansas. I will not be disturbed by the interruption of the Senator.

Mr. FULTON. The Senator was saying a while ago that the only question which could be determined on review would be the question as to whether or not the constitutional right of the carrier had been invaded—the question as to whether or not the rate prescribed by the Commission afforded just compensation—and hence I understood the Senator to say it made no difference in what language the review should be framed, whether a broad or a narrow review, that but one review could be had.

Mr. CLARKE of Arkansas. That is true as to revision of rates fixed by the Commission.

Mr. FULTON. I ask the Senator if that is not rather a mistaken conception of the situation, in view of the fact that there are many orders and regulations which the Commission would be authorized to prescribe which do not involve the question of just compensation at all. For instance, requiring a carrier to furnish cars to a shipper, there being no question as to what the charge should be, but simply that they should be required to furnish the cars. The question of just compensation would not come in there. It would be a mere matter of regulation or practice. Under a broad review might not such an order as that be taken up before the court? What I mean by broad review is unlimited review.

Mr. CLARKE of Arkansas. I intended to answer both the Senator from Georgia and the Senator from Rhode Island by saying that I was, at the time when I was interrupted, addressing myself particularly to the business of making rates. I had not at that time reached the stage of my argument where I had occasion to refer to the other matter. But I will say now, if one of these orders now mentioned by the Senator from Oregon presents a judicial aspect or presents an issue that is judicial in character in the sense that the court can deal with it to vindicate a right growing out of it or to redress a wrong imposed by it, it will do so. But if it is called upon to substitute its notions of policy and expediency for that of the Commission it will not do so. But if it is one of these matters, the manner of doing which lies in the wisdom and discretion of the Commission, the courts will not review or supervise the manner of its being done. My answer, generally, is, if it is a matter that does not involve the rate-making business, it may be of such a character that it will become a subject of judicial investigation.

I can not get any nearer to a definite answer than to say that each one of these orders would have to be determined on its own facts. But as to a rate-making provision, expressing the opinion derived from the uniform decisions of the Supreme Court of the United States, repeated so often, until now when it is necessary to refer to the doctrine, it is disposed of in a single sentence by the court, as it did in San Diego *v.* Jasper (189 U. S., 446), by saying:

We do not sit as a general appellate board of revision for all rates and taxes in the United States.

The rate-making power, I think, is the principal feature of the pending bill. There are other abuses that ought to be corrected here. It may be some of these are of a judicial nature, but I do not pretend to go into that now. If I could, I would give to the court a right to dispose of such things as naturally and properly belong to it; but I do maintain, as earnestly as I can, that in the matter of rate making there is no room now for assuming that any feature of that duty can be referred to the courts to be passed upon in the nature of a review of the action of the Commission. In the first place, it would be folly to do it. The whole agitation connected with this question for a broad court review implies that the Commission is to be a mere figurehead; that its orders are never to amount to anything until permission to enforce the same is given by the courts. There is a popular belief, widespread in the community, that no legislative action ought to take effect on large interests until it has been subjected to the scrutiny and approval of the Supreme Court. The impression is general that Congress can not enact laws that large interests are compelled to obey in advance of judicial approval. Judge Brewer himself seems to have made a concession to that heresy in the opinion delivered by him in 183 United States, in the Kansas City Stockyards case, in which he intimated that because penalties would attach while litigation concerning the validity was pending there was reason for assuming that that feature of the act was unconstitutional.

IF COURTS CAN REVIEW EVERYTHING, NO PLACE FOR A COMMISSION.

Now, if it were competent for Congress to send the whole rate-making business to the court, there would be no sense in having a Commission to make the rates in the first instance, and we are guilty of the folly that it is said was once practiced by a King of England. He had two cats, a large one and a small one, and desiring to permit them to pass from one room to another, he had two holes cut through the wall, one large one for the large cat and one small one for the small cat. It is not necessary at all to have a Commission if the ultimate rate is to be made by the court, as it will be if the whole matter is to be remitted for revision to the judgment of the court. Then the proposition of the Senator from Ohio [Mr. FORAKER] would be the only logical and sensible one to adopt, and he would let the court take it up to start with. Proceeding with the citations from the decisions of the Supreme Court of the United States showing that the courts will not entertain jurisdiction to review any matter or question not of a strictly judicial character, I call attention to what is said in the case of the United States Commerce Commission *v.* Brinson (154 U. S., 482). It is there said:

It is too evident for argument—

This is on the question whether or not the court will exercise anything but judicial duty—

It is too evident for argument on the subject that such a tribunal is not a judicial one and that the act of Congress did not intend to make it one.

The authority conferred on the respective judges was nothing more than that of a commissioner—

The quotation proceeds—

The authority conferred on the respective judges was nothing more than that which constituted each then commissioner to adjust certain claims against the United States; and the office of judges and their respective jurisdictions are referred to in the law merely as a designation of the persons to whom the authority is confided and the territorial limits to which it extends. The decision is not the judgment of a court of justice. It is the award of a commission.

The court refused to entertain the appeal.

Mr. BACON. What is that case?

Mr. CLARKE of Arkansas. It is from Interstate Commerce Commission against Brimson, in 154 United States, page 482, the opinion being delivered by Mr. Justice Harlan, who quoted from the Ferreira case in 13 Howard, which I have just read.

The court also reviews three or four more cases on the subject where pension claims were referred to the court, but it decided that the questions involved were not judicial and declined to hear them. There is a very elaborate and learned opinion of Judge Gray on the same subject in the Supreme Court Reports of the State of Massachusetts. The legislature of Massachusetts imposed upon the supreme court the duty of appointing election commissioners. The court held that this was not a judicial duty, and declined to perform it. The case is reported as Supervisors of Elections, 114 Mass., 247.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Ohio?

Mr. CLARKE of Arkansas. Certainly.

Mr. FORAKER. I have been extremely unfortunate with respect to the Senator's speech, having been compelled to be out of the Chamber a good part of the time, to my misfortune, very greatly, I know. But I have come in at a very interesting time to me. I hope the Senator will allow me to interrupt him until I see whether I understand the point of the argument he is now making.

We are all agreed, of course, that a court will not undertake to discharge any but judicial duties, but do I understand the Senator to say that a court will not entertain a bill complaining of a rate that it is in excess of what may be a lawful rate, and grant relief, if it finds that the grounds of the bill are supported by evidence, in the way of enjoining all in excess of what is lawful?

Mr. CLARKE of Arkansas. The Senator understands me to say that when a commission, in the exercise of legislative power, fixes a rate, that the court can not do anything but strike the commission rate down entirely or let it all stand.

Mr. FORAKER. There was a time when I had that impression myself, but when I investigated this subject further I changed my mind about it.

Mr. CLARKE of Arkansas. I would be glad if the Senator would give me the benefit of his conclusion and the reason for it, and the legal authorities that produced the change.

Mr. FORAKER. It is all very clear in my mind that I was originally mistaken. If the Senator will allow me to put an illustration: I heard him a moment ago, when I was in the Chamber, before I was again called out of it, talk about making rates upon a mileage basis. Let us suppose that the commission be created, and that it be authorized to fix rates according to a mileage basis, and that according to the mileage basis prescribed by Congress a rate from one city to another on first-class goods should be a dollar. That would be mathematically calculated. The rate prescribed by Congress, therefore, by the commission, prescribed, I mean, by making the standard, would be a dollar. Now, suppose instead of that the railroads fix a rate at a dollar and a half, would not the shipper have a right, or would not the commission, if we authorized such a procedure, have a right on behalf of all the shippers thus interested to go into a court of equity and complain that the lawful rate fixed by Congress through the commission was a dollar, but that they were charging, notwithstanding that fact, in violation of law, a dollar and a half, and ask the court to enjoin all in excess of the lawful rate of $1. Would not the court have jurisdiction to grant that relief—not to make a rate, the Senator will observe, but to prohibit the road from collecting any but the lawful rate, to give effect by its order to the will of Congress?

Mr. CLARKE of Arkansas. I do not see that there is any question of making the rate involved in it. It is simply compelling, by mandatory proceedings, the carrier to comply with the law already made by the law-making power.

Mr. FORAKER. Would it not be competent, if we provided that relief might be by injunction, for the court to enjoin all in excess of the lawful rate? That is precisely what I am proposing to do in the amendment I have offered.

I am glad the Senator has taken up this subject, as I have a great number of authorities that I want to read to the Senate when I have an opportunity to do so, sustaining that proposition.

Now, if it would be clear, as it seems to me every Senator must concede it would be, that a court would have jurisdiction in the kind of a case I put, to enjoin all in excess of the lawful rate, surely it would have like power, if we conferred that kind of jurisdiction upon the court, to enjoin all in excess of what would be a just and reasonable rate, as to which the court would hear the testimony and determine, for that is but a judicial function as old as the administration of justice, what is just and reasonable whenever in the administration of the law a question of that kind arises, as it most frequently does in connection with the exercise of the police power.

Mr. CLARKE of Arkansas. The case instanced by the Senator from Ohio does not present the question of fixing the rate at all. It is simply a question of complying with the order made by the legislative commission. The court would not undertake to say whether it was reasonable or unreasonable, being a single rate, but would simply determine whether or not the Commission had prescribed that rate. That would be the judicial question.

Mr. FORAKER. I suppose the Senator would agree with me about that in the case put, the rate having been made by the Commission and the road not conforming to what the Commission required, or the Commission in the one case not having conformed to what Congress required, and I just wanted to ask him what difference there is in principle between resorting to the court for relief against a rate made by the railroad, having no commission whatever to make rates, and thus getting relief against unreasonable rates?

Mr. CLARKE of Arkansas. Nobody pretends that the railroad rates are legislatively fixed. Railroad-made rates are always open to attack in the courts by the shipper for unreasonableness. Nobody pretends that the railroads are in fact legislative bodies, although it is said they too frequently exert considerable influence on legislation.

Mr. FORAKER. They are not; but Congress passes a law saying that all rates shall be reasonable and just, and that anything in excess of what is reasonable and just shall be unreasonable and unjust——

Mr. CLARKE of Arkansas. That is the law.

Mr. FORAKER. And therefore illegal and unlawful.

Mr. CLARKE of Arkansas. That much would be the law without Congress reenacting it.

Mr. FORAKER. So it would. It is only declaratory of the common law. As a matter of policy we had already adopted that rule as applicable to the making of rates. But if Congress says that there shall be only reasonable and just rates made and enforced, any shipper has a right to complain that the rate he is required to pay is in excess of what the law authorized the railroads to collect. Therefore, the shipper under the law as it now is, can, in his own name, apply to any court of equity that has jurisdiction for relief against an extortionate rate. Certainly under the Elkins law either the shipper or a community will have a right, applying to the Commission, to have the Commission, if the Commission thinks there is reasonable ground for the complaint, to bring such a suit as that and seek that relief and secure it. That has been held repeatedly.

In the seventh Federal Reporter, and again in the eighth Federal Reporter, there are decisions to that effect, and in a number of other volumes there are cases to be found which sustain that proposition. I will not take the Senator's time now to cite those authorities, because it would be like making a speech in his time, but I want to call his attention to the proposition with the statement that I do desire to present that very point.

RAILROAD TOO POWERFUL FOR RESISTANCE BY INDIVIDUAL SHIPPER.

Mr. CLARKE of Arkansas. The courts have invariably taken the very widest liberty with the rates fixed by railroads in order to determine whether or not they are reasonable, but they have only occasionally done so, because the average shipper who complains finds that he loses if he wins; that the contest is an unequal one. He soon finds that he is engaged in a mighty poor business when involved in a controversy of that kind with a railroad, which has very largely the power of commercial life or death over him. So it is, in fact, an abstract right, and one that is very rarely ever resorted to.

Mr. FORAKER. On that I agree with the Senator precisely, and I think we should provide in this legislation for such an amendment of the Elkins law as will authorize all suits of that kind to be tried without expense to the shipper or without expense to the complainant, whether the complainant be a shipper or a community, broadening and strengthening that law in the way proposed, to reach every kind of rebate and every kind of discrimination, no matter whether between individuals or between localities.

Mr. CLARKE of Arkansas. The difficulty is that you thereby correct each rate, one at a time, whereas in the proposed legislation, if it should be perfected, we correct them in a body and to start with, and we fix a place by consulting which every shipper can know his own rate. We do not undertake to say that each rate shall be attacked by a shipper to-day or tomorrow or any other day. We provide for a legislative fixing of rates which is in effect a tax imposed on the business of transportation. A standard being fixed, the carrier knows to what it must conform. The individual rate payer and shipper is not compelled to antagonize the railroad by suing for the recovery of the few dollars they take from him wrongfully on each separate occasion. He is protected by public authority when he comes to deal with an institution that exists by public authority. There is no room for saying that because a shipper, without any legislatively established rates, can go into court and get relief against an excessive rate made by the carrier, that the remedy is adequate. We propose introducing an entirely new system. The courts have held that the carrier can be sued to recover excessive charges paid by a shipper, and in that controversy the question of the reasonableness of rates comes in. It is a judicial question.

Now we introduce a different policy. We propose by public authority to say in advance what the rate shall be. If its reasonableness is questioned, it can be attacked by the shipper before the Commission before it takes effect. It can be attacked by the carrier afterwards by showing that it is confiscatory. The pending legislation contemplates the introduction of a system of rate making by public authority. We have tried the other one long enough. At the present time the railroads understand the game better than the shipper. They are organized into five or six great systems in the United States. They have more power than any one shipper ought to be required to antagonize.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Ohio?

Mr. CLARKE of Arkansas. Certainly.

Mr. FORAKER. The Senator, I imagine, thinks a valuation of the property is necessary in order that there may be a standard according to which rates may be intelligently made?

Mr. CLARKE of Arkansas. Yes, sir.

Mr. FORAKER. Then, would not the Senator go one step further and have Congress prescribe what would be a just return on that property?

Mr. CLARKE of Arkansas. Yes, sir; I would.

Mr. FORAKER. I think that would necessarily follow.

Mr. CLARKE of Arkansas. I think that ought to be done, and it is a very serious objection to the pending bill that it does not provide that this shall be done. The distinguished Senator from Ohio has come very near to convincing many Senators that we will not have made a lawful delegation of power to the Interstate Railroad Commission by simply directing that Commission to prescribe rates that shall be just and reasonable. The command of the Supreme Court in such matters is that a delegation of legislative power to an administrative board will be sustained where it appears that Congress has legislated on every aspect of the matter so far as it is reasonably practicable to go, and that the thing or service delegated is the mere application to details of the rules and directions contained in the act. It is contended, and I think with much plausibility and force, that the delegation proposed in this instance is so broad as to amount to turning over to the Commission all the power and discretion that Congress itself has. That Congress has not only not legislated on the subject so far as it is reasonably practicable to do so, but has created no standard nor declared the policy, which as between several might be chosen, by which and upon which the so-called "just and reasonable rates" were to be ascertained by the Commission. The argument along this line of reasoning made by the distinguished Senator from Ohio commends itself very forcibly to me. But as the bill is full of defects, the forecast that its real meaning will be finally fixed by the slow procedure of the courts, is a matter that goes without saying. While settling other disputed questions, this will doubtless not escape attention. But I think Congress should now deal with the matter courageously and comprehensively, settling the basis of valuation and fixing itself the percentage of income which will satisfy the demands of just compensation.

Mr. FORAKER. I think the Senator is exactly right about it, if that is the kind of standard that he proposes to establish; but I call his attention to the fact that in determining that he will have to go still a step further and determine what shall be allowed for earnings and the betterments of the property, for replacements, for expenses, and for the salaries or wages of employees. It seems to me that is inevitable.

Mr. CLARKE of Arkansas. Would not the Commission have to do that anyway without any law directing them to do so?

Mr. FORAKER. I presume they would. I am not suggesting this in any controversial sense. I am only glad to see the Senator has such a broad and intelligent—for it is a broad and intelligent—view of the difficulties of this situation. It seems to me when we once embark upon it there is no end to it, as I have already had occasion to say heretofore.

Mr. CLARKE of Arkansas. The Supreme Court of the United States has fully determined that and decided that all of these things must be taken into consideration. The Commission can not fix rates until they find out how much the property is worth and what would be a fair return upon its value at the time the same is devoted to the service of the public, and there ought to be a fair return upon it.

Mr. FORAKER. The Senator, I trust, will allow me to ask him one other question. I hope he will not think I am doing it except only to get information. What return does the Senator think the railroad ought to be allowed to have?

Mr. CLARKE of Arkansas. I have said that in Arkansas I would make it 6 per cent, or something like that.

Mr. FORAKER. I remember that Governor Cummins, when he was before our committee, testified that he thought, in view of the fact that as the business in some years was bettetr than in others, the railroads might be allowed to earn as much as 7 per cent.

Mr. CLARKE of Arkansas. I should not object seriously to that. In a State like Arkansas, where we do not have all the railroads we want, I should like to have the returns sufficiently large to encourage the building of new lines. But I should want that 6 per cent calculated on the actual value of the property employed, and not on watered stock or fictitious bonds which the companies may issue from time to time. I should demand that this valuation be honestly and intelligently ascertained, after full opportunity to both sides to be heard in the inquiry. On the value of the property thus made I should fix the percentage of income deemed reasonable. I do not think we can expect investors to engage in a business unless there is definite prospect of getting a fair profit out of it. But even on this basis of 6 per cent, which is nominally more than the railroads claim to be now making, as it is said that 4 per cent is the measure of profits derived from the business of transportation, the public would be taxed less than two-thirds the sum paid under existing railroad-made rates. It must not be overlooked that the apparently moderate income of 4 per cent is computed on a valuation of $65,000 per mile, whereas the average actual value of the railways, the entire country considered, does not greatly exceed $25,000 per mile.

Mr. FORAKER. Mr. President, I call the attention of the Senator to what is the popular belief, at least, as I understand it, that there are some railroads that are worth a great deal more than the aggregate of their stocks and bonds. That, I believe, is true of the Pennsylvania Railroad. It is also true of the Illinois Central Railroad, of the New York and New Haven Railroad, and possibly of some other railroads. Has the Senator thought of what he would allow them? They are now paying 6 per cent to their stockholders, and after paying whatever operating expenses and fixed charges they may have they are devoting the balance to the improvement and extension of their property. What would the Senator do in a case like that? I do not ask this to perplex the Senator, but it perplexes me, and I ask the question in good faith.

WHAT TO DO WHERE RAILROAD VALUE GREATER THAN AMOUNT OF STOCKS AND BONDS.

Mr. CLARKE of Arkansas. It does not perplex me for one moment. I would give them that return upon the real value of the property employed in the public service. The amount of bonds and stock certificates outstanding is a circumstance of secondary importance and not at all of controlling influence in fixing the value of the property. The carrier is entitled to just compensation for the use of its property at the time the same is employed in the service of the public. This compensation is to be computed on the basis of the value of the property and at the time employed. The carriers have a right to demand this, and the public must submit to a tax on transportation adequate to this purpose. This return can not be made less to a given carrier because its bond and stock issues are less in nominal amount than the sum of the value of its property employed in the business of public transportation. Nor can the public be taxed in a sum in excess of what is adequate to satisfy the demand for just compensation for the service rendered, computed on the basis of the value of the property of the carriers, and at the time employed in such business, by reason of the fact that a given carrier has outstanding a bond and stock issue for a nominal sum in excess of the value of its property so employed on behalf of the public.

The right and duty to regulate the extent of the tax to be imposed on the business of transportation by the carriers engaged therein is a governmental function, to be exercised with due regard to the interests of both the carrier and the public. The right to regulate the amount of stock and bonds to be issued is, almost necessarily, merely a matter of private contract and arrangement between the railroad corporations and those who invest in the stocks and bonds so issued. The public as a whole have nothing to do with the matter. The carrier corporation has a right to demand just compensation for the use of its property employed in the business of public transportation, computed on the valuation of its property so employed, and at the time so employed, regardless of the amount of its debts, bonded or otherwise, or the number of its shareholders. On the other hand, the business of transportation can not be taxed beyond the limit of what is just compensation, computed in the same way, to supply deficiencies in the income of a carrier whose stock and bond issues exceed in nominal amount the value of the carrier's property so employed in the service of the public. This is the doctrine of the Supreme Court of the United States.

Mr. FORAKER. It is fortunate for the stockholder who may get 10 per cent on his stock.

Mr. CLARKE of Arkansas. That is all right, provided the public is not taxed any more than it ought to be taxed for the use of the property of such companies.

Mr. FORAKER. Mr. President, If the Senator will not think I am imposing on his good nature, I wish to ask him what he would do with the railroads that are worth more than their stock and earn more than, say, 6 per cent, and what we would do in the case of railroads that do not earn 6 per cent, or 5 per cent, or perhaps do not earn anything?

Mr. CLARKE of Arkansas. The latter class should be turned over to somebody who can operate them and make something out of them. That is my answer to that.

Mr. FORAKER. That is not an idle question at all. There are railroads in the country that are not making anything beyond their operating expenses, and yet they are railroads that cost a great deal, but built in the hope that business will develop some time in the future, and that they will ultimately have a profitable return. What would the Senator do in the meanwhile if they raised the rate and drove people off to another line to get them back again?

Mr. CLARKE of Arkansas. Of course there are some phases of every question which can not be forecasted definitely, and as to which we can not upon the instant suggest a complete scheme of adjustment, and the case mentioned by the Senator may be one of these. If a railroad was built where one was not needed, where there was no business, and nobody to employ it, I do not know how it would ever get a profit. You will have to settle that to your own satisfaction. Everybody may have a different opinion as to how that might be remedied. Congress can not devise any; and for that reason it does not now present a very serious practical difficulty. If a railroad company intends to occupy a particular field and keep competitors out, and for that reason builds a railroad for such tactical purposes, and from which it does not expect to get any profits except in an indirect way in protecting its system zone assigned to it in a general division of the territory, it might be that it would be able to arrange some scheme by which the stockholders could be taken care of.

Mr. FORAKER. There are a great many railroads, as the Senator is aware, that are built through a country which is not thickly settled, where there is but little business, where there is but small population, which are not, when first opened for business, profitable roads, but losing roads, and as it has been in the past it will doubtless be, though perhaps to a less extent, in the future. A railroad is sometimes improvidently laid out. If it is driven out of business by some other road, it does not need any sympathy; but where people have undertaken to develop a country and reach points that ought to have the benefit of railroads, it seems to me it is one of the troublesome questions that we are now confronted with. The Senator will pardon me, but his frank talk upon the subject and his frank admissions started all these suggestions in my mind. I do not mention them in order to in any way annoy the Senator——

Mr. CLARKE of Arkansas. I am not annoyed in the slightest.

Mr. FORAKER. Though I have thought of them. I know I could not have annoyed the Senator even if I had wished to. I do it because they are legitimate, and in order that I may in that practical way call the attention of the Senate to the fact that we are embarking in a business that will give us a good many anxious hours if we once get started in it.

Mr. CLARKE of Arkansas. In nearly every question calling for legislative action situations can be imagined which, should they ever actually arise, would make the law inequitable.

Those exceptional imaginary cases are to be expected to appear in any argument, and the ingenuity of those who antagonize proposed legislation in presenting them is proverbial and is complimented; but they generally do not control. They are very exceptional and enter so slightly into the general affairs of life that they can not deprive others of what is obviously their due simply because they may in an isolated and rare instance fall a victim to an otherwise wholesome law. The Commission has a discretion to take into consideration all of the circumstances that fairly enter into the solution of the problem submitted to its jurisdiction, and I take it for granted that in each one of these cases it will design some feasible remedy having reference to the rights of the carrier and the rights of the public. There may be a situation imagined, or it may be that a railroad may be found, as to which no rate that the traffic could afford to pay would be compensatory. In that event that enterprise would be declared a pecuniary failure and the ordinary laws of trade would govern in its liquidation. The case is exceptional; the remedy must likewise be.

THE DUTY OF CONGRESS NOW.

But I have abused the forbearance of the Senate long enough. I have attempted to show that the evil with which we are dealing is a large one; in fact, constitutes the fundamental perversion of economic laws, dominated by skilled operators and inspired by the avarice-mad spirit of the times, and out of which grows nearly all of the other parasites which so sorely afflict the commercial and industrial interests of the land. A sovereignty must so frame its laws as to attain its ultimate purpose to preserve and perfect itself. The law's aid is the due of the weak and disorganized when their interests are being invaded and their rights are being destroyed by the multiplied power of the few and mighty, bound together by the cohesive incentive of power and profit, and rendered submissive and loyal to a common direction under the conviction that disturbance of their plans is a radical and dishonest assault upon their vested rights. The very magnitude of the evil, and the almost universal extent to which the commercial fabric of this country is now interblended with its ramifications renders legislators conservative, and even restrains them unduly with a sense of hesitation when they stand in the presence of the true proportions of the situation and are confronted with a realization of the consequences which are to follow the application of any real and effective remedy.

Notwithstanding they are advised that the present organized and determined voice of public opinion is addressed to them as a command to put a stop to existing abuses, they stand dismayed, and, yielding to a spirit of indecision, manifest a want of courage in adopting a policy that will effectuate the end desired. The value of caution and conservatism in matters of legislation is never to be underestimated, nor yet must it be overlooked that the beneficiaries of abuse have no more effective weapon in their entire armament when engaged in diverting and defeating efforts to formulate and apply remedies for wrong widely practiced and strongly intrenched. The general prevalence of this spirit must account for the scant and imperfect response that is to be made to the present demand for effective regulation of the transportation business of the country. Nominally the public demand for action has been complied with, but I believe time will show this has been done in a way that will perpetuate the evils complained of, and go no further than to make necessary slight changes in the methods by which these things are done.

I am among those who believe that the better course is to deal comprehensively and courageously with the whole subject. That Congress should take upon itself the responsibility of providing a Commission made up of men possessed of sufficient character and intelligence to invest their official action with the verity and respect due to a tribunal of the highest order; that it should be equipped with all the accessories necessary to enable it to investigate thoroughly and to judge intelligently and impartially; that the law should be so framed as to assume that the Commission would understand that it had no power to invade the constitutional right of the carrier by depriving it of the right to just compensation for the use of its property, to be based and estimated upon the value of that property at the time it is employed on behalf of the public and would act within the limits of its powers; that no presumption should be indulged that the Commission, through ignorance or evil design, would invade this right of the carrier, and that therefore its judgment ought to be permitted to stand until it has been made affirmatively to appear in a judicial tribunal of original jurisdiction that such has been the case. I believe that the right to issue a preliminary injunction has been greatly abused in this country, even when employed as a remedy to restrain the alleged wrongdoing of individuals in their dealings with one another, and I believe that the right to issue such an injunction has no rightful place in any scheme having for its purpose the accomplishment of the thing we have in hand at this time. It is utterly out of place, and an enlightened and comprehensive understanding of the things that it should be our purpose to accomplish will convince anyone that its suspension here will inflict no injustice upon the interest involved.

Mr. TILLMAN. Mr. President, I have notice of one more prepared speech on the pending bill. The Senator from Virginia [Mr. DANIEL] wishes to take the floor to-morrow. The Senator from Minnesota [Mr. NELSON] has indicated to me that he wants to make a short speech; but I presume after to-morrow we will not be likely to have any more long speeches. I therefore think that it is now time for us to get an agreement about a vote. So I wish to propose that on the 9th of May—a week from Wednesday—we make final disposition of the bill and all amendments then pending. In order that the Senate may understand the line of disposition of the amendments, I send to the desk a tentative proposal for unanimous consent.

The VICE-PRESIDENT. The Secretary will read the proposed agreement.

The Secretary read the proposed agreement, as follows:

It is agreed, by unanimous consent, that on Tuesday, May 1, 1906, general debate shall be concluded upon the bill H. R. 12987, "An act to amend," etc.; that on May 2, and upon the next succeeding legislative days until Wednesday, May 9, 1906, immediately upon the conclusion of the routine morning business, the Senate will proceed, under the ten-minute rule, to consider and vote upon amendments that may be offered to the bill; that on Wednesday, May 9, 1906, upon the conclusion of the routine morning business, the Senate will proceed, without further debate, to vote upon such amendments as may then be pending or as may be offered, and will vote upon the bill itself before adjournment on the said last-named day—May 9, 1906.

Mr. ALDRICH. I see no occasion for agreeing that what is called "general debate" shall cease to-morrow or at any time in the near future. In the first place, we have never in the Senate recognized "general debate." That is a House term. I would suggest that there will probably be no disagreement as to fixing a time for a final vote on the bill for Wednesday, May 9; but I see no reason for making the disposition of time proposed by the Senator from South Carolina, commencing to-morrow or the next day. I imagine that what is called the "general discussion" on this bill is practically closed, and that we may find ourselves in a position where no one will be ready to speak. Certainly the business of the Senate ought not to be delayed by reason of the fact that we have fixed a time for a vote. There is one important appropriation bill now before the Senate, or it will be within a day or two, and I think that we ought simply at this time to fix a time for a final vote, leaving the disposition of matters between now and then to whatever shall be the pleasure of the Senate or whatever is necessary to be done in connection with this bill.

Mr. TILLMAN. That is entirely agreeable to me, Mr. President. My only solicitude has been that if we are going to discuss the amendments, as we doubtless will, and there are some sixty or seventy of them—I have not been able to keep tab on them, they have been coming in so rapidly—I was going to say, unless we can understand that as soon as we have discussed them and any amendment any Senator desires to present and wants to speak on under the ten-minute rule, unless we can kill that amendment then and there or put it in the bill, we will lose time. That is the reason I want three or four or five days for that kind of procedure, because there are some very important amendments pending, and they will take a considerable amount of discussion, and probably will consume all that length of time.

I would say to the Senator from Rhode Island that if there shall appear to be a lapse or a lack of discussion the appropriation bills can always be brought forward. I would have no objection to that. If the Senate will agree to the 9th of May, the intervening time can be disposed of by the Senate to suit itself. I suggest the 9th of May, at 2 o'clock.

Mr. ALDRICH. Any time that——

Mr. TILLMAN. The voting to begin at 2 o'clock.

Mr. ALDRICH. That is right. I think it ought to be understood, however, that in the time between now and then, whenever there is anyone who wants to speak or there is any disposition to discuss the bill, it should have the right of way.

Mr. TELLER. And all amendments.

Mr. ALDRICH. The bill and all amendments should have the right of way. I would be perfectly willing to have an understanding that on three days of next week—that is, Monday, Tuesday, and Wednesday—up to the time of voting, the discussion should proceed under the ten-minute rule.

Mr. FORAKER. I suggest that it be under the fifteen-minute rule.

Mr. ALDRICH. Very well; under the fifteen-minute rule.

Mr. FORAKER. Some of the amendments are very important, and it would be very difficult to present them in fifteen minutes. It may be that during this week all the important amendments can be presented. I want to speak longer than ten minutes on some amendments.

Mr. TILLMAN. Does the Senator from Rhode Island consider that Saturday, Monday, Tuesday, and Wednesday would be too much time to devote exclusively to amendments?

Mr. ALDRICH. I think that three days of next week will be sufficient under a limited rule. They can also be discussed this week.

Mr. TILLMAN. We might meet earlier. We could come here at 10 o'clock, if need be, or at 11 o'clock.

Mr. ALLISON. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. TILLMAN. Certainly.

Mr. ALLISON. It seems to me that the suggestion made by the Senator from South Carolina, that after to-morrow unlimited debate shall cease, and between that time and the day of voting there shall be an understanding that ten or fifteen minute debates may be indulged in by Senators on amendments, is a good one. I think very likely there will be some amendments that ought to be debated.

Mr. ALDRICH. I am afraid that we will cut off some Senators who desire to speak, like the Senator from Virginia [Mr. DANIEL].

Mr. ALLISON. Very well, then, Mr. President——

Mr. ALDRICH. I think we should keep the debate open this week as it is.

Mr. TILLMAN. The Senator from Virginia has already given notice of a desire to speak to-morrow, and there is no intention or desire to cut him off or to limit him.

Mr. CULBERSON. Mr. President——

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

Mr. TILLMAN. Certainly.

Mr. CULBERSON. I understand the Senator from Iowa [Mr. ALLISON] has the floor.

The VICE-PRESIDENT. The Senator from Iowa has the floor by courtesy of the Senator from South Carolina [Mr. TILLMAN].

Mr. CULBERSON. I simply desire to say, for the information of Senators, that I am advised that probably there will yet be several general speeches delivered on this bill, and I think it would be inadvisable to press the request for unanimous consent that the general debate should close on to-morrow. For one, I will speak plainly that I can not consent.

Mr. TILLMAN. I am perfectly willing to have a vote on Wednesday, the 9th, and let the Senate take care of the intervening time.

Mr. GALLINGER (to Mr. TILLMAN). That is what you ought to do.

Mr. TILLMAN. All I am after is to get the thing wound up and finished.

Mr. ALLISON. If that is the general sentiment of Senators, I shall not object to it; but I do think there should be a limited time for brief debate upon the amendments. It has been our experience in the past that we have been compelled to vote upon important amendments without an opportunity of having them explained. But I am content with whatever Senators think is the wise thing to do. I want, Mr. President, to have an end to this bill at the earliest possible time.

Mr. ALDRICH. Will the Senator from Iowa consent to fifteen-minute debate for all of next week?

Mr. ALLISON. Certainly; I will consent to almost anything. I would be willing to close up this matter without further debate. However, if we do not make some arrangement respecting it, we shall occupy the whole of this week in general debate, which I am perfectly willing to consent to; but I think that this bill should be out of the way before we engage in any other extended business.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. With pleasure.

Mr. LODGE. It seems to me that it is very important in making this arrangement that we should avoid banking all these amendments to be voted on at the last moment. Then a great many amendments will be brought forward and presented to the Senate when not a word can be said either in opposition to or in favor of them. I think there ought to be a certain number of days allotted to the consideration of and voting on amendments. To bank them all up on the last day, as is now the practice whenever we make a general agreement, I think would be very unfortunate. I like the form of the request of the Senator from South Carolina as he sent it to the desk, though I think if he fixes the date on Thursday and we devote every day of next week to the consideration of amendments it would be better.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Indiana?

Mr. TILLMAN. Yes.

Mr. BEVERIDGE. I think it is perfectly apparent that the remainder of this week under general debate will take care of itself in the good discretion of Senators; but in view of the large number of amendments, the very great importance of a large number of those amendments, the desire of Senators to discuss them and of other Senators to hear them discussed, and in view of the fact that we have all spent so much time upon this bill, I suggest that the remainder of this week be devoted, as it is, to general debate on the unfinished business, and that all of next week, beginning with Monday and ending with Saturday, at which time we take the vote——

Mr. GALLINGER and others. Oh, no.

Mr. KEAN. Make it the 9th. Do not put it off another day.

Mr. BEVERIDGE. So far as I am concerned, I am making the suggestion, and the Senator can object; but it seems to me when we are coming to a final discussion of the amendments themselves, it is more important to add one day or two days than it is to subtract one day or two days.

I think further, Mr. President, that debate under the ten-minute rule upon amendments such as are offered to this bill, is a far too limited debate. There is hardly a Senator here who can discuss one of the amendments as he wishes to discuss it, or as the Senate wishes to hear it discussed, under the ten-minute rule. It ought to be not less than twenty-five minutes. So I suggest, as a basis of modifying what has already been suggested, that the remainder of this week be devoted to general debate and that all of next week be devoted to amendments, to be taken up and discussed under the thirty-minute rule or the fifteen or twenty minute rule, but certainly not under the ten-minute rule, and that they be voted upon as soon as the discussion upon each of them is completed. What does the Senator say to that?

Mr. TILLMAN. I still stick to my original proposition, if I can get the Senate to agree to it, but I am unwilling to go beyond the 9th of May for the final vote. In the meantime the Senate can control everything in its own way. We start in the morning. If there are any set speeches on hand let them be delivered, and if there are no such speeches, some Senator can call up an amendment, and when we get through the discussion of that amendment we can vote on it then and there.

Mr. BAILEY. Mr. President——

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

Mr. TILLMAN. With pleasure.

Mr. BAILEY. I was about to suggest that we first agree to vote on the 9th of May. Let that question be settled, and then it will be an easy matter, as soon as the general debate has been exhausted, to take up the amendments and discuss and dispose of them as they always are discussed and disposed of here.

Mr. BEVERIDGE. Will the Senator consent to vote on the 10th and devote three days next week to the amendments?

Mr. BAILEY. The Senator from South Carolina has that matter in charge. If that is not agreeable, then I suggest that, beginning on Saturday, we take up the amendments, discussing them and disposing of them as we proceed with them, under the fifteen-minute rule. Ten minutes is the usual limit; but, acceding to the suggestion of the Senator from Ohio [Mr. FORAKER], I make the suggestion that the vote be taken on Wednesday, May 9, beginning at 2 o'clock in the afternoon; that beginning on next Saturday morning the amendments be taken up, considered under the fifteen-minute rule, and disposed of as they are considered.

Mr. ALLISON. Does that mean that during all of next week the amendments shall be disposed of as they are reached?

Mr. BAILEY. As they are reached.

Mr. ALLISON. Under the fifteen-minute rule?

Mr. BAILEY. Yes.

Mr. ALLISON. Now, if the Senator will allow me to make one other suggestion, there should be, it seems to me, some rule as respects amendments. There are forty or fifty amendments pending to the bill.

Mr. GALLINGER. Sixty-odd.

Mr. ALLISON. Sixty-odd——

Mr. TELLER. Seventy.

Mr. ALLISON. Seventy, we will say, and I do not know

how many more that are to be projected later. I think the wisest way to dispose of these amendments will be to take up the bill by sections in their order, and dispose of the amendments to each particular section. Otherwise we shall have a scramble here about amendments and confusion that will occupy time that ought to be occupied in intelligent debate.

Mr. BAILEY. I think that is an excellent suggestion; but we, of course, must have it understood that if we reach 2 o'clock without having disposed of the amendments, they will then be still subject to a vote. That will give every Senator a vote upon his amendment.

Mr. MORGAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. TILLMAN. Certainly.

Mr. MORGAN. Mr. President, the suggestion made by the Senator from Iowa [Mr. ALLISON] a moment ago is, I understand, exactly in conformity with the parliamentary law that controls bills before this body. The pending bill was reported here without any amendments having been suggested to it by the committee. Therefore there is no preference to be given to one amendment over another in respect to the time of its consideration.

The parliamentary law, as I understand it, Mr. President, the universal usage in the parliamentary bodies of England and the United States, is that a bill, after it has been read, shall be taken up by sections for amendment, and each section passed upon, and the amendments thereto discussed, considered, and voted upon. I am perfectly willing that that rule shall be observed so far as I am concerned. That, of course, terminates general debate, as we call it, whenever we agree to take up the bill for amendment, read the sections from first to last consecutively, and call for amendments to each section as it is reached. That will terminate the general debate. Then, if Senators want a limitation upon the time for the discussion of the amendments, respectively, as they are presented, the Senate can agree upon that, of course.

But I venture to suggest that when we have a motion to lay on the table, which cuts off debate, that it is quite easy to dispose of all amendments by that motion. If they are laid on the table, they are ended, and if they are kept up for consideration by refusal to lay on the table then we understand that that is an important matter upon which a vote by yeas and nays is going to be taken. I think there is ample power in the Senate in the use of that motion to control the time upon the discussion of amendments, and it ought to be freely resorted to. No Senator ought to feel at all discommoded or sensitive because another Senator chooses to try to bring debate to a close by a motion to lay on the table. If we go at it in that way, the only thing, it seems to me, that is necessary to be done is to recognize that rule and to agree on a day when we will take up the bill to be considered, section by section, with the amendments thereto.

Mr. BACON. We are unable to hear the Senator from Alabama, and we would like to very much, because he is proposing what we will have to agree to or disagree to.

Mr. MORGAN. I was merely suggesting, I will say to the Senator from Georgia, that I am perfectly willing to fix a day—I do not care when it is; to-morrow, so far as I am personally concerned—when the bill shall be taken up and be read by sections for amendment; each section read and disposed of, with all the amendments pending or that may be offered to it; get through with that, and go on to the next. That will bring the conclusion of this debate very much sooner than we can reach it by any agreement we may make here, because I would not consent to naming to-day a day when the final vote on this bill shall be taken.

I believe a final vote will be reached earlier if we pursue the course suggested by the Senator from Iowa than in any other way we may possibly deal with this matter. Therefore I may be considered to be here as objecting to fixing a day for a final vote on this bill. The final vote will come when the amendments are disposed of.

Mr. ALDRICH. This discussion has shown the wisdom of the suggestion made by the Senator from Texas [Mr. BAILEY], that we first agree upon a time for taking the final vote, and then let us see if we can agree upon the details as to what shall be done between now and then.

Mr. MORGAN. I shall object.

Mr. ALDRICH. I hope the Senator from South Carolina will confine his present request to asking that a day be fixed for a final vote.

Mr. TILLMAN. Very well. I ask unanimous consent that Thursday, the 10th, be fixed as the day when we shall take a final vote on it.

Mr. MORGAN. I object, Mr. President.

The VICE-PRESIDENT. Objection is made to the request of the Senator from South Carolina.

Mr. LODGE. Mr. President, I think it is perfectly obvious that the agreement on the amendments must go with the agreement on the final vote. Can we not agree that on Monday next we will take up the bill, to be read section by section for amendment, the debate to proceed under the fifteen-minute rule, and that on Thursday, at 2 o'clock, the final vote be taken on the bill and all amendments still remaining or to be offered?

Mr. BACON. Mr. President, I am quite agreeable to the fixing of any date Senators may desire. I am willing that it shall be either the 9th or the 10th. I think, however, from what we have seen heretofore when a definite hour has been fixed for voting on an important measure, that it is better simply to fix the day instead of fixing the hour. I do not say this because of any disposition to delay the vote. I am willing to agree to that day or an earlier day. I think it would be better to fix simply the day, and say we will vote on that day. Senators will all recollect the fact that when we have had important legislation here, as suggested by the Senator from Iowa, in the last moment amendments are crowded in, and even after the voting has begun amendments are offered, and Senators are required to vote yea or nay without being able to state the reasons which actuate them in the giving of that vote. I do not know what amendments are going to be offered. There are some as to which, if they are offered, I desire to be able to state the reason why I shall vote one way or the other.

Mr. LODGE. Under my proposition and under the proposition of the Senator from South Carolina there would be three days for that purpose. The Senator from South Carolina proposed a week.

Mr. TILLMAN. This week and all of next week, up to the day of voting.

Mr. LODGE. I propose three entire days to take up and dispose of amendments, and we ought to reach 2 o'clock on Thursday with the amendments pretty thoroughly disposed of.

Mr. BACON. The Senator also proposed, if I understood him correctly, that at 2 o'clock we proceed to vote upon the amendments offered and to be offered.

Mr. TILLMAN. That has to be there.

Mr. LODGE. That has to be in, of course.

Mr. BACON. That is the reason why we should have a day rather than an hour fixed.

Mr. LODGE. We are to have three days not only to discuss, but to dispose of amendments, and by that time we shall have disposed of most of them. And, moreover, I think it would be very unfortunate not to fix an hour, because that may drag it out a day or two with recesses.

Mr. BACON. Not at all. The Senator says we will have three days in which to dispose of amendments. Those three days will certainly not be devoted to the consideration and discussion of amendments offered after 2 o'clock on Thursday, if 2 o'clock is the hour fixed for a vote. And for that reason I think it would be better not to fix an hour. I think by having several days devoted to the consideration of amendments, most of the subjects upon which amendments will be offered will have been very fully discussed, and possibly there may not be many amendments thereafter offered.

Mr. LODGE. But we are to vote all through those three days.

Mr. BACON. That is true; and for that reason there will be very little left to offer amendments upon or to discuss after 2 o'clock on Thursday, but it may be very important that it should be done.

Mr. TILLMAN obtained the floor.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. With pleasure.

Mr. HALE. May I ask the Senator how he proposes to take up the time, on the last suggested proposition, for the rest of the week, between now and Saturday? How many reluctant Senators has he on his list who desire to be heard?

Mr. TILLMAN. I have heard of only two. It seems it is almost impossible to get a unanimous-consent agreement, though I am going to try once more, and then I will notify the Senate as to what my plan will be.

I again ask unanimous consent that we take the final vote on this bill and all amendments pending thereto or to be offered on Thursday, the 10th of May, beginning at 2 o'clock.

Mr. MORGAN. I am willing to fix any day anybody may name for taking up this bill and considering it by sections for

amendment, but I will not consent to fixing a day for a final vote on the bill.

The VICE-PRESIDENT. The Senator from Alabama objects.

Mr. TILLMAN. The Senator has a right to object, and therefore I recognize my duty, and that is to notify the Senate that every hour, after the morning business is over, I am going to keep this bill before the Senate, if the Senate will back me in that, and I will keep it there until we get a vote on it.

Mr. MORGAN. That is all right.

Mr. HALE. The Senator can do that; and the only way is to ask that the Senate proceed to vote on whatever amendment is pending, if no Senator is ready to go on and speak. The Senator has found a solution of this whole business.

Mr. TILLMAN. I will try to get unanimous consent.

Mr. HALE. Will the Senator wait a moment?

Mr. TILLMAN. Certainly.

Mr. HALE. If the Senator, when this bill comes up, will see whether any Senator desires to go on and debate it in his own way, which we can not restrain—we never have—and if nobody is ready, the Senator will then invoke the assistance of the presiding officer and ask what amendment is pending, and push the matter to a vote, he will soon be out of the woods.

Mr. TILLMAN. I was going to ask now for unanimous consent that whenever this bill is before the Senate and any amendment is offered we shall vote on that amendment as soon as we have discussed it.

Mr. HALE. The Senator does not need to ask that.

Mr. TILLMAN. No; but I want to get an agreement on that, because some man may turn in and go to speaking by the hour in order to kill time.

Mr. HALE. That you can never hinder. But if the Senator will insist, when the time comes and the bill is before the Senate, that either some Senator shall go on and debate it in his own way or that the Senate shall vote upon the pending amendment, I say he will soon be out of the woods.

Mr. TILLMAN. I have already given notice that that is my purpose after to-morrow.

Mr. NELSON. I want to suggest to the Senator from South Carolina that the next parliamentary stage of this bill is to read it for amendment. It has not been read for amendment, and the next step is to call it up and have it read for the purpose of amending it in Committee of the Whole. If the Senator follows that step, we can take up these amendments one by one and dispose of them.

Mr. TILLMAN. As they are offered.

Mr. NELSON. As they are offered.

Mr. FRYE. Why can it not be agreed that whenever the amendments are reached for consideration the debate on the amendments shall be under the ten or the fifteen minute rule?

Mr. TILLMAN. I would be glad to get an agreement to that effect.

Mr. FRYE. Can you not get that?

Mr. TILLMAN. I will try.

Mr. BACON. I suggest to the Senator that possibly it might be well to modify the request so as to give the proponent of an amendment a little more time than other Senators who may wish to discuss the amendment.

Mr. TILLMAN. I have never found that any man who had anything to say here could not get all the time he wanted. It is only when he is long-winded and is full of words without ideas that people do not want to hear him.

Mr. BACON. I presume the Senator is correct, but his suggestion can not be applicable to me.

Mr. TILLMAN. I am not applying it to anyone. The Senator is too thin skinned if he applies that to himself, because he gives us a great deal of pleasure when he speaks.

Mr. BACON. The Senator from South Carolina is indulging in euphemisms, as he usually does. Nevertheless, I want to say what I was about to say when the Senator interrupted me, that whatever may be the disposition of the Senate to give to an interesting speaker all the time he desires, if there is a unanimous-consent agreement that debate shall be limited to fifteen minutes that desire on the part of the Senate could not be gratified.

Mr. TILLMAN. Except by unanimous consent.

Mr. BACON. We do not ingraft one unanimous-consent agreement upon another unanimous-consent agreement. When we make a unanimous-consent agreement, it is considered in the Senate as the most binding of all proceedings and is most scrupulously regarded by all Senators as something the binding force of which may not thereafter be called in question by any subsequent occurrence or occasion. While, of course, I will not press the suggestion at all, and I do not know that I should avail myself of it, even if the proposed unanimous-consent agreement should be modified, it does look as if possibly there might be some propriety in the suggestion that the proponent of an amendment might require a little more time to properly present it to the Senate than those of us who might desire to follow him in the discussion.

Mr. TILLMAN. If it is the desire of the Senate to give the mover of an amendment longer time than anyone else, I am perfectly willing.

Mr. BACON. Only for the original presentation of it. I do not mean in the subsequent discussion.

Mr. TILLMAN. I do not believe the Senate will agree to it.

Mr. FRYE. Have we not had amendments pretty thoroughly discussed already during this debate, and if we are ever going to be familiar with the rate bill is it not possible that we may be reasonably familiar with it by this time? I hope the Senator will ask unanimous consent that a day be fixed on which to start with the amendments, because every Senator desires to be here when the amendments are under consideration. Suppose the Senator asks that next Friday or next Saturday or next Monday——

Mr. TILLMAN. I will make another effort to get unanimous consent. I ask unanimous consent that on Wednesday——

Mr. FRYE. What?

Mr. TILLMAN. That on Wednesday, the coming Wednesday, day after to-morrow——

Mr. FRYE. That is first rate.

Mr. TILLMAN. The Senate proceed to the consideration of amendments to this bill.

Mr. FRYE. Under the ten-minute rule.

Mr. TILLMAN. Under the fifteen-minute rule.

Mr. CULBERSON. Mr. President, I stated a while ago to the Senator from South Carolina that I was advised that some Senators desire to speak longer on the general bill than fifteen or twenty minutes.

Mr. TILLMAN. I will say Friday.

Mr. CULBERSON. Wednesday is too early.

Mr. FRYE. Make it Monday.

Mr. LODGE. Make it Monday.

Mr. FRYE. Make it next Monday.

Mr. TILLMAN. I will try Friday. I ask unanimous consent that on Friday next the Senate will proceed to the consideration of this bill, taking up the amendments as they are offered and disposing of them after discussion under the fifteen-minute rule.

Mr. BACON. I suggest to the Senator that the suggestion of the Senator from Minnesota [Mr. NELSON] is the proper one, that the bill be taken up in its regular parliamentary stage.

Mr. ALLISON. By sections.

Mr. BACON. By sections rather than that amendments should be disposed of as offered.

Mr. TILLMAN. There are so many cooks that I can not keep up with the suggestions as to where to put the pepper and the salt, but I will agree to anything the Senate will agree to.

Mr. ALDRICH. Two or three suggestions have been made, one by the Senator from Georgia and another by the Senator from Iowa, that we take up the bill in proper order. The custom of the Senate is that when a bill is reported it is read for amendments. The committee amendments are acted upon first. If there are no committee amendments, as there are none in this case, amendments are offered to the bill generally. Of course you can not preclude a Senator from offering an amendment to the first section after all the sections have been read. Amendments are not only in order after that time, but they are in order in the Senate. That has been the parliamentary rule.

So I see no particular value in the suggestion that we agree to follow that course—that is, that after the bill has been read through, section by section, any amendment shall be in order to any section of the bill, and that when one is offered to the first section and is disposed of, we will, in like manner, go through the whole twenty sections, or whatever number of sections there are, and after the twentieth section has been disposed of any Senator may offer an amendment to the first section. I can see no particular good in getting an agreement of that kind because that is the course which we would necessarily follow.

Mr. ALLISON. The Senator will see that there being sixty or seventy amendments unless we proceed reasonably in order it will take a long time. Of course a Senator can withhold his amendment until we get through with the reading of the bill for amendment, and amendments can be offered to the bill in the Senate. But my suggestion was for an orderly proceeding, not that I sought in any way to cut off anyone. That I know could not be done, and there is no disposition to do it.

Mr. ALDRICH. I have no objection to taking up the bill by sections, and disposing of as many amendments as possible from time to time, understanding all the time that any amend-

ment is in order to the bill, as it always has been under the practice of the Senate and as it is under the rule of the Senate, until the bill is finally passed to a third reading.

Mr. FRYE. An amendment is in order now. An amendment is in order any day and at any hour.

Mr. ALDRICH. I understand that. So when we talk about parliamentary practice and the rules of the Senate, they are not very orderly and never have been in the consideration of amendments.

Mr. TELLER. If the Senator who has this bill in charge will call it up after to-morrow and pursue the very course he suggested, we will, in my judgment, get through with it within the time which he has endeavored to have fixed for voting. Of course, there are unlimited opportunities here to offer amendments. After we get through all these amendments, somebody may offer another one, if he wants to. I have noticed in the Senate, however, that whenever that is done in a spirit of delay the amendment is pretty apt to go to the table without any further discussion or interference with the business. The Senate has it in its power all the time to hasten this matter, if it desires to do so. Nobody wants to cut off debate. Those who want to debate will have to-morrow and the next day. It seems to me that is time enough. I understand there are only two set speeches to be made. One can be made to-morrow and the other the next day. Then we can take up the bill under the ten or fifteen minute rule.

Mr. TILLMAN. We have not any agreement to any rule yet.

Mr. LODGE. It seems to me it is important that all Senators should have due notice of two things—when the final vote is to be taken and when the voting on amendments is to begin. I think there ought to be notice of those two facts.

Mr. TILLMAN. I have tried to get an opportunity to do that.

Mr. LODGE. I know the Senator has. I am entirely agreed with his original proposition.

Mr. TELLER. So am I.

Mr. TILLMAN. But the Senator from Alabama [Mr. MORGAN] has said that he will object to any request that a day be fixed for a final vote. Therefore that is settled. All I can do is to call on the Senate to take this matter under consideration and have it considered, and if Senators are not ready to talk, we have got to vote.

Mr. LODGE. I misunderstood the Senator from Alabama. I understood him only to object to fixing a time for a final vote without fixing a time for voting on the amendments.

Mr. TELLER and others. No.

Mr. LODGE. If he objects to a final vote, that ends it.

Mr. MORGAN. I am willing to name a day for taking up the amendments to this bill in the order of the sections, section by section. I am willing to go further and limit the time for debate upon amendments, if you please, to fifteen minutes, but I am not willing to fix a day for a final vote on this bill.

Mr. FRYE. Then why can not the Senator from South Carolina get an agreement that on Monday next the Senate will proceed to consider amendments to this bill in parliamentary order?

Mr. TILLMAN. It is too far off. I want a time sooner than that.

Mr. HALE. Why wait so long?

Mr. FRYE. Try Friday; under the fifteen-minute rule. Those two things can be settled, and we can leave the final vote to further determination.

Mr. HALE. Let me make a suggestion to my colleague. Why wait until Monday?

Mr. FRYE. I have no disposition to wait until Monday. If there is any way to get through with this rate bill, I want to get through with it.

Mr. HALE. Why not to-morrow or the next day?

Mr. TILLMAN. I have tried for unanimous consent and have not been able to obtain it. I now renew my notice that I shall try to get this bill up after the routine morning business and hold it before the Senate, and Senators will have to speak or vote.

Mr. HALE. That is right.

Mr. BAILEY. I believe the Senator from South Carolina can get an agreement that next Friday morning we shall take up this bill, to be read by sections; that as each section is read amendments to that section shall be in order, and that each amendment shall be subject to consideration under the fifteen-minute rule, and when considered shall be disposed of. I believe the Senator can get that.

Mr. FRYE. So do I.

Mr. TILLMAN. I will ask unanimous consent for that.

The VICE-PRESIDENT. The Secretary will report the request of the Senator from South Carolina for unanimous consent.

The Secretary read as follows:

It is agreed, by unanimous consent, that on Friday, May 4, 1906, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill H. R. 12987, the bill to be read by sections for the purpose of amendment, the discussion upon amendments to proceed under the fifteen-minute rule——

Mr. TILLMAN. And amendments to be disposed of when the discussion closes.

The Secretary read as follows:

The amendments to be disposed of when the discussion thereon is concluded.

The VICE-PRESIDENT. Is there objection?

Mr. ALLISON. I do not object, but I want to understand the import of this proposition. I understand it to be that beginning Friday morning the debate upon this bill shall be limited to fifteen minutes.

Mr. TELLER. That is it.

The VICE-PRESIDENT. That is it.

Mr. ALLISON. That general debate shall close on Friday morning.

Mr. MORGAN. That is the effect of it.

Mr. TILLMAN. Thursday night.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Carolina? The Chair hears none.

Mr. MALLORY. There seems to be some difference of opinion as to when this shall begin. I should like to be advised on that point.

Mr. TILLMAN. It starts Friday morning immediately after the routine morning business.

The VICE-PRESIDENT. Friday morning at the conclusion of the routine morning business. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. CARTER. 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 one hour and twenty-three minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Tuesday, May 1, 1906, at 12 o'clock meridian.

CONFIRMATION.

Executive nomination confirmed by the Senate April 30, 1906.

MARSHAL.

Milo D. Campbell, of Michigan, to be United States marshal for the eastern district of Michigan.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 30, 1906.*

The House met at 12 o'clock noon.

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

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

LEAVE OF ABSENCE.

Mr. MOORE, by unanimous consent, was granted leave of absence for ten days, on account of important business.

Mr. MILLER, by unanimous consent, was granted leave of absence for ten days, on account of important business.

APPOINTMENT OF MANAGERS FOR SOLDIERS' HOME.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 145, for the appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

The Clerk read the joint resolution, as follows:

Resolved, etc., That Charles M. Anderson, of Ohio; WILLIAM WARNER, of Missouri; Franklin Murphy, of New Jersey, and JAMES W. WADSWORTH, of New York, be, and the same hereby are, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States; Charles M. Anderson, WILLIAM WARNER, and Franklin Murphy to succeed themselves, their terms of service expiring April 21, 1906; JAMES W. WADSWORTH to succeed Gen. Martin T. McMahon, deceased, whose term of office expires April 21, 1910.

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

The resolution was ordered to be engrossed and read a third time; and it was read the third time, and passed.

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

GEN. HORACE PORTER.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk, extending the thanks of Congress to Gen. Horace Porter.

The Clerk read the joint resolution, as follows:

Be it resolved, etc., That the thanks of the people of the United States are justly due and are hereby tendered to Gen. Horace Porter, late ambassador to France, for the disinterested and patriotic services in conducting upon his own initiative and at his own expense a series of researches and excavations extending over a period of six years, and resulting in the recovery of the body of Admiral John Paul Jones from a forgotten grave in a foreign land and its return to the country which he had loved so well and so heroically served.

Mr. OLMSTED. Mr. Speaker, I desire to amend that by adding a further resolution.

The Clerk read as follows:

Resolved, That Gen. Horace Porter be requested to furnish Congress a copy of his remarks at the exercises at Annapolis, April 24, 1906, and that, when received, said remarks be printed in the RECORD.

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

Mr. BARTLETT. Mr. Speaker, I do not intend to object to this. I think it is most appropriate. I had the honor and pleasure of listening to that most chaste and eloquent address of that distinguished gentleman who rendered such service to the country in restoring to the United States the remains of this distinguished naval officer, the founder of the American Navy.

I rise to give my approval to the resolution, to indorse it, and hope that this most chaste and eloquent address may be, when a copy of it is furnished to the House, printed in the CONGRESSIONAL RECORD, and that the gentleman from Pennsylvania, or some one, will see to it that it is printed in such a form that it can be distributed to the country, so that every American can have an opportunity to read it.

Mr. BENNET of New York. Will the gentleman from Pennsylvania yield to me?

Mr. OLMSTED. For a question.

Mr. BENNET of New York. Would it not be wise to provide that it be printed as a document?

Mr. OLMSTED. That can be attended to later.

Mr. BARTLETT. I would suggest to the gentleman from New York that if that matter be left to the Committee on Printing, probably they would provide for it being printed in a more useful and ornamental way than it would be if it were printed as a document.

Mr. OLMSTED. I understand that will be attended to by that committee later.

Mr. Speaker, General Porter is the son of a former governor of Pennsylvania. He spent his boyhood days and acquired his early education in Harrisburg and commenced his brilliant career by appointment to the United States Military Academy, at West Point, by one of my predecessors in Congress from that district. Owing to that fact and to my long personal acquaintance with and friendship for him, it affords me unusual pleasure to offer this resolution, and I desire to express my appreciation of the courtesy of the gentleman from Illinois [Mr. RAINEY], who, having prepared a similar resolution, kindly gave way in my favor.

Mr. Speaker, it is not my purpose to take up needlessly the time of the House in the discussion of a resolution for which I am sure every Member intends to vote. But I do desire to add a few words.

Mr. Speaker, whether in the field of arms or in the field of diplomacy General Porter has always deserved well of the American people. It is not too much to say that since the days of Benjamin Franklin we have not been more successfully, effectively, or brilliantly represented at Paris than by him. This resolution, however, deals with a patriotic, unselfish, and an unique service outside the line of official obligation or duty, the history of which is too fresh in our minds to require elaboration.

When on the 14th of June, 1777, Congress unanimously resolved "that the flag of the thirteen United States be thirteen stripes alternate white and red; that the Union be thirteen stars, white in a blue field, representing a new constellation," it declared in the same resolution that Capt. John Paul Jones be appointed to command the ship *Ranger*, whose guns were shortly to awaken those echoes of glory which shall continue to reverberate around the globe while deeds of valor find commendation in the hearts of men. He was the first to unfurl that flag over an American man-of-war. The first salute of honor ever paid to it by a foreign nation was received by him and the first hostile colors struck to it at sea were surrendered into his hands. The white stars in that field of blue have now increased to forty-five, but never have they shone upon a defender more gallant than John Paul Jones. In the war for American independence he engaged in no less than twenty-three naval battles and never once permitted that flag to be lowered. He would not surrender and he would not be conquered. He made the first successful invasion of the British coast that had been accomplished in five hundred years. His services in behalf of American independence were so distinguished and so successful that he received signal honors from three governments. He died in Paris in 1792. His body was preserved in alcohol in a leaden coffin, hermetically sealed, with the thought that it would be reclaimed by the land he had so wonderfully served and honored. Buried in a little cemetery, owned by the Government as the resting place of foreign Protestants, at a time when the violence of the French Revolution was at its height, his grave was either not permanently marked or the marking was effaced in the disorders of that turbulent time. Eventually the little cemetery itself was filled in with earth and covered with buildings and even its exact location difficult to find. Some of the burial records of the day were destroyed by the Commune, and in one important instance several important leaves were missing which it took years to trace.

Arriving in Paris as our ambassador, General Porter found everywhere marks of the esteem in which Paul Jones was held by the French nation, and was mortified to find that we were looked upon as ungrateful in that his remains had received no attention at our hands. For a period of six years, commencing in 1899, he devoted his time, energy, and money to a search, the story of which reads almost like a romance, resulting in the location of the cemetery, and, after extensive and costly excavations, the discovery of the body itself, whose identification was so absolute and complete as to receive the official indorsement of two nations. An American squadron, under Admiral Sigsbee, was sent to bring it home, and only last week it was laid away at Annapolis with all the honors which a great and grateful nation could bestow.

General Porter's services in this direction have involved a personal outlay of not less than $35,000, for which he has generously and patriotically declined to be reimbursed, and asked that the amount may be added to the proposed cost of the crypt in the chapel at Annapolis in which the remains of John Paul Jones will finally rest. He has measurably relieved this nation from the charge of ingratitude toward one of its earliest and greatest naval defenders.

This resolution involves no expenditure of money; it confers neither rank nor title; it is the simplest possible method of saying to General Porter, on behalf of the American people: "For enabling us to reclaim and do honor to the remains of one whose name and fame are so gracefully and enduringly enwreathed in the folds of our flag, we thank you."

The amendment was considered, and agreed to.

The joint resolution was agreed to.

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

DAMS ACROSS COOSA RIVER, ALABAMA.

Mr. BOWIE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15334) to authorize the construction of dams and power stations on the Coosa River, at Lock 2, Alabama, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the bill of which the Clerk will report the title.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. BURTON of Ohio. Mr. Speaker, reserving the right to object, I would like to ask a few questions. As I understand it, navigation in this portion of the river has been entirely abandoned.

Mr. BOWIE. That is my information; yes; and the War Department recommends the passage of the bill.

Mr. BURTON of Ohio. Is it in the gentleman's district?

Mr. BOWIE. Yes; it is in my district. It is a local bill.

Mr. BURTON of Ohio. The gentleman from Alabama [Mr. BOWIE] does not intend to advocate any improvement to navigation in that locality?

Mr. BOWIE. Any improvement to navigation?

Mr. BURTON of Ohio. Yes.

Mr. BOWIE. At this locality? At Lock 2? I do not intend to advocate anything more at Lock 2 than is there already. I simply want this dam across the abandoned portion of the river for the purpose of creating a power.

Mr. BURTON of Ohio. There is no navigation there at this time and none is expected.

Mr. BOWIE. There is navigation between Locks 2 and 3.

Mr. BURTON of Ohio. Yes.

Mr. BOWIE. Navigation, as the gentleman will remember, extends down to Lock 3.

Mr. BURTON of Ohio. But this is below Lock 3.

Mr. BOWIE. No; it is below Lock 2. It is between Locks 2 and 3, and navigation extends to Lock 3, but this dam will be erected in the abandoned portion of the river.

Mr. BURTON of Ohio. The gentleman does not intend to ask, nor his constituents, as far as he knows, for any improvement at that point?

Mr. BOWIE. That is right.

Mr. BURNETT. Mr. Speaker, the original bill, as I recollect it, said something about constructing a dam across the river. Is it intended by that to construct it clear across the river or just the abandoned portion?

Mr. BOWIE. In the abandoned portion. That is what the bill says.

Mr. BURNETT. Very well. As I understand it, there is an island in the river, I will say to the gentleman from Ohio [Mr. BURTON].

Mr. BOWIE. It is in the abandoned portion of the river.

Mr. BURTON of Ohio. I would like to understand that more fully. This does not reach across the river?

Mr. BOWIE. No.

Mr. BURTON of Ohio. But only to an island.

Mr. BOWIE. It reaches only, according to the bill, across the abandoned portion of the river.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That any riparian owner, whether person, company, or corporation, having authority therefor under the laws of the State of Alabama may hereafter erect, maintain, and use a dam or dams in or across the Coosa River, in the State of Alabama, at such points at or near Lock 2 as they may elect and the Secretary of War may approve, between a point on the eastern side of the river in the abandoned portion thereof at a point below the United States Government dam at Lock 2 and above the navigable portion of the river between Locks 2 and 3, for the purpose of erecting, operating, and maintaining power stations and to maintain inlet and outlet races or canals and to make such other improvements on the eastern bank of the Coosa River between the two points above mentioned as may be necessary for the development of water power and the transmission of the same, subject always to the provisions and requirements of this act and to such conditions and stipulations as may be imposed by the Chief of Engineers and the Secretary of War for the protection of navigation and the property and other interests of the United States.

SEC. 2. That detailed plans for the construction and operation of a dam or dams and other appurtenant and necessary works shall be submitted by the person, company, or corporation desiring to construct the same to the Chief of Engineers and the Secretary of War, with a map showing the location of such dam or other structures, with such topographical and hydrographic data as may be necessary for a satisfactory understanding of the same, which must be approved by the Chief of Engineers and the Secretary of War before work can be commenced on said dam or dams or other structures; and after such approval of said plans no deviation whatsoever therefrom shall be made without first obtaining the approval of the Chief of Engineers and the Secretary of War: *Provided*, That the constructions hereby authorized do not interfere with the navigation of the Coosa River: *And provided further*, That said dam or dams and works shall be limited only to the use of the surplus water of the river, not required for the navigation of the Coosa River, and that no structures shall be built and no operations conducted by those availing themselves of the provisions of this act which shall injure or interfere with the navigation of said river or impair the usefulness of any improvement made by the Government in the interest of navigation.

SEC. 3. That the Government of the United States reserves the right, at any time that the improvement of the navigation of the Coosa River demands it, to construct, maintain, and operate, in connection with any dam or other works built under the provisions of this act, suitable lock or locks or any other structures for navigation purposes, and at all times to control such dam or dams or other structures, and the level of the pool caused by such dam or dams, to such an extent as may be necessary to provide facilities for navigation; and whenever Congress shall authorize the construction of such lock or other structures, the person, company, or corporation owning and controlling such dam or dams or other structures shall convey to the United States, under such terms as Congress shall prescribe, titles to such land as may be required for the use of such lock and approaches, and in addition thereto shall grant to the United States, free of cost, the free use of water power for building and operating such constructions: *Provided also*, That the person, company, or corporation building, maintaining, or operating any dam or dams or other structures under the provisions of this act shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise, in a court of competent jurisdiction. The person, company, or corporation owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe.

SEC. 4. That all the rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall at any time fail to comply with any of the provisions or requirements of this act, or with any of the stipulations that may be prescribed by the Chief of Engineers and the Secretary of War, or in case a person, company, or corporation authorized by the laws of the State of Alabama to erect and maintain a dam and improvements as contemplated by this act shall fail to begin the erection of said dam and improvements within two years after being so authorized and shall fail to complete the same within five years after obtaining such authority.

SEC. 5. That the provisions of this act shall in no manner interfere with or impair the rights of any person, company, or corporation heretofore authorized by Congress to erect a dam or other structures for the development of water power on the Coosa River.

SEC. 6. That the right to alter, amend, or repeal this act is expressly reserved.

With the following amendment:

On page 4, in line 5, after the word "jurisdiction," add the following:

"*Provided further*, That any injury or damage to the navigable capacity of the Coosa River or to the works of improvement of the United States in the said river which may result from the construction of the dam and other works herein authorized, or any alteration, enlargement, or change in said works of improvement which may, in the judgment of the Secretary of War, be made necessary by the construction of said dam and other works, shall be made good and completed at once by those availing themselves of the provisions of this act, their executors, successors, and assigns, and failing this, such injury or damage may be remedied, and such alteration, enlargement, or change may be completed by the United States, and the cost of the work so required shall be paid by the grantees, their heirs or assigns, and to secure the payment for any work thus done by the United States a bond, with good and sufficient security, in a sum judged adequate by the Secretary of War for the payment of the cost of said work shall be executed and filed with the Secretary of War before any advantage shall be taken of the provisions of this act."

The SPEAKER. The question is on the amendments.

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

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

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

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

ORDER OF BUSINESS.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent——

Mr. GARNER. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Texas demands the regular order.

AGRICULTURAL APPROPRIATION BILL.

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

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill, with Mr. FOSTER of Vermont in the chair.

Mr. RIXEY. Mr. Chairman, I move to strike out the last word of the paragraph last read. I am informed that the distinguished chairman of the Committee on Agriculture is a very extensive and successful farmer of the great State of New York, which he represents with so much distinction upon this floor. He is also, I am glad to state, devoting his energies and his ability and financial resources to some extent in developing the great dairying interests in the district which I have the honor to represent, and I not only welcome him, but I would welcome all others who have energy and ability and financial resources to take advantage of the opportunities which the whole State of Virginia offers for investors. But, Mr. Chairman, it seems to me that the gentleman from New York [Mr. WADSWORTH] and the gentleman from Connecticut [Mr. HENRY] have formed their opinions in regard to the free-seed distribution from interested sources, taking their opinions, if we are to judge from the RECORD, from the public statements of seed men and the city newspapers. In the RECORD of April 26 I find that the distinguished gentleman from Connecticut [Mr. HENRY] inserted twenty-one extracts from newspapers, most of them city dailies, and many of them decrying the public free-seed distribution, and in the same RECORD there are six pages of small printed matter inserted at the instance of the chairman of the Committee on Agriculture, the gentleman from New York [Mr. WADSWORTH], giving the views of seed men and city newspapers against the seed provision. In the six pages inserted by the chairman of the Committee on Agriculture there are three communications from Peter Henderson & Co., the great seed men of the country, and as many as six extracts from one city newspaper, the Washington Post.

It seems therefore reasonable to assume that the opinions of the gentleman from New York and the gentleman from Connecticut are formed from what they have heard from the seed men and from the city newspapers, all, I hold, interested sources. We can not presume that the metropolitan papers have any personal objection to the free-seed distribution, but the fact is that the seed men advertise with them and they are only too glad to do their advertisers a favor in this respect. It comes with poor grace from the metropolitan papers to protest against the expenditure of $200,000 for seed. These papers state that this distribution of seed accounts in part for the deficit in the postal service. Why, sir, it comes with poor grace, I repeat, from those papers to make that statement. When the post-office bill was under consideration it was stated over and over again that the great city papers were responsible in a large measure for this deficit, and that if we could keep the Sunday papers within reasonable limits it would to some extent decrease the postal deficit. Now, Mr. Chairman, I differ with the chairman of the Committee on Agriculture in regard to these free seeds. I do not claim that they are essential to the farmer. I

do not claim that they are necessary to anybody; but I do say that they are useful to the farming communities in three ways. First, it enables the Department of Agriculture to know what garden seed, flower seed, and other seed furnished should cost. The Department buys the seed in large quantities, and is in communication with the seed men throughout the country, and it has enabled the farmer to ascertain what is a fair price for the seed. In the second place, it enables the Department to do, as is done in some cases, put its finger upon the fraudulent seed dealer and advertise him as such. It enables the Department to say to the country who are the honest dealers and who are the fraudulent dealers. In the third place, it enables the man who does not often go to the city or to the wholesaler—the small farmer, the laboring man who has to depend for his supply of seeds upon what he purchases from the local merchant—to compare the seed he thus buys from the local merchant with the seed that is sent him from the Congressional distribution. The latter is only a sample, but it enables him to make a comparison and see whether a fraud has been perpetrated upon him by the local seed dealer. For these three reasons I think the expenditure is well worth what it costs.

Mr. Chairman, instead of restricting this little concession to the farmer I would enlarge it.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. RIXEY. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to continue his remarks for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY of Connecticut. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Virginia yield?

Mr. RIXEY. Yes.

Mr. HENRY of Connecticut. I did not catch exactly what the gentleman said, but I understood him to say that certain Members were influenced by clippings from city papers, and I would like in the gentleman's time to insert a letter I have received this morning from the director of our State experimental station——

Mr. RIXEY. You can insert that later on, can you not?

Mr. HENRY of Connecticut. I would like to put it in at this time.

Mr. RIXEY. I would prefer you would do that later, because I have only five minutes. Mr. Chairman, instead of cutting off this small appropriation I would extend the powers of the Department along this line. I can readily see that this little concession in regard to garden seed is of no use to the gentleman from New York, and I will concede it is of no use to me; it is a burden upon us both, and I believe we get no special thanks from any of our constituents for it; but, sir, I would like to see the principle extended to field seed for experimental purposes. There is great opportunity for imposition in the purchase of grass and field seeds of all kinds. I doubt not that the clover seed purchased by the gentleman from New York costs him annually more than $500. What I buy, and I am to some extent a small farmer, costs me from two hundred to three hundred dollars a year, and I state here that in my opinion in two years out of three it is practically wasted, of no account, and brings no result. And the reason is that, being no judge of the quality of the seed, having no way of telling how old the seed is, whether it will germinate or not, I am frequently deceived, and the expenditure is worse than useless, as the land has to remain idle for another year.

Now, if this principle were extended, if the Department could furnish small samples of clover seed and other field seed, the farmer could make his comparison and he would be enabled to know whether the local seedsmen have sold him worthless seed or not. When we buy seed now that do not come up, we are told that it is due to the season, that it has been too dry, never too wet, perhaps, and other reasons against it. Let us enable the farmer to make these tests and decide whether he had been imposed upon or not.

Mr. SHEPPARD. May I ask the gentleman a question?

Mr. RIXEY. Yes, sir.

Mr. SHEPPARD. Why do you not send suits of clothes in order that they may compare the price of clothing that they get from the Government and the price of clothes they get elsewhere?

Mr. RIXEY. I have never yet known anyone to desire an opinion as to whether a suit of clothes would cover his nakedness or not, but I have known people who have bought clover seed and did not know whether it would come up until after it was sowed. There is a vast difference between the cases cited.

Now, Mr. Chairman, there is a good deal of talk as to what this seed costs. It costs a mere bagatelle compared with some wasteful extravagances of the Government. I have here on my desk publications which are sent out on various subjects practically every week. There is one called "Results of Primary Triangulations and Primary Traverse;" another "The Drumlins of Southeastern Wisconsin," and another "Weir Experiments, Coefficients, and Formulas." Are such publications of use, and if so, to whom? If anybody wants these documents which are allotted to me he can have them, but I have no seed to give away. If they will curtail the printing of such pamphlets, they will save much more than they will in the seed item. Why, we all know that within the past few years we have been deluged by publications on irrigation subjects. I have not known to whom to send them. I have tried to get rid of them, but they come faster and faster every month, it seems to me. I would say cut down the expenses in the printing line and let this little concession to the farmer remain. [Applause.]

Mr. Chairman, we are told that the expenses for agriculture are mounting up. Why, sir, when we compare it with the other appropriation bills it seems almost nothing. Seven million dollars are appropriated for agriculture and industry——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIXEY. Mr. Chairman, I desire three minutes more.

The CHAIRMAN. The gentleman from Virginia [Mr. RIXEY] asks unanimous consent to continue his remarks for three minutes. Is there objection?

There was no objection.

Mr. RIXEY. While this bill is under consideration, carrying only seven millions for the great agricultural interests, there is reported to this House the naval bill, carrying one hundred millions. The Army bill has been passed, carrying seventy-five millions; the pension bill carried one hundred and forty millions, and the post-office bill carried one hundred and eighty millions. Why should we object to $7,000,000 for agriculture, the foundation and the very support of this Government, that industry which furnishes more of our exports than any other, that industry which pays more taxes than any other, and the industry which gets less benefit from the Government? This bill carries an appropriation for the dairying interest, and some comment had been made upon it because the chairman of the committee, forsooth, is engaged in dairying. I say here that if the bill carried no appropriation it ought to be amended and that great industry ought to be fostered and encouraged. The bill also carried an appropriation of $60,000 for road purposes—for building experimental roads. I would that that amount were larger. I know of no subject in which the people of this country take a deeper interest than in the subject of the improvement of the roads. I would that the Committee on Agriculture, not content with this appropriation of $60,000, had provided an appropriation whereby national aid could be given to the States whenever they wanted to upbuild and improve their public highways. [Applause.]

Mr. Chairman, instead of cutting out this little appropriation, admit it is of doubtful value, which I do not believe; but admit that to be true, why is this House called upon to cut off this appropriation and not to cut down expenses in many other points where they are useless and extravagant? [Applause.] It is, sir, because there are interested people who are fighting this appropriation, and their influence has been brought to bear upon the Members of this House to strike it out and keep it out. [Loud applause.]

Mr. HENRY of Connecticut. Mr. Chairman, in view of the statement which the gentleman from Virginia has just made—that the press of the country have been influenced by improper motives in opposing the free-seed distribution, and so attempting to influence the House, and that farmers and the general public are not unfavorable to such a distribution—I send to the Clerk's desk and ask to have read a letter received from the director of one of our State experiment stations, expressing his views on free-seed distribution. This gentleman is in close touch with the farmers of Connecticut.

The Clerk read as follows:

STORRS AGRICULTURAL EXPERIMENT STATION,
Storrs, Conn., April 27, 1906.

Hon. E. STEVENS HENRY,
Washington, D. C.

MY DEAR SIR: Permit me to congratulate you upon the stand you have taken with reference to free-seed distribution. Your views are entirely right on the matter. The farmers of the country do not wish these free seeds sent to them. The whole business is a laughingstock and the quicker Congress does away with this free distribution of common seeds the better it will be. In my opinion the money could be far better spent in carrying on cooperative experiments with the various experiment stations, rather than in purchasing seeds which can be purchased at every seed store and every grocery store in the country. I congratulate you most heartily.

Yours, very truly, L. A. CLINTON, *Director.*

Mr. GAINES of Tennessee. I move to strike out the last word. I would like to ask the gentleman from Connecticut who the gentleman is whose letter he has just had read?

Mr. HENRY of Connecticut. He has been a director of one of our State agricultural experiment stations for many years, and is in close touch with the farmers of Connecticut.

Mr. GAINES of Tennessee. Another inquiry, Mr. Chairman. I should like to ask the gentleman if he has received any such letters from the farmers of his country.

Mr. HENRY of Connecticut. Yes, sir.

Mr. GAINES of Tennessee. Where are they? What do they say about this question?

Mr. HENRY of Connecticut. Very many of them include resolutions from the local State Grange organization.

Mr. GAINES of Tennessee. I mean the man who toils. The man that drives the horse and works the soil. Have you a letter from him?

Mr. Chairman, I ask the indulgence of the House and committee just a moment, for fear that I may do a possible injustice not only to myself but to Peter Henderson & Co. I have not read very carefully my speech of a day or two ago on this seed question, but in it I said I had not received any communication from my own people protesting against this appropriation. I have not received a single protest from that magnificent agricultural country, one of the finest in the world; and as soon as I learned that this Appropriation Committee had left out this appropriation, in a private conversation, or rather a somewhat private conversation, I said in the presence of one of my home-paper correspondents, that I intended to fight for this free-seed distribution to keep down a seed trust, which I thought would form if we stopped this free-seed distribution. That interview was in part published under a large-lettered head in my home paper—the Nashville Banner, and possibly the Nashville American—yet I have not received a single protest from any man in my district on account of the position I took in the matter. I know that I am right, from my standpoint at least, to thus fight off a seed trust.

I state again that I have made a most careful examination through the books on trusts, and particularly Moody on Truth About Trusts, and found there was no reported seed trust in this valuable work nor in any others I examined, and I then proceeded to get, and did get, a most intelligent and faithful official engaged in investigating trusts, to ascertain if there was in fact an existing seed trust, as I found none reported in these books. After a number of days he said to me that there was no existing seed trust of which he could get any tangible proof. I then asked him if he thought a seed trust would form if we stopped this free distribution of seed. He replied that he thought a seed trust would be formed. He agreed with me that the free distribution of seed has deterred the formation of this trust. He stated also that there was a strong and influential eastern and western association engaged in raising and selling seed.

I repeat, I shall vote to continue this seed distribution to deter the formation of this seed trust, which would put up the price, if it chooses, of both good and bad seed, and thus start again the distribution of bad seed, that the Department, by its operations, has very largely overcome.

I shall continue to vote for this free seed until each and every State shall do what they are not now doing, vigorously enforce their antitrust laws, and until the several States and the Federal Government shall arrest the ravages and lawless actions of the trusts that are now pillaging the rights of the people. So much for this.

I have not read over the speech I delivered here a few days ago on this subject, but for fear that I may have stated that I had received no protest from any person against this free distribution of seed, and desiring to do no one, including myself, any injustice, I wish to state that after I delivered my speech and my day's work was done I returned to my office and asked my very faithful and most intelligent secretary if I had received any protest against this free seed distribution, and I was informed that I had not. To make sure about it we went through from eight to ten boxes of letters which I have received since the beginning of this Congress, and I found only one, and that was a letter, a copy of which you all received, I presume, from Peter Henderson & Co., dated March 22 last, and which I answered on March 23, and I briefly replied thereto:

I shall give this whole matter careful consideration before and on the hearing of the subject before the House.

I shall insert this letter in the RECORD, by permission of the House. It reads as follows:

NEW YORK, *March 22, 1906.*

Hon. JOHN WESLEY GAINES, 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 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 cornerstone 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 CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I ask the indulgence of the committee a little further, because I do not want to do anybody possibly an injustice, particularly a stranger.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that his time may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. The first paragraph of this letter states that there "is an impression sought to be created in Congress that the seeds distributed by the Department of Agriculture are better than those sent out by seed houses." Hence, Mr. Chairman, Mr. Henderson argues, free-seed distribution should not continue.

On page 233 of these hearings, in speaking of adulterated seed, Mr. Galloway repudiates the idea that these seed men sell fresh seed, and contends that "it is the general practice to blend the seed." He says:

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 seed—that is, polishing devices that make the old seed look bright. There are certain devices that will rub the dust off, etc.

On pages 196 to 200 is a list of seed men who were caught by the Department selling, contrary to the Trimble law prohibiting the adulteration of seed, and I shall insert what Doctor Galloway and the Department say on that subject, so that we can see how these seed men, who are now fighting—at least a part of them—the free-seed distribution, are not only defying the Department and the law, but are imposing upon the farmers of this country.

The CHAIRMAN (Mr. WADSWORTH). I will now, with the permission of the committee, direct that those lists go into the record. I hear no objection, and you will hand it to the stenographer and let it be put in the record.

The papers referred to are as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PLANT INDUSTRY,
Washington, D. C., January 23, 1906.

In carrying out the clause in the bill making appropriations for the Department of Agriculture directing the Secretary of Agriculture to obtain samples of seed in the open market and to publish the results of the tests of samples found to be adulterated, about 1,250 samples were obtained from seedsmen in the open market by agents of this Department. These have been examined for adulterants, with the result that the following number of samples were found to be adulterated:

	Samples.
Red clover	3
Alfalfa	42
Orchard grass	133
Kentucky blue grass	43
Total	221

[United States Department of Agriculture, office of the Secretary.—Circular No. 12.]

ADULTERATION OF ALFALFA SEED.

The act of Congress making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1905, contains the following item:

"The Secretary of Agriculture is hereby directed to obtain in the open market samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada blue grass (*Poa compressa*) are obtained under any other name than Canada blue grass or *Poa compressa*, to publish the results of the tests, together with the names of the persons by whom the seeds were offered for sale."

Under date of May 25, 1904, a circular letter announcing that the collection and testing of seeds, as directed by this act, would begin July 1, 1904, was sent to the seedsmen of the United States whose names appear in the 1904 edition of "The American Florist Company's Directory of Florists, Nurserymen, and Seedsmen of the United States and Canada," and to wholesale seedsmen whose names are not included in that directory. A copy of the circular sent to the Florists' Exchange was published by that journal in its issue of June 18, 1904.

In carrying out the provisions of the act quoted above, in so far as it relates to alfalfa, offerings for sale were solicited through agents of this Department from 742 seedsmen. Upon examination of the samples of alfalfa seed obtained in the open market as a result of these nego-

tiations 23 lots were found to be adulterated, as shown in the following table:

Results of tests of samples obtained in the open market as alfalfa seed and found to be adulterated.

Seed offered for sale as alfalfa by—		Seeds used as adulterants.		
Name.	Address.	Bur clover.	Yellow trefoil.	Total adulterants.
		Per ct.	*Per ct.*	*Per ct.*
Darrison, John T.	13-17 Buffalo street, Lockport, N. Y.	.....	43.8	43.8
Do	do	.....	41.64	41.64
Ebeling, F. H.	217 Warren street, Syracuse, N. Y.	4.06	30.22	34.28
Do	do	.....	10.4	10.4
Harvey Seed Co.	65-69 Ellicott street, Buffalo, N. Y.	3.98	40.46	44.44
Do	do	3.6	38.86	42.46
Do	do	.....	36.86	36.86
Jacot & Mullen	1 Water street, New York, N. Y.	.....	34.34	34.34
Do	do	.....	10.7	10.7
Moody, J. A	13 South Phelps street, Youngstown, Ohio.	.....	35.62	35.62
Do	do	.....	39.78	39.78
Small & Co., W. H.	7 and 9 Upper First street, Evansville, Ind.	3.82	39.82	43.64
Do	do	3.44	32.42	35.86
Do	do	4.38	41.74	46.12
Do	do	2.92	36.3	39.22
Do	do	2.88	24.44	27.32
Do	do	5.5	32.62	38.12
Do	do	3.86	30.74	34.6
Teweles & Co., L.	113-119 Clybourn street, Milwaukee, Wis.	11.34	.....	11.34
Young & Halstead	Foot of Grand street, Troy, N. Y.	5.06	17.02	22.08
Do	do	5.66	17.44	23.1
Do	do	6.74	15.22	21.96
Do	do	5.85	16.625	22.475

The Department takes this occasion to call attention again to its offer, repeatedly made in official publications, in circulars sent to seedsmen, and in announcements through the agricultural press, to test and report upon samples of seeds sent for that purpose by any farmer or seedsman.

JAMES WILSON, *Secretary.*

WASHINGTON, D. C., *December 29, 1904.*

[United States Department of Agriculture, office of the Secretary.—Circular No. 14.]

ADULTERATION OF ALFALFA AND RED CLOVER SEED.

Seeds of alfalfa and red clover have been obtained and tested in accordance with the following paragraph contained in the act of Congress making appropriations for the Department of Agriculture:

"The Secretary of Agriculture is hereby directed to obtain in the open market samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada blue grass (*Poa compressa*) are obtained under any other name than Canada blue grass or *Poa compressa*, to publish the results of the test, together with the names of the persons by whom the seeds were offered for sale."

In carrying out the provisions of this act 1,272 seedsmen were asked by special agents of this Department for samples of red clover and alfalfa seed, as offered for sale by them. From these seedsmen 658 samples were obtained and examined. As a result the following lots were purchased in the open market and found to be adulterated. In accordance with the mandatory nature of the act quoted above, publication is here made of the names and addresses of the seedsmen who sold the lots found to be adulterated, together with the percentages of adulteration in each lot.

Results of tests of samples bought in the open market as red clover seed and found to be adulterated.

Seed sold as red clover by—		Seeds used as adulterants.	
Name.	Address.	Yellow trefoil.	Total adulterants.
		Per ct.	*Per ct.*
Rawson & Co., W. W.	12 and 13 Faneuil Hall square, Boston, Mass.	10.55	10.55
Ross Bros	90 and 92 Front street, Worcester, Mass.	26.85	26.85
Small & Co., W. H.	7 and 9 upper First street, Evansville, Ind.	14.08	14.08

Results of tests of samples bought in the open market as alfalfa seed and found to be adulterated.

Seeds sold as alfalfa by—		Seeds used as adulterants.			
Name.	Address.	Sweet clover.	Bur clover.	Yellow trefoil.	Total adulterants.
		Per ct.	*Per ct.*	*Per ct.*	*Per ct.*
Barrett Co., The W. E.	65-87 Canal street, Providence, R. I.	.....	3.47	32.86	36.33
Barteldes & Co.	1521 Fifteenth street, Denver, Colo.	.....	16.86	.....	16.86
Crossman Bros.	503 Monroe avenue, Rochester, N. Y.	.....	5.02	39.48	44.50

Results of tests of samples bought in the open market as alfalfa seed and found to be adulterated—Continued.

Seeds sold as alfalfa by—		Seeds used as adulterants.			
Name.	Address.	Sweet clover.	Bur clover.	Yellow trefoil.	Total adulterants.
		Per ct.	*Per ct.*	*Per ct.*	*Per ct.*
Dallwig, W. E	34 Juneau avenue, Milwaukee, Wis.	.....	5.74	.....	5.74
Everitt, J. A	227 W. Washington street, Indianapolis, Ind.	.....	4.27	38.43	42.70
Do	do	.....	3.90	39.53	43.43
Gregory & Son, James J. H.	Marblehead, Mass	.....	3.00	.....	3.00
Grossman, W	15 Bollingbrook street, Petersburg, Va.	.....	.....	1.25	1.25
Hamilton Bros	Cedar Rapids, Iowa	.....	5.49	.....	5.41
Huntington & Page	130 E. Market street, Indianapolis, Ind.	.....	3.37	38.54	41.99
Kirchner, Jacob F.	156 North street, Pittsfield, Mass.	9.52	.....	.....	9.52
McMillan Seed Co., L. D.	23 S. Broad street, Atlanta, Ga.	.....	10.04	.....	10.04
Martin, B. E	Main and Walnut streets, Salem, Ill.	.....	.....	6.98	6.98
May & Co., L. L	381 and 383 Minnesota street, St. Paul, Minn.	.....	.....	31.77	31.77
National Seed Co	101 W. Main street, Louisville, Ky.	.....	16.53	.....	16.53
Platt Co., The Frank S.	374 and 376 State street, New Haven, Conn.	.....	5.88	39.85	45.73
Rush Park Seed Co.	Independence, Iowa	.....	12.69	.....	12.69
Steckler Seed Co. (Ltd.), J.	518-526 Gravier street. New Orleans, La.	.....	2.57	.63	3.20
Young & Halstead	Foot of Grand street, Troy, N. Y.	.....	6.23	31.26	37.49

In order to aid seedsmen in avoiding the purchase of adulterated seeds, this Department will examine and report promptly as to the presence of adulterants in any samples of seed submitted for that purpose.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *October 23, 1905.*

Kentucky blue grass—Analyses of adulterated seed.

Test No.	Size of sample.	Offered by—	Address.	Adulterated with—		
				Canada blue grass.	Red top.	Timothy.
				Per ct.	*Per ct.*	*P. ct.*
33118	Mail sample	Leonard Seed Co.	79-81 East Kinzie street, Chicago, Ill.	89.91	.....	.....
33118A	Bulk purchased	do	do	83.23	.....	.....
33125	Mail sample	A. C. Brown	217 South Fifth street, Springfield, Ill.	28.35	.....	.....
33137	do	Schisler-Corneli Seed Co.	St. Louis, Mo.	84	.....	.....
33137A	Bulk purchased	Schisler-Corneli Seed Co.	St. Louis, Mo	8.67	.....	.....
33166	Mail sample	Brewster, Crittenden & Co.	44 North St. Paul street, Rochester, N. Y.	23.77	.....	.....
33166A	Bulk purchased	do	do	24.08	.....	.....
33169	Mail sample	E. E. Wheeler	1131 Main street, Bridgeport, Conn.	36.91	.....	.....
33169A	Bulk purchased	do	do	30.89	.....	.....
33281	Mail sample	Ross Bros	90 Front street, Worcester, Mass.	2.7	45.4	.....
33281A	Bulk purchased	do	do	19.32	.....	.....
33282	Mail sample	Joseph Harris Co.	Coldwater, N. Y.	18.55	.....	.....
33282A	Bulk purchased	do	do	25.11	.....	.....
33287	Mail sample	Harmon & Harris Co.	Exchange and Federal streets, Portland, Me.	46.19	.....	.....
33287A	Bulk purchased	do	do	46.19	.....	.....
33298	Mail sample	Young & Halstead.	Grand street, Troy, N. Y.	59.9	2.9	4.1
33304	do	Martin C. Ribsam.	Broad and Front streets, Trenton, N. J.	78.92	.....	4.2
33338	do	Zack Davis Co.	Delaware, Ohio	23.23	.....	.....
33367	do	M. F. Crissman	Manchester, Ohio.	30.65	.....	.....
33367A	Bulk purchased	do	do	21.49	.....	.....
33387	Mail sample	Denver Seed and Floral Co.	Denver, Colo.	29.3	17.56	.....
33387A	Bulk purchased	do	do	25.1	.....	.....
33396	Mail sample	Arthur G. Lee & Bro.	Fort Smith, Ark	72.55	.....	8.17
33396A	Bulk purchased	do	do	76.85	.....	.....
33424	Mail sample	Plant Seed Co.	814 North Fourth street, St. Louis, Mo.	55.13	.....	.....
33424A	Bulk purchased	do	do	25.98	.....	.....
33436	Mail sample	M. G. Madson Seed Co.	Manitowoc, Wis.	41.56	.....	.....

Kentucky blue grass—Analyses of adulterated seed—Continued.

Test No.	Size of sample.	Ordered by—	Address.	Adulterated with—		
				Canada blue grass.	Red-top.	Timothy.
				Per ct.	*Per ct.*	*P. ct.*
33441	Mail sample	John A. Salzer Seed Co.	La Crosse, Wis.	16.16	.....	.....
33441A	Bulk purchased	do	do	22.74	.....	.....
33454	Mail sample	J. A. Everitt	Indianapolis, Ind.	50.3	.....	.....
33454A	Bulk purchased	do	do	35.99	.....	.....
33467	Mail sample	Frank H. Battles.	Rochester, N.Y.	19.32	.....	.....
33492	do	Amzi-Godden Co.	Birmingham, Ala.	32.5	.....	.....
33497	do	Zack Davis Co.	Delaware, Ohio	25.48	.....	.....
33497A	Bulk purchased	do	do	21.02	.....	.....
33499	Mail sample	A. Tilton & Sons.	83 Woodland avenue, Cleveland, Ohio.	23.8	.....	.....
33499A	Bulk purchased	do	do	25.3	.....	.....
33557	Mail sample	Curry-Arrington Co.	Rome, Ga	21.54	.....	.....
33557A	Bulk purchased	do	do	27.74	.....	.....
33565	Mail sample	Griswold Seed Co.	Lincoln, Nebr.	47.55	.....	.....
33565A	Bulk purchased	do	do	42	.....	.....

Mr. FIELD. Doctor, in what variety of seed do you find the highest percentage of adulteration?

Mr. GALLOWAY. Alfalfa seed, usually; and also in the Kentucky blue-grass seed. About 700,000 pounds of Canadian blue-grass seed was brought in this last year——

The CHAIRMAN. Who is the guiltiest party in selling that blue-grass seed? Have you a record there?

Mr. GALLOWAY. The circular on the blue-grass seed is just being prepared now. The two I have here pertain to clovers and alfalfas only.

Mr. SCOTT. The Kentucky blue-grass seed is usually adulterated with an inferior blue-grass seed, is it?

Mr. GALLOWAY. With the Canadian blue-grass seed, which is worthless for planting in this country.

Mr. SCOTT. How about alfalfa?

Mr. GALLOWAY. Alfalfa is adulterated with yellow-trefoil seed, which is also a worthless plant in this country. It is a little, yellow thing that grows on the ground.

Mr. Chairman, it is perfectly plain that the Secretary of Agriculture is not only finding out those who are mixing and selling adulterated seed, but he actually causes to be raised, under his supervision, and tested some of the seed we send out that are the very best that he can have raised, but he also states, through Doctor Galloway, that the seeds which he purchases are "tested" by his Department before they are purchased and sent out, and in this way the farmers are procuring the very best seed possible. You will find all this, gentlemen, referred to in the hearings. At pages 232 to 235 this appears:

Mr. GALLOWAY. I can make a statement now; yes.

I want to say that of the 477 members—and I come in contact with nearly all of them in one way or another at some time—this is the first statement of that kind that has been made—that is, that there are more complaints about the worthlessness of the seed than there are about the goodness of it; because I do not see how anyone who took the ordinary precautions with the seed we send out could help from getting results. We send out seed that must necessarily be better than the ordinary seed that the 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. We know the full history of the stock. We get, for example, a pound of lettuce seed of a 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 stock, and in order to make it true we send a man into the field where that lettuce seed is grown and have him rove the field—that is, we eliminate all of the lettuce before the seed have gotten away from the desirable characters. We have for that work a man who has had more experience than any other man in the United States—Mr. W. W. Tracy, sr. His special business is to keep track of our stock. That is the stock we start with. That is done for the greater portion of our seed, and the other we buy out of stock or in the open market under these conditions: We buy to-day, for example, a lot of onion seed. That onion seed, we provide in the contract, must not only be true to name, but must have a certain standard of vitality. It is sent here, and more or less of it is tested in our laboratory, and if it does not come up to our standard it is rejected.

If it is found it is not true to name—and we can only determine that after our field tests are made the following summer—we always withhold a certain amount of pay to cover that; but then during the following summer we make field tests at the Arlington farm and six or seven other places, in cooperation with the experiment stations, of all the seed that enters into the Congressional distribution. We test it for vitality in the laboratory, and we test it for trueness to name in the field.

Mr. SCOTT. Where is your seed grown?

Mr. GALLOWAY. The seed is grown all over the United States.

Mr. SCOTT. Do you make contracts in advance—that is, a year in advance?

Mr. GALLOWAY. We must do that. We are now making provision for the seed for next year. We have to do that in order to be perfectly safe; otherwise we could not secure the seed. We buy all the seed we can in the open market—that is, seed that is now available. We secure it now and have it delivered next August or September; but when it is delivered it must come up to these standards.

Mr. CANDLER. All of them are tested?

Mr. GALLOWAY. All of them are tested.

Mr. CANDLER. Every one when they come in?

Mr. GALLOWAY. When they come in.

Mr. SCOTT. Is it possible to require 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 seed of a certain variety, and we know pretty well the men who can furnish that seed at different places in the Pacific coast region. We send each of those men a blank form and ask him to submit a proposal for that seed. They come in at a certain time, and unless there is some special reason we will give it to the man whose figures are the lowest, considering freight rates. Very frequently a bid on lettuce seed from, say, Chicago, although it might be a lower bid, would cost us more than if the bid came from some other section on account of freight rates. We have to consider those things.

Mr. FIELD. Doctor, the common impression is that dealers, such as Landreth and others, destroy all the old stock, so that each year they offer to the public fresh seed. Is that true?

Mr. GALLOWAY. That is one of the fairy stories that go out.

Mr. CANDLER. Landreth does claim he destroys all the seed left over.

Mr. GALLOWAY. I can not speak for any particular firm, but it is the 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 seed—that is, polishing devices that make the old seed look bright. There are certain devices that will rub the dust off. There are certain cases where, if they do not want seed to grow very well (where we get imported seed), they run them over hot plates to destroy some of the 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.

The CHAIRMAN. That is why I asked the question about corn. I suppose if you kiln-dried it the heat would destroy some of its vitality.

Mr. FIELD. Are the seed that are not distributed one year by the Government used the next year for distribution?

Mr. GALLOWAY. No, sir.

The CHAIRMAN. How about that, Doctor? How is it about kiln-dried corn? You say in regard to other seed it does destroy vitality.

Mr. GALLOWAY. It is the pushing of the drying up beyond a certain point. If you dry out corn beyond a certain moisture—beyond a certain percentage—you will destroy the vitality; but if you take out some of the excessive moisture you really improve the corn. It will germinate quicker.

The CHAIRMAN. This corn you have here has not been subjected to kiln drying?

Mr. GALLOWAY. No. The only drying this corn has had is what it has received in my office, where it has been for some time.

The CHAIRMAN. Do you think it is a good corn to plant?

Mr. GALLOWAY. Yes, sir.

Mr. HENRY. Is this a hybrid corn?

Mr. GALLOWAY. No; that is the Boone County white.

Mr. HENRY. Do you know how long that takes to mature?

Mr. GALLOWAY. This corn was grown in Ohio. It is not a quick-maturing corn.

Mr. HENRY. One hundred and twenty days?

Mr. GALLOWAY. Something like that. We have quicker maturing corn. I think this corn would mature up in New York.

Mr. CANDLER. You said, a few minutes ago, that the seed left over, if there was any left over, were not sent out the following year.

Mr. GALLOWAY. There has never been any such miraculous happening as any seed being left over.

Mr. CANDLER. Then there is nothing sent out but fresh seed, and those have been thoroughly tested and found to be true to their type?

Mr. GALLOWAY. Yes; and good in vitality.

Mr. CANDLER. So that they ought to be the very best seed that are sent out.

Mr. GALLOWAY. Under the old practices, before the Department got its own seed, it was the custom to run in poor seed. We could not avoid it. For instance, we made a contract with one man to furnish the seed and do all the work connected with the package, and we specified in the contract that he should furnish certain varieties. When he got along in the busy season, such as it is now—putting up three or four hundred thousand packages a day—he would come in with the statement: "We can't furnish the red Valentine bean. We haven't been able to secure it anywhere. Would not some other variety do just as well?" He would say, "I can't get anything but this other variety," and we would have to take it or let the bean drop out.

Mr. CANDLER. What course do you pursue in order to prevent that?

Mr. GALLOWAY. By taking things forehanded we can make provision all along the line. We have right now enough seed for next year's distribution.

Mr. CANDLER. When the seed come in and you test them and find they do not come up to the standard and are not true to type, what course do you pursue in reference to those seed?

Mr. GALLOWAY. The man who agreed to furnish that seed must take them away. That is, we test in part on the sample and then we test when they come in.

Mr. CANDLER. You do not use them at all?

Mr. GALLOWAY. No.

Mr. CANDLER. Is there any penalty in the contract so that you can require him to come up to it?

Mr. GALLOWAY. The only penalty is we do not take the seed. Under the old practices, when the contractor furnished everything, there was a sliding scale of so many dollars for so many points off. If corn only germinated at 90 per cent instead of 98, we dropped off so many cents for each bushel of corn furnished; but we found that impracticable.

Mr. CANDLER. So that now you just absolutely reject the seed?

Mr. GALLOWAY. We are our own masters now.

The CHAIRMAN. The pro forma amendment being considered as withdrawn, the Clerk will read.

The Clerk read as follows:

Office of the Secretary: Secretary of Agriculture, $8,000; Assistant Secretary of Agriculture, $4,500; and the Assistant Secretary is hereby authorized to perform such duties in the conduct of the business of the Department of Agriculture as may be assigned by the Secretary of Agriculture; chief clerk, $2,500; one solicitor, $2,500; private secretary to the Secretary of Agriculture, $2,500; stenographer and execu-

tive clerk to the Secretary of Agriculture, $2,000; stenographer to the Assistant Secretary of Agriculture, $1,400; private secretary to the Assistant Secretary of Agriculture, $1,600; one appointment clerk, $2,000; one chief of supply division, $2,000; one telegraph and telephone operator, $1,400; one telegraph and telephone operator, $1,200; one clerk class 4, $1,800; three clerks class 3, $4,800; two clerks class 2, $2,800; six clerks class 1, $7,200; two clerks, at $1,000 each, $2,000; one clerk, $900; one clerk, $840; six clerks, at $720 each, $4,320; one chief engineer, who shall be captain of the watch, $1,600; one fireman, who shall be a steam fitter, $900; three assistant firemen, at $720 each, $2,160; one assistant fireman, $600; one carpenter, $1,000; one electrician, $1,000; one painter, $900; one plumber, $900; one blacksmith, $840; thirteen night watchmen, at $720 each, $9,360; two day watchmen, at $720 each, $1,440; one mechanic, $1,100; seven messengers, at $840 each, $5,880; one assistant messenger, $720; in all, $84,660.

Mr. HENRY of Connecticut. Mr. Chairman, I move to strike out the last word.

In view of the doubt that the gentleman from Tennessee [Mr. GAINES] expressed of my ability to furnish letters from farmers or granges, I wish to send to the Clerk's desk and have read very brief resolutions showing the action taken by a local grange in my district on this subject. These are typical of numerous letters and resolutions recently received.

The Clerk read as follows:

ELLINGTON GRANGE,
Ellington, Conn., April 24, 1906.

Hon. E. S. HENRY,
Washington, D. C.:

At a meeting of Ellington Grange, No. 46, held March 28, your position on the free-seed question was heartily indorsed by all present.

Very truly, yours,

J. M. MARKS, *Secretary.*

Mr. BURNETT. Mr. Chairman, I desire to say a few words in reference to this question of free seeds, and I do not wish to say them merely for home consumption or for buncombe, but because I believe the policy of sending out free seeds is a just and a wise one.

Mr. WADSWORTH. May I suggest to the gentleman that he withhold his remarks until we reach the paragraph of plant industry, under which the free seeds will be considered?

Mr. BURNETT. I should be very glad to accommodate the gentleman, but I fear I shall never be seen or recognized by the Chair when that paragraph is reached and prefer to go on now. [Laughter and applause.]

Mr. Chairman, as I have just stated, the remarks which I wish to make are not for home consumption only, or for buncombe. Gentlemen are mistaken when they state that no good results come from the distribution of these seed. The seed men are trying to impose upon us in every way they can, and they have evidently imposed upon the chairman of the Committee on Agriculture. In the RECORD of last Thursday the chairman of that committee obtained unanimous consent to insert in the RECORD as a part of his remarks a list of the newspapers and national granges protesting against the free distribution of seeds. The matter asked to be inserted the Chairman no doubt in good faith thought to be of the character indicated by him, and yet we find among the very first articles inserted three letters from one seed house, and quite a number from other seed houses.

The gentleman possibly thought he was inserting extracts from newspapers and resolutions of granges only, but he has been imposed upon by the very people who are now seeking to impose upon this House, and he has inserted a lot of advertisements of seed men. One of them I call attention to is a letter from Peter Henderson & Co., of March 31, 1906, in which they make an attack upon the Secretary of Agriculture. They quote the following from a letter of a Congressman: "So soon as the Agricultural Department has driven seed men 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," Henderson's letter says, "are the sentiments of the honorable Secretary of Agriculture repeatedly expressed recently; they are couched in almost the same language that he has used. Privately, to one seedsman, he took the opposite side."

Further on in this letter Henderson & Co. say: "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 insinuations of the Secretary of Agriculture relative to the quality of the seeds sent out by the seedsmen."

So the gentleman has inserted here an attack upon the Secretary of Agriculture made by the seed men and given a quasi indorsement to it by inserting it in the RECORD.

Mr. Chairman, there is more in this statement of the Congressman and the Secretary of Agriculture, perhaps, than appears on the outside. It shows that it is one of the purposes and objects and effects of this free-seed distribution to force the seed men to furnish good seed. That has been adverted to by the distinguished gentleman from Tennessee, and I desire to call further attention to it. There are only about $200,000 expended in this appropriation, and there are only a few million packages of free seed sent out. Now, with these great seed men expending their millions, can it be possible that this small number of free seed really comes in competition with the seed men? Is that the real reason of their opposition to this proposition? Is it that the Government comes in competition with them? Is not there behind it a sinister reason—that is, the fear that the Government, by the very seed that they examine and purchase from the seed men, will detect the wrongs that they are perpetrating on the people, and isn't that the real reason that they are making this strenuous opposition? As has been stated by the gentleman who preceded me, let them show letters from the men who till the soil, the small farmers and the small gardeners of this country, objecting to it. A chairman of the National Grange, who, perhaps, works a hundred men and knows nothing about the practical operation of it, may not want them, and a professor in some agricultural college, who sits in an easy chair and talks about the theory of farming, perhaps will not want them, but you go with me to the rural districts, to the one-horse farmer, a man who has 40 acres and a mule, and see if you find any opposition there to this appropriation. Not only that, but it is an encouragement to these farmers to improve their own crops. As to the quality of the seeds, I have no doubt but that if the free seeds are continued the seed men themselves will furnish better seed than they have been in the habit of doing.

Besides this, the little farmer in the rural district who receives from the Government a package of seeds feels that he has some interest in the Government and that the Government has some interest in him. If you take this from them, and the Post-Office Department, as it is threatening to do, curtails their little rural free delivery—cuts them off from that and refuses them the benefits of the second-class rates on papers that are issued in the interest of the farmer—then, indeed, may they feel that this Government has no interest in them. The Post-Office Department has lately refused this privilege to a paper published in Oklahoma in the interest of the farmer and which I hold in my hand. It is called "The Indiahoma Union Signal." Its motto is, "Unity of purpose, and that purpose to be education, industry, reason, justice, kindness, love, and universal happiness." Its subject-matter shows that it is trying to impress these eternal principles on the minds and hearts of its readers and to elevate and enlighten those who till the soil.

This is not the only publication of the kind which the Post-Office Department is trying in this way to suppress, but all over the South and West, where the farmers' unions are trying to build up their little publications, this same thing has occurred.

Mr. Chairman, when such papers as these are thus oppressed, when a paper of that character, literature of that kind, is thus discriminated against by the Post-Office Department, when it can not have the same facilities for circulation as the great metropolitan paper, then the people may well feel that they are not being treated right, but are being oppressed by the Government, which ought to be their protector. When a little $200,000 appropriation is being cut off because part of it goes to aid some poor farmers on the mountain side actually engaged in the cultivation of the soil, while millions are being spent for battle ships, these people feel that they are not being treated right by the Government.

[Here the hammer fell.]

Mr. BURNETT. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that he may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. BURNETT. Take the extracts read by the chairman of the committee, and what are they from? They are from the city newspapers—papers whose columns are subsidized by the rich seedsmen. I would like to have some one show me such an extract from the country papers and the papers published in the rural districts that really express the sentiments of the people, because they know and they are in touch with these men who are working and earning their bread by the sweat of their brow. I have in my hand an extract from one of those papers published in my district, the Fort Payne Journal, which says that the Government, if it cuts off the little seed item, is proposing to treat the farmer unjustly in the interest of the great big appropriations for the Navy and other such extravagances. Gentlemen talk about its being paternalism, yet the same gentlemen will speak on this floor for hours asking for a more infamous and vicious paternalism to aid in building up some ship company that can not run with its own means. A few days ago we gave two millions and a half to aid the distressed people

upon the Pacific coast. No man in this House supported that more cheerfully than I did, because it was an urgent demand of humanity; yet, when it comes down to the bare question of paternalism, I submit that that is much more paternalism than it is to aid the man in building up his little farm, knowing that the Government and the Secretary of Agriculture and the Chief of the Bureau of Plant Industry are behind him and encouraging him in his efforts.

Mr. Chairman, I had rather take the statements of one country paper like the one referred to than every paid editorial the chairman of the committee has inserted in the RECORD. They know their people. They hear every heart throb and feel every pulse beat of their country neighbors. Many of the poor farmers of their counties pay the very subscription for their papers with the beans and tomatoes grown from the little package of Government seeds. Now, show me the editorials from the papers which reach the homes and the hearts of the poorer farmers denouncing this "graft," as you term it, and I will believe your witness. But so long as you flaunt in our faces the editorials of the large city dailies I shall dispute their right to speak for the bread makers of my country. I know how my people feel about this matter.

There is no greater pleasure that I enjoy in my official life than to meet these people and their families in their little homes in the valleys and upon the mountain tops, where the latchstring always hangs on the outside and the front door is always wide open, and share with them that hospitality which they are ever glad to dispense. It is these people, Mr. Chairman, to whom the nation goes whenever it is in peril. You will go to the kid-glove farmer perhaps when you want the high officers of your Army, but when you want to find the real fighting man, the private, the man behind the guns, the man on whom the nation may rely, you call for the man behind the plow. Gentlemen told about this being graft. This is a slander upon the Member of Congress who sends out the seed, and not only so, but the man who utters it slanders the good name of the farmers of our land. Stand up, you man who says this is graft, let your slander go into the records of this body, and then go home to meet the righteous condemnation of the men whom you have thus traduced. I challenge one of you to state in this presence that there is a single farmer in your district that can be bought with a package of garden seeds, or that there is a single Member of Congress who believes he can so buy them. But you tell us the seeds are no better than those sold by the regular seedsmen. I deny it. Doctor Galloway, the Chief of the Bureau of Plant Industry, says it is not true.

In his hearing before the committee he said:

Mr. GALLOWAY. I can make a statement now. I do not see how anyone who took the ordinary precautions with the seed we send out could help from getting results. We send out seed that must necessarily be better than the ordinary seed that the 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. We know the full history of the stock. We get, for example, a pound of lettuce seed of a 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 stock, and in order to make it true we send a man into the field where that lettuce seed is grown and have him rove the field—that is, we eliminate all of the lettuce before the seed have gotten away from the desirable characters. We have for that work a man who has had more experience than any other man in the United States—Mr. W. W. Tracy, sr. His special business is to keep track of our stock. That is the stock we start with. That is done for the greater portion of our seed, and the other we buy out of stock or in the open market under these conditions: We buy to-day, for example, a lot of onion seed. That onion seed, we provide in the contract, must not only be true to name, but must have a certain standard of vitality. It is sent here, and more or less of it is tested in our laboratory, and if it does not come up to the standard it is rejected.

If it is found it is not true to name—and we can only determine that after our field tests are made the following summer—we always withhold a certain amount of pay to cover that; but then during the following summer we make field tests at the Arlington farm and six or seven other places, in cooperation with the experiment stations, of all the seed that enters into the Congressional distribution. We test it for vitality in the laboratory, and we test it for trueness to name in the field.

Mr. SCOTT. Where is your seed grown?

Mr. GALLOWAY. The seed is grown all over the United States.

Mr. SCOTT. Do you make contracts in advance—that is, a year in advance?

Mr. GALLOWAY. We must do that. We are now making provision for the seed for next year. We have to do that in order to be perfectly safe; otherwise we could not secure the seed. We buy all the seed we can in the open market—that is, seed that is now available. We secure it now and have it delivered next August or September; but when it is delivered it must come up to these standards.

Mr. CANDLER. All of them are tested?

Mr. GALLOWAY. All of them are tested.

Mr. CANDLER. Every one when they come in?

Mr. GALLOWAY. When they come in.

Mr. FIELD. Doctor, the common impression is that dealers, such as Landreth and others, destroy all the old stock, so that each year they offer to the public fresh seed. Is that true?

Mr. GALLOWAY. That is one of the fairy stories that go out.

Mr. CANDLER. Landreth does claim he destroys all the seed left over.

Mr. GALLOWAY. I can not speak for any particular firm, but it is the 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 seed—that is, polishing devices that make the old seed look bright. There are certain devices that will rub the dust off. There are certain cases where, if they do not want seed to grow very well (where we get imported seed), they run them over hot plates to destroy some of the 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. FIELD. Are the seed that are not distributed one year by the Government used the next year for distribution?

Mr. GALLOWAY. No, sir.

The CHAIRMAN. How about that, Doctor? How is it about kiln-dried corn? You say in regard to other seed it does destroy vitality.

Mr. GALLOWAY. It is the pushing of the drying up beyond a certain point. If you dry out corn beyond a certain moisture—beyond a certain percentage—you will destroy the vitality; but if you take out some of the excessive moisture you really improve the corn. It will germinate quicker.

Mr. CANDLER. You said, a few minutes ago, that the seed left over, if there was any left over, were not sent out the following year.

Mr. GALLOWAY. There has never been any such miraculous happening as any seed being left over.

Mr. CANDLER. Then there is nothing sent out but fresh seed, and those have been thoroughly tested and found to be true to their type?

Mr. GALLOWAY. Yes; and good in vitality.

Mr. CANDLER. So that they ought to be the very best seed that are sent out.

Mr. GALLOWAY. Under the old practices, before the Department got its own seed, it was the custom to run in poor seed. We could not avoid it. For instance, we made a contract with one man to furnish the seed and do all the work connected with the package, and we specified in the contract that he should furnish certain varieties. When he got along in the busy season, such as it is now—putting up three or four hundred thousand packages a day—he would come in with the statement: "We can't furnish the red Valentine bean. We haven't been able to secure it anywhere. Would not some other variety do just as well?" He would say, "I can't get anything but this other variety," and we would have to take it or let the bean drop out.

Mr. CANDLER. What course do you pursue in order to prevent that?

Mr. GALLOWAY. By taking things forehanded we can make provision all along the line. We have right now enough seed for next year's distribution.

Mr. CANDLER. When the seed come in and you test them and find they do not come up to the standard and are not true to type, what course do you pursue in reference to those seed?

Mr. GALLOWAY. The man who agreed to furnish that seed must take them away. That is, we test in part on the sample and then we test when they come in.

Mr. CANDLER. You do not use them at all?

Mr. GALLOWAY. No.

Doctor Galloway is a man of such high integrity that no one would have the temerity to question his statement, and by reason of his intelligence and experience his statements are worthy of absolute credence. He is a disinterested witness, looking alone to the discharge of his duty and the good of the farmer. It would lighten his labors, and at the same time not reduce his salary, to rid him of the seed distribution. This being true, I would take his statement rather than that of a hundred seedsmen. Besides, from the reports that I have myself had from the farmers of my district, I know that what he says is true. I remember one particular instance where a Populist friend of mine told me his experience with some seed which I sent him. It was Rev. Mr. Blair, of near Center, Ala. He told me that when he got the seed he said to his wife that he guessed these were some old Democratic seed that BURNETT had sent him, and were no good, but that he would give them a trial anyhow.

So he planted them right by the side of a lot of bought seed, and bestowed the same care on both, and when the drought struck them he said the bought seed withered and died, but his BURNETT seed went right on growing and bearing beautifully.

A friend of mine on Sand Mountain told me last year that he made about 400 pounds of seed cotton of the finest staple from the package of seed I sent him.

I might add many other letters and statements of the same kind had I time. But, Mr. Chairman, my time is out, and if you will indulge me a few minutes longer I will say a word or two in a general way about this agricultural bill.

It only carries about seven and a half millions of dollars for all the purposes of the Agricultural Department, and yet a bill has just been reported by the Committee on Naval Affairs which proposes to spend $10,000,000 on one battle ship and $90,000,000 for other matters connected with the Navy.

Think of it, gentlemen! More money spent on one battle ship than is spent in looking after the agricultural interests of the entire Government. What are we coming to? A government which grudges to the man who feeds the nation a measly pittance for improved seed, and yet will spend one hundred millions wrung from the toiling masses simply to make the world afraid of us. Gentlemen, such things can not last. Already you hear the mutterings of discontent throughout the land, and unless present methods are changed these mutterings will culminate in the thunders of revolution.

Mr. Chairman, I am not radical in my views. I am not one of those who rejoice in the charge of being "agin the Government." There is no element of the socialist in my makeup. And

yet when the disposition which has cropped out in the consideration of this bill, and which is apparent from the action of the Post-Office Department in its effort to cut off rural free delivery from the farmers of the country, to keep his literature out of the mails, and many other such covert attacks upon him, become so apparent, it is time for every man in public life to rise up in their defense.

But you say the farmers are prospering as never before. In the South this is true. But, Mr. Chairman, it is because they have asserted themselves, and in their cotton association and their unions have banded together in a financial policy that is bringing prosperity. I might elaborate on this phase of the question to great length, but must desist with the exclamation, Shame on the men who have here attempted, not corruptly, I think, but who nevertheless have attempted to strike at the poorer classes of the farmers in the interest of millionaire seedsmen! [Great applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 18709. An act making additional appropriations for the public service on account of earthquake and attending conflagration on the Pacific coast; and

H. R. 15331. An act making appropriation for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

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

S. 5796. An act to authorize the construction of a bridge across the Missouri River and to establish it as a post-road;

S. 5773. An act to provide a site and buildings for the Departments of State, Justice, and Commerce and Labor; and

S. 5530. An act authorizing the procuring of additional land for the enlargement of the site for the public building at Kalamazoo, Mich.

The message also announced that the Senate had passed with amendments the following bill; in which the concurrence of the House of Representatives was requested:

H. R. 395. An act concerning foreign-built dredges.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Salaries, Weather Bureau: Professors of meteorology, inspectors, district forecasters, local forecasters, section directors, research observers, observers, assistant observers, operators, repair men, station agents, messengers, messenger boys, laborers, and other necessary employees, for duty in the United States, in the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Bermuda, who, without additional expense to the Government, may hereafter, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended in the discretion of the Secretary of Agriculture not to exceed fifteen days additional in any one year, $541,550.

Mr. WADSWORTH. Mr. Chairman, I wish to correct a typographical error in lines 11 and 12, on page 7. There is a repetition in those lines of the words already appearing in lines 9 and 10, "without additional expense to the Government," and I move to strike out those words in lines 11 and 12.

The CHAIRMAN. Without objection, the Clerk will make the correction.

There was no objection.

The Clerk read as follows:

Buildings, Weather Bureau: For the purchase of sites and the erection of not more than five buildings for use as Weather Bureau observatories, and for all necessary labor, materials, and expenses, plans and specifications to be prepared and approved by the Secretary of Agriculture, and work done under the supervision of the Chief of the Weather Bureau, including the purchase of instruments, furniture, supplies, flagstaffs, and storm-warning towers to properly equip these stations: *Provided*, That if any of the money for these several buildings remains unexpended for the special purposes for which it is appropriated, so much of it as is necessary may be expended for the repair, improvement, and equipment of any other buildings or grounds owned by the Government and occupied by the Weather Bureau outside of the District of Columbia, $53,000.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word. Is it the intention to have these Weather Bureau buildings at all of the 200 stations in the United States evenually?

Mr. WADSWORTH. Mr. Chairman, I can not say as to that. The intention is to gradually improve and better what you might call the "plant." Where we are paying high rent and there is an opportunity to acquire a piece of ground at a fair price, or if there is some Government land available, the policy will be to erect thereon a building and save rent.

Mr. MURDOCK. What is the average cost of one of these buildings?

Mr. WADSWORTH. About $12,000.

Mr. MURDOCK. And who determines where these buildings shall go?

Mr. WADSWORTH. The Secretary of Agriculture, I suppose, with the advice of the Chief of the Weather Bureau.

Mr. MURDOCK. I want to ask one other question on this paragraph. Professor Moore makes a remarkable statement in the hearings, to wit, that employment in the Weather Bureau superinduces insanity. Did the committee take that seriously?

Mr. WADSWORTH. I am frank to say that I do not recall that remark. If he did make such a statement, I do not remember it.

Mr. MANN. Mr. Chairman, I would ask the chairman of the committee if that is not necessary as a preliminary in many cases? [Laughter.]

Mr. SCOTT. Mr. Chairman, if the chairman will permit, I would like to reply in addition to what he has already said to my colleague as to the intention of the Bureau in the matter of building additional Weather Bureau buildings. The reply is this: That in the large cities it is impracticable for the Government to erect a building because it can not secure sufficient free space about it. In a great many of the cities the Government, of course, has buildings already, and wherever possible the Weather Bureau station is in connection with those buildings. In other cities it is located on other high buildings where the surroundings are favorable for taking the observations, but as a general proposition it is true that it is the policy of the Bureau to build and own its own stations wherever that is practical.

Mr. MURDOCK. Now, just one more question. Has the committee any information as to where these five additional stations are to go this year?

Mr. WADSWORTH. These are not five additional stations; these are five new buildings. In the previous paragraph we provide for four new stations. These are five new buildings at established stations.

Mr. MURDOCK. The committee has no such information.

Mr. WADSWORTH. No; we allow the Chief of the Bureau to decide that from a scientific view, where needed.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

PENALTY FOR COUNTERFEITING FORECASTS.

Any person who shall knowingly issue or publish any counterfeit weather forecasts or warnings of weather conditions, falsely representing such forecasts or warnings to have been issued by the Weather Bureau or other branch of the Government service, or shall molest or interfere with any weather or storm flag or weather map or bulletin displayed or issued by the United States Weather Bureau, shall be deemed guilty of a misdemeanor, and on conviction thereof, for each offense, be fined in a sum not exceeding $500 or be imprisoned not to exceed ninety days, or be both fined and imprisoned, in the discretion of the court.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the paragraph just read. I see no objection to the paragraph except that it is already permanent law. It was enacted into law, I think, on an agricultural appropriation bill several years ago, and it has been continued and carried in the annual appropriation bill from time to time, and it does not add anything to the force or the efficiency of the penal provision to keep repeating it in every agricultural appropriation bill.

Mr. SCOTT. Mr. Chairman, may I ask the gentleman a question?

Mr. CRUMPACKER. Yes.

Mr. SCOTT. Is this provision carried in any statute outside of an appropriation bill?

Mr. CRUMPACKER. It was not made by any statute outside of an appropriation bill, but the rule is that appropriation bills may contain permanent laws, continuing laws, the same as any other bills or acts. They may be subject to a point of order when first proposed, but now if a point of order were made against this paragraph it would be overruled doubtless by the Chair because it is already legislation, notwithstanding it may have been originally enacted in a general appropriation bill.

Mr. SCOTT. Would it be legislation next year if it was omitted from the appropriation bill this year?

Mr. CRUMPACKER. Oh, most certainly, because it is general in its character. There is nothing better settled under the rules of the House and the decisions of the Chair than that a provision in a general appropriation bill that is general in its character and continuing or permanent in its nature is as much law

and as much permanent law as if enacted independently. I made the motion not that I am especially interested in the matter, but to call the attention of the gentlemen who are on this important committee to the fact that it does not add anything to the law and requires the Government to pay a few dollars every year for the printing of this unnecessary and superfluous paragraph. We had about as well include all the penal statutes in a general appropriation bill, so as to remind Congress and the country once a year at least that there are penalties for violating the law. That is the only good I can see it can possibly serve.

Mr. MANN. I would like to ask the gentleman if this is identically the same language?

Mr. CRUMPACKER. Identically the same. I have before me the agricultural appropriation bill of last year, and it has been carried in this identical language in the appropriation bill for five or six years.

Mr. MANN. And it ought to be stricken out?

Mr. CRUMPACKER. It ought to be stricken out of this bill, because it is already the law.

Mr. MANN. It is the law?

Mr. CRUMPACKER. Yes.

Mr. WADSWORTH. Let me ask the gentleman from Indiana, suppose you apply that rule to page 6, for instance, fuel, lights, and repairs, Weather Bureau——

Mr. CRUMPACKER. It would not, because——

Mr. WADSWORTH. Then all you would have to say would be, fuel, lights, and repairs, Weather Bureau, $6,000, without going into details?

Mr. CRUMPACKER. That is an appropriation for the next fiscal year, and in its very nature it is temporary.

Mr. WADSWORTH. The items have been named in past years.

Mr. CRUMPACKER. That is all true.

Mr. WADSWORTH. Why repeat them?

Mr. CRUMPACKER. They are provisions for a year at a time, but in relation to this provision there is nothing in its nature or in its terms to show that it is to be simply for the fiscal year. It is permanent in its character. If the gentleman insists that it be in and will subserve any useful purpose, I have no objection, but I regard it as superfluous.

Mr. WADSWORTH. I do not see any harm it can do.

Mr. MANN. There is harm; decided harm.

Mr. WADSWORTH. What is it?

Mr. MANN. If you attempt to prosecute under this act and it should be in fact only a year, the law will expire before the prosecution could be had, and you would be without any law, and when you put it in year after year it is an assumption on your part that it is only good for one year. You can not effect and carry through a prosecution under this provision within a year, if the defendant has a good attorney, for before you get him convicted the law would expire, if your contention is correct. If our contention is correct, it is a general statute; it is part of the permanent law of the land, and there is no sense in repeating the permanent law every year in an appropriation bill. Your putting it in only gives the construction to it on our part that it is not the permanent law. I dare say you could not effect a prosecution and obtain a conviction unless the court should decide it is the permanent law.

Mr. WADSWORTH. I can only say in answer to the gentleman that a great deal of this bill could go out under that theory.

Mr. MANN. Well, that is true.

Mr. WADSWORTH. But the committee does not agree with the gentleman.

Mr. MANN. I grant to the gentleman the bill might in many respects be well considered and perfected in that regard, but this is the more glaring provision of the bill, because there is not one cent of appropriation in connection with it. Now, in most cases you carry an appropriation——

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MANN. Mr. Chairman, I move to strike out the last two words. There are a good many provisions in this bill that might well be put in permanent statute and left out of the bill, but usually they are carried with an appropriation; but I think the gentleman ought to consider the fact that keeping this in the bill only weakens the law and does not strengthen it.

Mr. WADSWORTH. The committee is not strenuous on the point whether it remains or not.

Mr. BOWIE. I want to ask the gentleman from Illinois [Mr. MANN] a question, Mr. Chairman. I want to ask him now, if this is a permanent law, and would be the law if it were stricken out, how it could possibly be weakened? How could you weaken a law?

Mr. MANN. By putting it in we give the construction to it that it is not a permanent law.

Mr. BOWIE. I understand. You can not construe it. It must be construed by the court. If we assume that the courts will construe that it is a permanent law, how can it be weakened by being repeated?

Mr. MANN. If the courts shall construe it to be a permanent law, then it can not be weakened by being continued.

Mr. BOWIE. That is my point.

Mr. MANN. That is true. What is the object of our making a construction of the law which does weaken it? That is my point. It amounts to nothing unless it is a permanent law, and there is no way to obtain a conviction under it unless it is a permanent law. There is no such thing as a temporary law of this kind.

Mr. BOWIE. The gentleman will recognize this proposition, that Congress can not construe its own law; it must be construed by the court, and that is a judicial point.

Mr. MANN. While that construction is not binding upon the court, the immediate construction of a law often does guide the court in its construction.

Mr. BOWIE. It has been in this bill several times. According to the gentleman's contention, it has been in here five or six times, and, if there is any danger about it, the harm has already been done.

Mr. MANN. I called the attention of the committee to this subject before, with the understanding that the provision would be left out of future bills.

Mr. NORRIS. Does the gentleman understand that this is permanent law?

Mr. BOWIE. I am inclined to think that that is correct.

Mr. NORRIS. That it is a permanent law?

Mr. BOWIE. But I can not see that you could better the thing by omitting it. We have already printed it.

Mr. NORRIS. I will admit that, for argument's sake; but if you concede it is a permanent law, which I think you must, then what is the use of reenacting it in an appropriation bill? What good does it do?

Mr. BOWIE. None whatever, unless upon this theory: If I am mistaken and you are mistaken, and if it is not permanent law, then you save it by reenacting it. On the other hand, if you and I are correct, and it is a permanent law, we do not do any harm by leaving it in.

Mr. NORRIS. As it stands there it would be a permanent law. It shows on its face to be one. There does not seem to be any more reason for reenacting this criminal statute here every year than there would be any other criminal statute.

Mr. BOWIE. I can not see any possible good in striking it out, and it would be a proper thing to have it in in the event we are mistaken.

Mr. NORRIS. I would strike it out on the theory that all other criminal statutes ought to be left out where they are already law. It does not help them any to reenact the entire criminal——

Mr. WADSWORTH. Mr. Chairman, I ask for a vote on the amendment of the gentleman from Indiana [Mr. CRUMPACKER]. The committee is not particular as to whether this goes out or not.

The question was taken; and the motion was agreed to.

The Clerk read as follows:

Salaries, Bureau of Animal Industry: One Chief of Bureau, $4,500; one chief clerk, $2,000; two clerks of class 4, $3,600; one editor, $2,000; five clerks of class 3, $8,000; thirteen clerks of class 2, $18,200; thirteen clerks of class 1, $15,600; eight clerks, at $1,000 each, $8,000; two clerks, at $900 each, $1,800; two clerks, at $840 each, $1,680; three clerks, at $720 each, $2,160; two clerks, at $600 each, $1,200; one mechanic, $1,200; one messenger and custodian, $1,000; one carpenter, $1,100; one messenger, $840; four messengers, at $720 each, $2,880; one skilled laborer, $840; two skilled laborers, at $720 each, $1,440; two skilled laborers, at $600 each, $1,200; one skilled laborer, $660; two skilled laborers, at $480 each, $960; one fireman, $720; one illustrator, $1,400; in all, $82,980.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word, and I desire to ask unanimous consent that I may proceed for ten minutes. It may not take me over seven or eight.

The CHAIRMAN. The gentleman from Wyoming asks that he may proceed for ten minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I desire to make a few remarks at this particular point, although, as a matter of fact, what I shall have to say refers somewhat to an appropriation which we will reach later in the bill. But as they refer also to the question of animal industry, I desire to present them at this point.

The question is, Shall we continue to endear ourselves to the hearts of our constituents by distributing among them a few

thousand packages annually of seeds of unknown vintage and uncertain heredity, of the fragrant onion, the luscious rutabaga, and the humble but glorious "the kind that mother used to make" pie-promoting pumpkin; or shall we, with Spartan self-denial, forego this ancient and potent promoter of our claims to statesmanship?

For me, I confess to conflicting emotions in this matter, although, as the Representative of a pastoral and agricultural people, I suffer none of the qualms of conscience relative to the cost of this garden-seed statesmanship that seems to have touched the tender consciences of gentlemen from the city districts whose constituents do not hanker for garden seeds.

No; I am not troubled in the matter on the ground of economy. I would rather prefer to save a few dollars to the National Treasury, if need be, by reducing by a pound or two the proposed tonnage of that $10,000,000 battle ship that the Committee on Naval Affairs would have us build. It is, at any rate, altogether too big a boat to float in any creek up our way.

No, Mr. Chairman, I am not in favor of economizing in the few crumbs of recognition accorded to the real bone and sinew of the country, the farmer and the ranchman; but having been rudely jarred in my complacency over my flower-seed distribution by having had a lady constituent of mine, to whom I had sent several packages of seed bearing their botanical names, which were Greek to me, and labeled "rare and valuable" by the Agricultural Department, point out to me a glorious and vigorous array of seven kinds of sunflowers as the result of my seed distribution, and having had some little difficulty in selecting a proper location in the bracing and glorious but by no means tropical climate of my State for the date palm and cotton seed which are furnished for distribution by a munificent Government, it has occurred to me that possibly the present expenditure for the seed of assorted "garden sass" might be more advantageously utilized if used for the purchase and dissemination of things that the enterprising agriculturist really desired, and which would diversify and improve his products, rather than for the tame and altogether commonplace assortment of squash, turnips, and mignonette with which we have been regaling them out of this appropriation.

My views in this matter have been much strengthened in the past few days by the receipt of a unique and altogether meritorious request from one of my constituents for a contribution from the Agricultural Department, which it would afford me great pleasure to furnish could I do so, and the distribution of which I feel confident would contribute even more to the present nation-wide popularity of the Agricultural Department than did the introduction of the "critter" that stores nitrogen in the roots of alfalfa, or the "varmint" that is said to play Jack the Giant Killer to the cotton boll weevil.

This request, which I have the honor to present to the House in the hope that its presentation may lead to the widening of the scope of this appropriation, so that such meritorious requests may hereafter be granted, possesses the added virtue of being couched in verse. It is sent to me by one Joe Magill, poet lariat of the far-famed hot springs town of Thermopolis in my State, who, with the modesty characteristic of genius, subscribes himself "A reformed Irish-American cow puncher and a mighty poor poet."

I present this petition with some reluctance to the House by reason of the fact that it contains a somewhat flattering allusion to myself, but far be it from me to deny my people the sacred constitutional right of petition, even though my humble self be involved therein.

The petition is as follows:

A POETIC PETITION FOR TWO GOATS.

Frank W., my boy, you're our pride and our joy;
  May they send you to Congress again.
If you'll do me a favor, by my soul I'll endeavor
  To aid you with voice and with pen.

I haven't a cow and I'm sure you'll allow
  That coffee's poor stuff without cream;
But what can you do when you haven't a sou
  And riches are merely a dream?

The goat, 'spite its capers, I learn from the papers,
  Of milk is an elegant source;
The fluid is good, 'tis drink, aye, and food,
  And more healthful than Grape Nuts or Force.

The Billy's a butter, but the Nanny gives butter
  That will make the bacteria sick;
Micrococci, bacilli, are knocked dead or silly
  As if hit with an ax or a stick.

There are two breeds, I hear, faith I hope they're not dear,
  The Department of Ag. has imported.
I like the Swiss goat, but just think of a coat
  From the wool of the Persian assorted.

But Persian or Swiss—sure none comes amiss
  When the dairy's as dry as a crater.
As the old Latins say, so in this case I may,
  "Discrimine nullo agetur." [a]

Now, please get me two; a Nanny will do
  To give milk for a short season only;
As a milker she's fine, but I fear she'd decline
  To carry on business when lonely.

Just further my plan, and I know, Frank, you can;
  So get me a Billy and Nanny,
And I'll chant forth your praise to the end of my days
  From Thermopolis clear up to Frannie.

If you'll aid this my scheme—and I know 'tis no dream—
  You can make it a brilliant success.
I swear, if you do, I'll pray daily that you
  May be President, devil a less.

POSTSCRIPT.

Should you fear for a slip, or red tape need to rip—
  For red tape, sad to say's not a myth—
I'll name an old friend who his aid sure will lend:
  The Honorable WALTER I. SMITH.

JOE MAGILL, *Thermopolis, Wyo.*

I notice, Mr. Chairman, that this is the first petition from the real people, the agriculturists, so far received, and I hope that we may be able to so widen the scope of this appropriation some time in the future that such reasonable requests may be granted. [Applause.]

The CHAIRMAN. If there be no objection, the formal amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

General expenses, Bureau of Animal Industry: For carrying out the provisions of the act approved May 29, 1884, establishing the Bureau of Animal Industry, and the act approved August 30, 1890, providing for an inspection of meats and animals, and the provisions of the act approved March 3, 1891, providing for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate and foreign commerce, and for other purposes, and to prescribe rules and regulations for the safe transport and humane treatment of export cattle from the United States to foreign countries, and the amendatory act approved March 2, 1895, providing for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate and foreign commerce, and for other purposes, and also the provisions of the act approved February 2, 1903, to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes; and also the provisions of the act approved March 3, 1905, to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes: *Provided*, That live horses be entitled to the same inspection as other animals herein named: *Provided further*, That the Secretary of Agriculture may, in his discretion, waive the requirement of a certificate with beef and other products which are exported to countries that do not require such inspection, $1,575,000; and the Secretary of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, in such manner as he may think best, in the collection of information and dissemination of knowledge concerning live stock, dairy, and other animal products, and to prevent the spread of pleuro-pneumonia, blackleg, tuberculosis, sheep scab, glanders or farcy, hog cholera, and other diseases of animals, and for this purpose to employ as many persons in the city of Washington or elsewhere as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia, tuberculosis, or other diseases of animals from one State to another; for improving and maintaining the Bureau Experiment Station, at Bethesda, Md.; to establish, improve, and maintain quarantine stations, and to provide proper shelter and equipment for the care of neat cattle, domestic and other animals imported at such ports as may be deemed necessary; for printing and publishing such reports relating to animal industry as he may direct; and the Secretary of Agriculture may use so much of this sum as he deems necessary for promoting the extension and development of foreign markets for dairy and other farm products of the United States, and for suitable transportation of the same; and such products may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such products toward the continuation and repetition of such experimental exports; and the Secretary is hereby authorized to rent suitable buildings in the District of Columbia, at an annual rental of not exceeding $2,500, to be used for office, laboratory, and storage purposes for said Bureau of Animal Industry; and the employees of the Bureau of Animal Industry outside of the city of Washington may hereafter, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year: *Provided*, That the Secretary of Agriculture may construe the provisions of the act of March 3, 1891, as amended March 2, 1895, for the inspection of live cattle and products thereof, to include dairy products intended for exportation to any foreign country, and may apply, under rules and regulations to be prescribed by him, the provisions of said act for inspection and certification appropriate for ascertaining the purity and quality of such products, and may cause the same to be so marked, stamped, or labeled as to secure their identity and make known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade; and all the provisions of said act relating to live cattle and

[a] "Tros Tyrius ve mihi nullo discrimine agetur" is an old Latin saying corresponding with our modern slang phrase, "All coons look alike to me."

products thereof for export shall apply to dairy products so inspected and certified: *Provided*, That not more than $100,000 of the sum herein appropriated shall be used for the microscopic inspection and certification of pork for export: *Provided further*, That the Secretary of Agriculture be authorized to expend of the amount hereby appropriated, through the dairy division of the Bureau of Animal Industry of the Department of Agriculture, a sum not to exceed $20,000 in further developing the dairy industry of the Southern States by conducting experiments, holding institutes, and giving object lessons in cooperation with individual dairymen and State experiment stations: *Provided, also*, That the Secretary of Agriculture is authorized to expend $5,000 of the amount hereby appropriated, to especially investigate hemorrhagic septicemia, infectious cerebro-spinal meningitis, and malignant catarrh, prevalent in the State of Minnesota and adjoining States, to work out, if possible, in cooperation with the Minnesota Experiment Station, the problem of prevention by developing antitoxin or preventive vaccines and to secure and diffuse information along these lines.

Mr. CRUMPACKER. Mr. Chairman, I desire to make a point of order against the part of the paragraph beginning with and including the word "and," in line 7, page 13, and down to and including the word "exports," in line 16, page 13.

The point of order is based upon the idea that the provision changes existing law. This paragraph has been carried in a number of agricultural appropriation bills, but from its nature it is temporary—not permanent, not continuing. It applies to the immediate appropriation. The paragraph appropriates upward of a million and a half dollars to be used during the next fiscal year for the purposes enumerated, so that it is necessarily and essentially a provision limiting and confining the appropriation, or authorizing the appropriation for this specific purpose. It applies of necessity to the appropriation contained in the paragraph.

Now, I concede that where there is legislation of a permanent and continuing character contained in an appropriation bill it is just as much law, when enacted and approved, as if it were contained in an independent bill, and subsequently it may become the basis for appropriations in general appropriation bills under the rules of the House. On the other hand, it is settled by a large number of precedents in this House that a provision of this kind, carried from year to year in an appropriation bill, is only for the fiscal year. It only makes law for that one year, and does not furnish the basis, under the rules of the House, to authorize an appropriation on the same subject for the next year.

Now, this provision does not relate to agriculture within the sense of the law. There is no statute anywhere authorizing the Secretary of Agriculture to take the public funds and go into the open market and buy farm products, dairy products, and fruit products to ship abroad, and to use the receipts of those sales abroad to repeat the purchase. This paragraph carries about $1,500,000, and an absolute discretion is vested in the Secretary of Agriculture to use this entire sum if he sees fit, to go into the markets and buy oats, wheat, corn, hay, butter, cheese, or anything of that kind that he sees fit to buy, for the purpose of export and sale in foreign markets, and it authorizes him to repeat that operation without limit. I repeat that there is no legislation authorizing any such power. I have before me the original statute creating——

The CHAIRMAN. The Chair would like to ask the gentleman from New York [Mr. WADSWORTH] whether he knows of any law aside from that contained in previous appropriation bills authorizing this expenditure?

Mr. WADSWORTH. No; I do not. I am inclined to think the provision is subject to a point of order. It has been carried in the bill one or two years.

The CHAIRMAN. The Chair is prepared to rule.

Mr. WADSWORTH. I am inclined to think it is subject to a point of order.

Mr. MANN. This is a matter of considerable importance, and it does not seem to me that the point of order is well taken, although the gentleman from Indiana has invoked it and the Chair seems ready to rule. The provision of law itself in the appropriation bill, so far as the object is concerned, does not relate simply to the current appropriation. The Secretary of Agriculture may use so much of this sum—that is, the current appropriation—as he deems necessary, "and such products may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such products toward the continuation and repetition of such experimental reports." That is not something confined to the appropriation act. That is general legislation, giving to the Secretary of Agriculture authority to buy in the open market this class of products and sell them and to reimburse him out of the proceeds of the sale. Now, if that be the policy of the Government, as defined in this law and in permanent form, then it is perfectly proper to make appropriation for it. It is not limited.

Here is a permanent policy provided in this act authorizing the Secretary of Agriculture to purchase in the open market and to sell. Now, to say that only applies for the year would prevent him from carrying out a transaction expressly authorized by the statute as a matter of permanent policy. As to whether he is able to do this without the appropriation of money is another question. The appropriation is confined to the current year. The appropriation of a part of this sum is confined to the current year, and it authorizes the purchase in the open market, but to make the sale it is not confined to the current year. It is a part of the law and need not be repeated in this appropriation act and properly ought not to be repeated in it.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. MANN. Certainly.

Mr. CRUMPACKER. If the gentleman is correct, if this paragraph goes out on a point of order the Secretary would have the power to use the money for the purpose specified.

Mr. MANN. Why, certainly he would not. Giving the Secretary of Agriculture authority to do a certain thing and providing the sum of money with which he may do it are two essentially different propositions. The Secretary of Agriculture can only expend money in accordance with the appropriation made, and when we make an appropriation and define the purpose for which the appropriation is made the Secretary can not expend the money for something else, although the law authorizes him to do something else.

Mr. CRUMPACKER. If the gentleman will permit me, these provisions are only permissive; but that does not preclude the expenditure of this money for any other legal purpose.

Mr. MANN. I beg the gentleman's pardon. We may authorize the Secretary of Agriculture to do something to-day, and, if we make the appropriation, give him the authority to do something else to-morrow. He can not divert the fund for which we make the appropriation and spend it for something else that he may be authorized to do.

Mr. OLMSTED. Will the gentleman from Illinois permit me to ask him a question?

Mr. MANN. Certainly.

Mr. OLMSTED. I understand the gentleman's argument to be that assuming this same provision to be in the appropriation bill passed for the previous year, it authorizes this appropriation. Am I correct?

Mr. MANN. The gentleman reaches that conclusion; I reached that conclusion.

Mr. OLMSTED. The difficulty with me is that this act says that the Secretary may use so much of this money as he deems necessary. If that was the provision in the former bill, was not the operation of the former bill limited to the expenditure of the sum provided in that bill and would that serve as a basis of authority for further appropriations for the same purpose?

Mr. MANN. It clearly would not. There is no possible question about that. So far as the appropriation was concerned, it would not be an object in process, but entirely separate from the appropriation. This current law authorizes the Secretary of Agriculture to do certain things. That is not limiting the appropriation at all; that is the current law.

Mr. OLMSTED. It seems to me that that is to be construed in connection with the preceding clause. He may use so much of this sum as he deems necessary for promoting the development of foreign markets, and in so developing them he may purchase products out of this sum.

Mr. MANN. That is the question involved, it seems to me. I say to the gentleman from Pennsylvania that I appreciate the point, but it seems to me that this is authority to the Secretary of Agriculture to buy in the market and sell if he chooses to. If we make no appropriation for it, then he can not expend any more money than he receives from the sale, but the authority is given there, as I take it, by the law to do that. The question of making the appropriation is another proposition entirely.

Mr. POLLARD. Mr. Chairman, I would like to call the Chair's attention to section 526 of the act where the Agricultural Department was created. It is section 526 of the Revised Statutes, and reads as follows:

SEC. 526. The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics and by any other appropriate means within his power.

Now, Mr. Chairman, it seems to me the last clause I read covers the point at issue. As I understand this clause in the bill it authorizes the Secretary of Agriculture, for instance, in the line of our corn exports to go into the market and purchase corn, if he so desires, or oats or fruit or any other product of the farm and export that and take the revenues derived therefrom and keep repeating that experiment. It is for the purpose of gathering information relating to the Agricultural Department and the agriculture in this country, and it seems to me that this

clause of the statute covers that ground and gives him the warrant of law for making this experiment.

The CHAIRMAN. The Chair is ready to rule.

Mr. GAINES of Tennessee. Mr. Chairman, referring to the remarks of the gentleman from Nebraska [Mr. POLLARD] it seems to me the portion of the statute which he read does not show the law which applies to the language in question, as I understand it. This is for the purpose, the promotion, extension, and development of foreign markets for dairy and farm products. It is not for the purpose of developing the farm, not for the purpose of taking care of our own farming institutions, but for the purpose of developing foreign markets for the products of farms.

The CHAIRMAN. In the judgment of the Chair the proposition contained in this paragraph is not a continuation of a public work within the language and intent of the rule of the House, and there being no law authorizing the provision, that contained in previous annual appropriation bills being merely temporary, the Chair holds that this paragraph does involve a change in existing law, and is therefore subject to the point of order, and the Chair sustains the point of order.

Mr. HAUGEN. Mr. Chairman, I wish to reserve the point of order to the provision on pages 14 and 15, beginning with line 22 on page 14 and ending with line 13 on page 15, and pending the consideration of that point of order, I ask unanimous consent to offer an amendment which I think will remedy the whole matter, and then I shall not insist on the point of order if the amendment be agreed to. I offer the following amendment.

The CHAIRMAN. The gentleman from Iowa presents an amendment and asks unanimous consent that it may be considered before he raises his point of order. Is there objection?

Mr. MANN. Well, Mr. Chairman, I would like to know what the amendment is before we give consent.

Mr. WADSWORTH. Mr. Chairman, let us have the amendment read.

Mr. MANN. I think we ought to have the point of order stated.

Mr. HAUGEN. Mr. Chairman, I will state that the provision just referred to is new legislation, and is clearly subject to a point of order, and in this appropriation for meat inspection two items—one $20,000 and one $5,000—have been deducted from the amount appropriated for the inspection of meat. The amount is already cut down $104,000. I can not believe that it was intended that the $25,000 should be also included, reducing the amount $129,000. I am now offering an amendment to increase the amount $129,000, which will give the amount estimated for and asked by the Secretary of Agriculture. All the interest I have in the matter is that I think we should have adequate funds to provide for this inspection.

Mr. MANN. Mr. Chairman, it seems impossible for me to ascertain what the point of order covers.

Mr. HAUGEN. The proviso on pages 14 and 15 is new legislation, and clearly subject to the point of order.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In lines 11 and 12, on page 12, strike out the words "one million five hundred and seventy-five thousand dollars," and insert in lieu thereof the words "one million seven hundred and four thousand dollars."

Mr. HAUGEN. Mr. Chairman, it does not seem necessary to discuss this amendment at any length.

Mr. MANN. Mr. Chairman, do I understand that this amendment is pending? I think if the gentleman wishes to make a point of order he should make it and we should dispose of that now.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that this amendment may be considered as pending before he raises his point of order. Is there objection?

Mr. MANN. Mr. Chairman, I am not willing to reverse the rules of the House in that respect, and I object.

Mr. HAUGEN. Mr. Chairman, I am perfectly willing that this appropriation should be made for this experiment, but I am not willing that it should be taken out of the money intended for the inspection of meat.

Mr. MANN. I will say to the gentleman from Iowa that I may be perfectly willing to agree with him, but I am not willing to have the committee put in the position where it is being held up on the threat of a point of order in reference to an amendment. Let us consider it on its merits.

Mr. HAUGEN. Does the gentleman wish me to speak to the amendment?

Mr. MANN. Yes; but in doing so the gentleman will waive his point of order. Of course, Mr. Chairman, I do not wish to shove the gentleman off entirely.

Mr. HAUGEN. I do not wish to take advantage of these gentlemen who are interested in this amendment, but I object to its being taken from the amount appropriated for the inspection of meat. All I ask is that the House consider this amendment.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. HAUGEN. I will have to insist upon it.

Mr. MANN. What became of the item, Mr. Chairman?

The CHAIRMAN. Objection being made——

Mr. HAUGEN. Mr. Chairman, I will withdraw the point of order and offer the amendment. Mr. Chairman, I do not believe it is necessary to discuss the amendment at length. I believe that every Member of this House appreciates the importance of the amendment. If we fail to appropriate this money, we will deprive the cattle growers of our country of their market, as they will be unable to dispose of their stock.

It not only concerns the cattle growers of this country, but every packing industry of this country as well; and if you fail to appropriate the amount you discriminate in favor of the large packing concerns against the smaller. It concerns the good health of every meat consumer in the United States and subserves the health of every American citizen. The amount asked for is $1,679,000; the amount appropriated is $1,575,000, or a difference of $104,000, but to this amount $20,000 for the extension of the dairy interests and $5,000 for some experiments in connection with the experimental station of Minnesota should be added, making a total of $129,000. I will now ask that the Clerk read a communication from Doctor Salmon, which explains the situation.

The Clerk read as follows:

APRIL 24, 1905.

The SECRETARY OF AGRICULTURE.

SIR: Referring to H. R. 18536, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, the total appropriation for the Bureau of Animal Industry, as it appears in the bill, is $1,682,980. The total amount requested in the estimates, including statutory salaries, general expenses, tick eradication, and animal feeding and breeding, amounted to $1,811,980, subdivided as follows:

Meat inspection	$840,000
Microscopic pork inspection	100,000
Export cattle and vessel inspection	60,000
Southern cattle quarantine inspection	54,000
Sheep and cattle scab eradication	398,000
Maladie du coit eradication	4,000
Inspection and quarantine of imported animals	32,000
Hog-cholera experiments	6,000
Laboratories and experiment station and scientific investigations	75,000
Animal husbandry	10,000
Dairying	70,000
Administrative and miscellaneous expenditures	30,000
Tick eradication	25,000
Animal feeding and breeding	25,000
Statutory salaries	82,980
Total	1,811,980

The amount requested for tick eradication has been provided for in another section of the bill and increased to $65,000. The difference, therefore, between the amount requested and the amount recommended by the bill is in the amount for general expenses. This amount, as requested, is $1,679,000, and the amount recommended is $1,575,000, or a difference of $104,000. The estimates were very conservative, and the increases were based upon the numerous urgent requests for meat inspection at establishments that are engaged in the shipment of interstate and export meat products, which products should be inspected, as indicated by the acts of 1891 and 1895. From time to time the necessity of increasing the efficiency of the meat-inspection service has become apparent, and, so far as possible, this has been done. It is still necessary to exercise greater supervision over the inspection of animals at the time of slaughter, and it is also necessary to extend this supervision to all meat products until they leave the abattoir where prepared. This additional supervision will require additional assistants, and I consider it very necessary that this precaution be taken.

Several slaughtering establishments engaged quite extensively in interstate trade are without inspection and have not requested that the Department inaugurate inspection at their plants. The failure on the part of some of these establishments to ask for inspection is evidently due to their ability, under present conditions, to slaughter and ship diseased animals which should be condemned and destroyed. These establishments should all be compelled to have inspection or be prevented from entering into interstate traffic.

For several years the Department has been endeavoring through quarantine measures to prevent the spread of scabies among cattle and sheep in certain Western States. As all of the sheep and cattle in these States are not affected with the disease, it is necessary that inspectors be provided in order that healthy animals may be shipped out of the States to markets. On account of the limited appropriation it has not been possible to provide a sufficient number of inspectors for the inspection of cattle, and it has been necessary to permit the shipment of apparently healthy animals to market centers without inspection, the cars containing them being placarded "Uninspected cattle." This measure has not brought the relief that was anticipated, as shippers desire to know before shipment whether their animals, after being inspected at destination, will be permitted further shipment in case it is necessary, or whether they will be quarantined. Frequently animals have been shipped under this provision which were diseased, not only causing great losses to the shippers, but making it necessary for the railroad companies to disinfect their cars, as well as the chutes and stock yards at the shipping point, and the stock-yard companies to disinfect the pens at destination. This has caused these concerns much additional expense and has had the effect of removing from use for a

time quite a large number of cars which were badly needed during the busy shipping season. It is of the utmost importance that sufficient inspectors be provided to facilitate these shipments.

It has also been necessary to curtail very greatly the field inspection force that has been engaged, in cooperation with State officials, in the eradication of scab among sheep and cattle. It is most important that this work be continued in order that the States affected can be released from quarantine and the inspectors stationed there removed to other sections where their services are needed in similar work. Unless a sufficient force is provided so that the work of eradication can be completely performed, it is obvious that the disease will continue for many years. This cooperation has been commenced at the urgent request of the officials of the States and is in exact harmony with the law of 1884 establishing the Bureau.

I would respectfully suggest that Congress be again requested to provide the amount originally recommended.

Very respectfully, A. D. MELVIN,
Chief of Bureau.

Mr. WADSWORTH rose.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. If the gentleman from New York rises to oppose the motion of the gentleman from Iowa he is entitled to the floor.

Mr. HEPBURN. I rose for the purpose of making a request.

Mr. WADSWORTH. All right.

Mr. HEPBURN. Mr. Chairman, I make that motion simply for the purpose of making a request. I made some observations the other day before the committee, and I now ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. WADSWORTH. Mr. Chairman, the committee has allowed an increase to the Bureau of Animal Industry over the appropriation of 1905–6 of $142,980. In the opinion of the committee, with one exception, that was an ample increase to meet all needs.

Mr. MANN. Will the gentleman yield for a question on that point?

Mr. WADSWORTH. The committee will remember when we had the emergency deficiency bill under consideration this question of additional aid to the Bureau of Animal Industry came up, and the Secretary then asked for $130,000 or $134,000 additional money to carry on the work of eradicating scab in cattle and sheep. After investigation the committee finally, with the concurrence of the Senate, allowed him $65,000. Now we have increased the appropriation over last year $142,000, which is, in round numbers, $12,000 more than he asked in his deficiency bill. There is no doubt, in my opinion, if I may continue, and then I will answer any questions——

Mr. MANN. Will the gentleman state what the increase is? Is the increase you speak of over the agricultural bill?

Mr. WADSWORTH. No; over the annual appropriation for the Bureau of Animal Industry for 1905–6, and the increase is $142,980.

Mr. MANN. You include the amount in the deficiency bill?

Mr. WADSWORTH. No; we arrived at that increase somewhat by judging how much deficiency there was in 1905–6, and we gave what he claimed the deficiency was. Now, Mr. Chairman, I want to say one word on this question. I think the Department of Agriculture—and I have some personal knowledge—is unduly alarmed over scabies in cattle, and I see by the allotment of money they have allowed $398,000 for scabies in cattle and scab in sheep. Now, I know something about the cattle business. I have large interests in Texas and small interests in Colorado. I have handled cattle for forty years. I have bought them in every State almost where cattle are raised, including Canada. I have bought them in Buffalo, Chicago, St. Louis, Kansas City, and I have never seen a case of scabies.

Now, that statement may seem extraordinary, but it is absolutely true. I have never seen a case of it. I think the Department has listened to employees out there who have been panic-stricken and exaggerate the danger. That is the information I get from the cattlemen of the West.

Mr. MANN. Is the gentleman's opinion formed from the fact that he never happened to see a case of scabies?

Mr. WADSWORTH. Somewhat, and from men interested in Texas and Colorado, where I am part owner of lands and cattle. I have never seen a case of it.

Mr. MANN. If the gentleman had been around stock yards, he could have seen thousands of cases.

Mr. WADSWORTH. No man living has ever seen thousands of cases around stock yards; neither the gentleman from Illinois nor anybody else has seen them. It does not exist, and Doctor Melvin himself, in the hearings before the committee, as you will see, admitted the disease was not very contagious. It generally attacks animals that are in low condition in the fall of the year or winter, and nine-tenths of them get well in the spring of their own accord, when the grass is growing, and they regain their flesh and strength.

Mr. MANN. I will say to the gentleman that in past years, before we commenced the investigation of the subject, it was a very common thing to see cattle with scabies at stock yards.

Mr. WADSWORTH. The Department of Agriculture has never taken any notice of it until a year or two past. It is a new thing with the Department of Agriculture. The gentleman has got it mixed with some other disease.

Mr. BURLESON. Mr. Chairman, I desire to remind the gentleman from New York [Mr. WADSWORTH] of the fact that in the hearings on the agricultural appropriation bill two years ago the attention of the Chief of the Bureau of Animal Industry was directed to this particular disease of cattle—the scabies—and the request was then made of him that he submit a statement showing where this disease was to be found in the western section of our country and the extent and degree of its prevalence. He spoke of its presence in Texas, and I will state that I have been interested in the cattle business to a limited degree for some time myself and, like the gentleman from New York [Mr. WADSWORTH], I have never seen a case of scabies in all my life. And last year, on the occasion mentioned by me, when the Chief of the Bureau of Animal Industry made his showing to the committee, we were all astonished at the very small number of cattle that he could find affected with scabies, and he collected data from all of the reports that had come into his Bureau from its employees who are looking after this disease and there were comparatively few cases. Absolutely the whole situation has been exaggerated, in my opinion, and I do not hesitate to state it that, in my deliberate judgment, a large part of this fund is used to give a lot of peripatetic gentlemen standing jobs in the western section of our country and that they serve no substantial or good purpose.

Mr. HAUGEN. Mr. Chairman, I do not question the judgment or the knowledge or the integrity of the distinguished chairman of the committee. But I do hold that the Secretary of Agriculture and Doctor Melvin have some knowledge also of what money is necessary for inspection. I do know that in some of these States where a quarantine has been established it is impossible to pass a critter across the State line, and the people that have the cattle are absolutely unable to dispose of them. I know that cholera hogs are being sold, and I know that the meat consumers are complaining. And to deny this appropriation is simply to say to the meat consumers of this country that "You are now to continue to eat the cholera punk and the diseased meat." It is for Congress now to decide.

Are you going to say to the people of the various States that "You are not going to be permitted to sell the stock?" Are you going to say to the packers that are in business in competition with the trusts that are supplied with these inspectors, "We will see that you are not given a market for your products?" Packing concerns have these inspectors. They are able to sell the meat. The smaller concerns that have no inspectors are unable to sell it, inasmuch as the retailer prefers to buy the meat that has been inspected. And it is not only an injustice to the cattle growers of this country, but it is a discrimination against the smaller packers, and it is an imposition on the meat consumers. That is all I care to say about it.

Mr. WADSWORTH. Let me emphasize one fact which the gentleman overlooked. In the allotment of the Committee on Appropriations for the Bureau of Animal Industry, they allotted $398,000 for scabies in cattle and in sheep. I claim that that is an excess allotment, and that you can use the money for ante-mortem and post-mortem examinations of the meats.

Mr. HAUGEN. The gentleman knows that these are estimates, and if that money is not needed for this purpose it can be used for other purposes. I challenge the statement made by the distinguished chairman, that this appropriation has been increased $142,000 over last year. In all fairness, I think he should have stated that we appropriated $63,000 only a few days ago, which should be deducted from the $142,000, and that the Secretary's statement is that the Department is in need of money at the present time to carry on this inspection.

Mr. WADSWORTH. Why?

Mr. HAUGEN. And this must be made immediately available.

Mr. WADSWORTH. Why has he not got money enough? If you will not state, I will.

Mr. HAUGEN. I take the statement of the Secretary.

Mr. WADSWORTH. He was directed by law to allot that appropriation by quarters. He allotted $400,000 to the first quarter—I am speaking in round numbers—$400,000 for the second quarter, $400,000 for the third quarter, and that left him

$200,600 for the fourth quarter. Now, he did not allot it share and share alike for each quarter. If it was absolutely needed, it is here for Congress to determine whether it was or not, but we appropriated $63,000 more.

Mr. HAUGEN. And he asked for $134,000, and he ought to have had exactly what he asked for. Now, the fact that we appropriated $134,000 less than was needed last year is no reason why we should repeat the error.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

Mr. MANN. I move to strike out the last word. This amendment is an increase of the total appropriation. Now, I notice a provision in the bill that not more than $100,000 of the sum hereby appropriated shall be used for the microscopic inspection and certification of pork for export.

Mr. WADSWORTH. That is the Secretary's own amendment, I would say to the gentleman from Illinois. He proposed that amendment. That comes from the Department.

Mr. MANN. The gentleman is satisfied that that will be sufficient?

Mr. WADSWORTH. I take it that the Department knows what it needed or it would not have written the amendment in that way.

Mr. MANN. The gentleman himself has some opinion?

Mr. WADSWORTH. I think it is.

Mr. MANN. That is satisfactory to me. I notice a further provision on page 15—a proviso limiting the investigation. Is that intended to investigate human beings also?

Mr. WADSWORTH. That is a typographical error, which the gentleman from Minnesota [Mr. DAVIS] will correct. We were going to correct it at the proper time.

Mr. MANN. I simply asked for information.

Mr. DAVIS of Minnesota. I desire to make a correction on page 15.

Mr. WADSWORTH. Well, Mr. Chairman, that is not in order now until we dispose of the amendment offered by the gentleman from Iowa.

Mr. HAUGEN. I ask that the amendment may be again read, so that the committee may understand what it is.

The amendment was again read.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. DAVIS of Minnesota. Mr. Chairman, I desire to amend, on page 15, line 8, after the word "prevalent," by inserting the following words "among domestic animals," in order to make the paragraph read as it was intended to read originally.

The Clerk read as follows.

Page 15, line 8, after the word "prevalent," insert the words "among domestic animals."

Mr. DAVIS of Minnesota. Mr. Chairman, it will be apparent that the words are necessary in order to make the paragraph at all sensible. Of course it is known the Bureau of Animal Industry only deals with domestic animals, or animals, but by an omission there, or by a misprint or otherwise, the words "among domestic animals" were left out. I think the House can readily see the importance of the amendment, if they feel like adopting the paragraph at all.

The question was taken, and the amendment was agreed to.

Mr. LEVER. Mr. Chairman, I shall not take the time of the committee to discuss a provision beginning on line 22:

That the Secretary of Agriculture be authorized to expend of the amount hereby appropriated, through the dairy division of the Bureau of Animal Industry of the Department of Agriculture, a sum not to exceed $20,000 in further developing the dairy industry of the Southern States by conducting experiments, holding institutes, and giving object lessons in cooperation with individual dairymen and State experiment stations."

I only wish to say, Mr. Chairman, that that provision of the bill carries the gist and meaning of a bill which I introduced on the 20th of January, which was referred to the Agricultural Committee, and I shall to-day only ask the indulgence of the House to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina to extend his remarks in the RECORD. [After a pause.] The Chair hears none.

Mr. MUDD. Mr. Chairman, I wish to submit a few observations upon the very familiar and much mooted subject of free seeds, and make the formal amendment to strike out the last word for that purpose.

As I understand, the amendment that is proposed to be offered providing for free seeds for Congressional distribution will have to run the gantlet of a point of order. Therefore I desire to say what little I propose to say upon this proposition at this time.

We find a very large and very varied assortment of communications in the line of antiseed propaganda collected by the chairman of the Committee on Agriculture and inserted in the RECORD of April 26.

It will be found, upon an inspection of this collection, that nearly everything, aside from an occasional editorial in the Washington Post, comes from people who are interested in the sale of seeds.

There is just one little specimen which forms an apt illustration of this general class of communications, to which I want briefly to call the attention of the committee. It comes from a gentleman by the name of Ribsam—one Martin C. Ribsam—and is addressed to the Hon. IRA WOOD, M. C., one of the Members of this House. It is printed on page 5956 of the CONGRESSIONAL RECORD, and reads as follows:

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.

I do not think it is necessary to read any of the other reasons assigned in this production, Mr. Chairman. In my judgment, the one reason which I have just read is just about the milk in the cocoanut of this antiseed crusade. Every communication in that list, with the exception, I repeat, of an occasional editorial in the Washington Post, is from some seed salesman, or some one directly or indirectly interested in the business.

Now, we all recognize the Washington Post as a great paper. The Post itself will make no denial of this. It has been of great service to me. I should call it my friend. It has exercised a chastening influence, a refining and uplifting influence I know, over my not very lengthy and largely varied political life, by what I must assume to be an inwardly kind, but outwardly caustic, criticism, and gentle excoriation of all my errors and shortcomings—all that I have, and some, I think, that I do not have, every year or so. [Laughter.] I take it for granted its biennial prediction of my defeat for Congress will be due and come along in about sixty or ninety days from this date. [Laughter.]

That also has been to me a source of considerable good and helpfulness in the past when I have been a candidate before. It aroused my people to action when there was an apathetic sort of feeling among the voters which otherwise might have lost me to Congress.

But with all this I have never yet been able to concede, and can not bring myself to the point of conceding now, that the Washington Post—great organ and leader of thought as it is—would be considered an expert authority on soils and seeds and kindred subject-matters along the agricultural line; and I think I may pass by, without any serious consideration, the opinions of that and other great metropolitan journals upon this matter of soils and seeds and similar subjects which enter into the life and the occupation of the farmer, about which I think they know little or nothing of practical advantage.

Mr. LAMB. Did you read that little communication in the Washington Post this morning?

Mr. MUDD. No; I stand here in my place and plead guilty to the charge of not having yet read the Washington Post of this morning. I shall do so, however, just as soon as this little deliverance of mine shall have been finished.

Mr. MURDOCK. My experience has been that the garden seeds furnished by the Government create a demand for other seeds which are purchased from seed dealers. Probably of the two or three thousand people to whom I furnish seeds, many of whom would not otherwise buy seeds, a considerable number, after they get a little start on a garden, go and buy more seed. Does the gentleman think that the letter which he has quoted makes out a good case on that point?

Mr. MUDD. I do not think that any man makes out a good case who asks a Member of Congress to vote against a general distribution of seeds by the Government on the ground that it hurts his particular private business. I consider a request of that character an impudent and arrogant assumption as to the conception of public duty by a Congressman, which ought to be rebuked by adverse action upon the request. When it is understood that such a feeling of private interest as that is about the underlying principle of almost all these prayerful appeals for opposition to free seed that we get here, it ought to impress people from the rural districts, if they had any doubt before, that they ought to sustain the proposition looking to the continuance of the Congressional distribution of seeds.

Mr. Chairman, the opposition to this provision, which contemplates an appropriation of $200,000, comes in this House, so far as I have been able to observe it, in the main, from Members

who represent city constituencies. Of course I have great respect for the opinions of these gentlemen. It comes, from time to time, too, from Members who represent rich constituencies in the country, who do not need and do not want these seeds, who do not write for them, but frequently write to their Congressmen to send them something else of rarer and greater value. It is the wealth of these people, which my constituents and the constituents of most country Members here do not possess, that makes the cost of seeds no serious object of consideration to them.

If the ground of the opposition to this contemplated provision is that the constituencies of the various Members do not want these seeds—and that has, in almost every case, been stated or been known to be the reason—then, *per contra*, a Member in my position ought to vote, and should feel in duty bound to vote, for the incorporation of such a provision in the bill.

My constituents do want the seeds. I stand with my constituents. I propose to get for them, as far as I can, just what they want, and just what they feel that they need. The people of my district—the rural sections of it, I mean—I am sorry to say, are, in very large measure, farmers of moderate means, truck gardeners, and laborers, whose only worldly possessions consist of a little house and an acre or two of ground. It is for these people, particularly the last-named class of them, that, with consistency and earnestness of conviction, I shall vote to continue this distribution, which it has been the policy of the Government to provide for for several decades, at least, in the past.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. MUDD. I ask unanimous consent that my time be extended for five minutes.

There being no objection, it was so ordered.

Mr. MUDD. Mr. Chairman, we vote millions of dollars at the request of our city friends upon this floor—and I always expect to vote in favor of these appropriations—for magnificent public buildings that are erected in the great cities, and only in the cities. If we were to vote only for such buildings, for buildings requiring only such expenditures, as were absolutely and urgently necessary, I apprehend the structures that now cost a million dollars might be erected for less than a hundred thousand dollars.

Some one has made reference to the appropriation for battle ships. We do appropriate munificent sums for battle ships. I take it for granted we will continue to make such appropriations. We spend more than the amount which we would appropriate to supply this item, more than the sum of $200,000, for decorations of the interior of battle ships. I have voted for these items before and I expect to vote for them again, because I believe in a broad and liberal policy on the part of the Government, to typify the greatness of the United States in such concrete forms as are illustrated by magnificent public buildings on land and by magnificent battle ships to ride the seas.

Now, then, Mr. Chairman, when we come to this little pittance of $200,000 these gentlemen grow indignant and arouse themselves to a highly ecstatic state of public virtue in their attempt to save the public money. They want to protect the Government from an expenditure of $200,000 for the people of the country who feel the least, and who are the last to feel, the helping hand of Government expenditures, and then ask for these appropriations of one million or two million of dollars for splendid structures in their city homes.

It has been said in the newspapers and said in this debate that there is a species of "graft" involved in this little expenditure.

Mr. Chairman, if the $200,000 which we propose to expend here in distributing free agricultural seeds to the small farmers and laborers and gardeners of this country shall be found to be the only evidence and extent of "graft" in and around this Capitol, I opine that the people of the United States will not feel seriously called upon with grave concern to fear the loss of the integrity of their Representatives here in the Congress of the United States. I do not think it is in this quarter of expenditure that we will make successful finds in our graft-hunting investigations.

It is said that the Department of Agriculture has at last come to the conclusion that these seeds are worthless. Many Members on the floor are opposed to the distribution of seeds because, as they say, they are worthless.

Mr. Chairman, if it has come to this, that the great Department of Agriculture, with the Treasury of the United States behind it, can not provide improved seeds, can not provide useful and valuable seeds, as improved and as useful and as valuable as are the seeds that are found in the ordinary crossroads stores throughout the country, then the wrong must be laid at the door of the Agricultural Department, and we shall want to look into and bolster up the work of that Department until it can provide and distribute valuable seeds to the farmers—better seeds than they can purchase in the ordinary channels of commerce.

I find another little instance of opposition to these seeds, which further illustrates the trifling character of the opposition.

I notice a statement here in this rich collection of antiseed literature from a postmaster of a little town called Duane, in the State of Virginia. He signs himself R. G. Tyler. I do not know whether a Member of Congress or some one else suggested the propriety of his writing such a letter and uttering such a wail of lamentation over the burdens of the free-seed distribution. I take it for granted that to some extent the arduous labors of that distinguished official were increased just a little bit without a corresponding augmentation of his salary, because of the work of distribution of these seeds, which it is his duty, under the law, to distribute, and distribute faithfully and promptly, to those to whom they are sent.

Mr. LAMB. He is the only postmaster in Virginia that thinks as he does.

Mr. MUDD. Then perhaps he is the only one that ought to be removed from office for writing a communication of this kind. [Laughter.]

Furthermore, Mr. Chairman, we have been told that the Post-Office Department is against this seed distribution.

This is not the only way in which many of us have observed a tendency upon the part of certain officials to minimize and to disparage what they seem to consider as an offensive sort of prestige attaching to the position of a Congressman. Mr. Chairman, I know that there has been a growing feeling in some quarters in the last year or two that Congressmen are, in fact, a very inferior class of beings, the evil of whose existence, because it can not be cured, must, forsooth, be endured, but curtailed as far as practicable. For one I want the Departments and bureaus of the Government to know—and if I had no other reason for voting for this appropriation, I would vote for it to serve notice upon them that the legislative branch of this Government is not made for and is not subject to the Executive Departments, but that the Departments are created to carry out the mandates of the legislative branch of the Government.

For myself I want to say that I shall vote for this appropriation, even if you call it a bounty. There is no bounty that could be voted that would give greater encouragement to the ordinary objects of that form of Government donation. I would vote for it if you call it a subsidy. There could be no subsidy that we could vote that would be productive of greater good to to a greater number. I would vote for it—yes, I would vote for it even if you put it upon the plain, bald ground of an expenditure of $200,000 as a contribution to the contentment of the poor man of this land who receives the seeds, who wants them, who needs them, and who receives substantial benefit from them, and who gives in return an added feeling of interest in his Government, an added feeling of affection for his Government, in that, from his point of view, the Government has seen fit, in even so slight a way, to remember him and to contribute, in even so slight a way, to lighten the burdens of his life's labors and expenditures. [Applause.]

Mr. COCKS. Mr. Chairman, I move to strike out the last two words. The object I have in endeavoring to keep out of this appropriation bill the item for the free distribution of seeds is one that none of the gentlemen seem to have touched upon here. These items in this bill are in the interest of the agricultural people of this country. Now, gentlemen are always calling for proof, and I would like to have them present a resolution of any grange or organization of farmers that are in favor of this proposition. There may be some, but I want to hear from them.

Mr. CURRIER. If the gentleman will allow me, I want to say that I have received sixty-six letters from granges. One grange opposes the distribution; sixty granges returned thanks for the seeds, and in many cases they adopted formal resolutions of thanks. [Applause.] I have received more than 500 letters from farmers, and 99 out of 100 say that these seeds are valuable to them, and that they get good results and new varieties.

Mr. COCKS. Mr. Chairman, I am glad to hear that the farmers in some States appreciate that, but in my own State——

Mr. CURRIER. Mr. Chairman, the gentleman challenged proof.

Mr. COCKS. Certainly. I would like to have the resolution presented, but not a speech. I am perfectly willing to hear it if my time is not curtailed.

Mr. CURRIER. Oh, the gentleman can get what time he needs.

Mr. COCKS. Very well; if the gentleman wants to read it, I have no objection.

Mr. CURRIER. I want to read a very short letter—only a few lines. It is as follows:

Thank you, ever so much, for the seeds. I will put them where they will be most appreciated. I think the girls will most appreciate the flower seeds. We often wondered why the flower seeds were never sent out. There are many wives who would be so pleased with some, and too often the farmers think it too much to get any for them.

Sincerely,

MRS. KEEZER.

Mr. COCKS. Well, that is not an official communication from any organization of farmers.

Mr. CURRIER. I have sixty-five of those that I have just spoken of.

Mr. COCKS. I did not know there were so many granges in the gentleman's State. That is all right. I know that the State Grange of the great State of New York is opposed to it, and I have here the letter of the master of the grange, and I for myself, speaking as a farmer, am and have been always opposed to this free distribution of seeds. Now, so far as the attitude of the farmers of this country is concerned, I am satisfied that the intelligent farmers of the country, the men who really go to make up the great mass of the farming community, are entirely opposed to the free distribution of these common garden seeds.

Mr. LIVINGSTON. Well, that is where the gentleman is badly mistaken; just as badly as he ever was in anything in his life.

Mr. COCKS. Oh, I decline to yield any further. I have a limited time. The gentleman may make a speech in his own time.

Mr. SULLOWAY rose.

Mr. COCKS. Is it a question or a speech? I would be very glad to answer any question that I could.

Mr. SULLOWAY. I would ask why the farmers of this country are opposed to the distribution of seeds.

Mr. COCKS. Because they do not think it necessary or proper business for the Government to distribute these free seeds. That is why.

Mr. LAMB. Mr. Chairman, I am satisfied my colleague will yield to one question.

Mr. COCKS. Yes.

Mr. LAMB. Of the 7,000,000 farmers in this country what proportion belong to the granges?

Mr. COCKS. I could not tell you that.

Mr. LAMB. Well, that is the question.

Mr. COCKS. I am only speaking for those I am acquainted with in a good many States, and I am speaking for my part of the country particularly, and I hope that the other gentlemen will speak, and some of them have, for their parts of the country. And I want to say I am very sorry the farmers have not been here to see the solicitude of their friends for them. It might be that they could gather from the RECORD some of the "mystery of their meaning," but not the "awfulness of their mien" in discussing this subject.

Mr. MANN. Does the gentleman think there will be any failure on the part of the farmers to learn about the solicitude of the Members for them here? [Laughter.]

Mr. COCKS. I think not. I think every man will have his speech duly sent out.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCKS. Mr. Chairman, I ask unanimous consent to extend my remarks for five minutes more.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for ten minutes.

Mr. POWERS. Oh, no, no. The gentleman only wants five.

Mr. COCKS. Yes; I want ten.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from New York may be extended for ten minutes. Is there objection?

Mr. JAMES. I object.

The CHAIRMAN. The gentleman from Kentucky objects.

Mr. JAMES. Mr. Chairman, I will withdraw the objection. I desire to have the time extended to fifteen minutes.

The CHAIRMAN. The gentleman withdraws his objection. Is there further objection? [After a pause.] The Chair hears none.

Mr. COCKS. Mr. Chairman, in the first place those people here who are advocating the various propositions are always quoting the Secretary of Agriculture upon this question. I have here a letter from the Secretary which I desire to read. His letter is as follows:

I have your letter of the 6th, asking my views on the free distribution of seeds. I had something on this subject in my last annual report to the Congress for 1903, and as I do not think I can state it any better than I did then I send you a copy of the paragraph herein. I am of the same opinion still.

JAMES WILSON, *Secretary.*

I will not read that particular paragraph from the report, because gentlemen are familiar with it. In any event he is opposed to the free distribution of common garden seeds. I have here also a letter from the Bureau of Farmers' Institutes in my State, from the director, and he says that he does not know of any farmers' organization in my State that is in favor of this free disposition of seeds. I have here a letter from the master of the State grange, which I will read:

I take this opportunity of addressing you in regard to the free-seed distribution. It seems to me that this is the proper time to cut off this needless and wasteful use of public money. For myself, and for the Order of Patrons of Husbandry, numbering 70,000 members in the State of New York, I wish to enter a protest against any further distribution of common seeds by the Federal Government. So far as the distribution of new and rare varieties of seeds is concerned, I think there is no objection to that, but the practice of sending common seeds should be stopped.

GEORGE A. FULLER, *Master.*

I have several other communications here from various associations.

Mr. WILSON. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. COCKS. No; I do not like to yield now, because I would like to yield all at once. These communications are from the Horticultural Society of New York, from the Sheep Breeders' Association, from the Poultry Breeders' Association, and others.

Now, then, I have here in my hand a letter from almost every agricultural paper of any prominence in the United States. Now, the other side seeks to detract from the value of this source of evidence, because there are seed advertisements in them. Certainly there are seed advertisements in them, but do you not think they have as much consideration for their subscribers as for their advertisers? Their advertisers would not stay with them if their subscribers did not. You know that perfectly well. I have one from the Southern Cultivator, of Atlanta, Ga. I do not think it is necessary to read them, but I will read this as a sample, as it is short:

THE SOUTHERN CULTIVATOR AND DIXIE FARMER,
Atlanta, Ga., March 27, 1906.

Mr. WILLIAM W. COCKS,
House of Representatives, Washington, D. C.

DEAR SIR: Your inquiry received in regard to the distribution of seed. We beg to say that the Southern Cultivator has very few views on the subject. We all know that seeds distributed are worthless and only given as soft soap by Members of the House who desire to be reelected.

Yours, very truly,

THE CULTIVATOR PUBLISHING CO.,
T. P. HUNNICUTT, *Manager.*

The CHAIRMAN. Will the gentleman from New York yield to the gentleman——

Mr. COCKS. No; I do not yield. I will in a minute, to answer all kinds of questions. I also have one from the Farm and Ranch, of Dallas, Tex., also in the same line.

FARM AND RANCH,
Dallas, Tex., March 19, 1906.

Hon. WILLIAM W. COCKS,
House of Representatives, Washington, D. C.

DEAR SIR: Will say in reply to your letter of the 13th instant that for many years we have fought the policy of the Agricultural Department in the free distribution of common garden seeds, believing that it was never the intention of the Government to send out seeds in this way. It is right and eminently proper that the Department should experiment with new and valuable seeds and plants, but it seems to us that there would be just as much sense in giving a man an overcoat as there is in giving him common garden seed. However, if the Government should ever undertake to supply the people with overcoats, we trust that the quality will be much better than the quality of the seed they have been distributing.

Yours, very truly,

FARM AND RANCH,
F. P. HOLLAND, *General Manager.*

I have one from the Southern Ruralist, of Atlanta, Ga., which is of the same tenor, signed by the editor.

SOUTHERN RURALIST,
Atlanta, Ga., March 15, 1906.

Mr. WILLIAM COCKS,
Committee on Agriculture,
House of Representatives, Washington, D. C.

DEAR SIR: I have your favor of recent date referring to the free distribution of garden seeds by the Department. In reply would say that I am not only the editor of an agricultural paper, but a farmer and gardener as well. I have been the recipient of these free seeds for years, and they have never been of any benefit to me. In fact, they are usually given to the kids on the place to experiment on. I do not know of a single instance where any farmer has received any practical good from this free-seed distribution, and it involves an enormous expense by the Government and a great burden on the post-office, which is certainly not warranted.

If the original intention of the law governing this free-seed distribution was carried out and the Department confined themselves to

sending out new and rare varieties in sufficient quantities to be of some really practical benefit to the farmers, we would be heartily in favor of it; but the sending out of old varieties of seeds in little dabs is of no benefit to the recipient, and does, in some instances, work a hardship on the seed merchants in the different parts of the country. I certainly trust that Congress at the present session will abolish this free distribution. There are thousands of people opposed to it throughout the country, and we know of no single instance where anyone has said a word in favor of it.

Very truly, yours,

SOUTHERN RURALIST COMPANY.
F. J. MERRIAM, *Editor.*

I have one from the Breeder's Gazette, of Chicago, also along the same line, signed by the vice-president of the association.

THE BREEDER'S GAZETTE,
Chicago, March 16, 1906.

Hon. WILLIAM W. COCKS,
House of Representatives, Washington, D. C.

DEAR SIR: Answering yours of the 13th, I inclose my editorial paragraph in our issue of March 7 on the free-seed proposition. We have argued for years over columns of space in favor of the abolition of the free-seed distribution, and I did not think it necessary to go into the subject at length. I will say another word on the subject next week.

Yours,

W. R. GOODMAN, Jr., *Vice-President.*

I also have a letter from the manager of immigration of Virginia, who is opposed to that proposition.

Mr. LAMB. What is his name?

Mr. COCKS. His name is Weiss.

Mr. LAMB. You sent him down there.

Mr. COCKS. All right; I did not know where he came from, but I would like to say to the gentleman you are asking us to send other people, too.

Mr. LAMB. But we want those people to work.

Mr. COCKS. I hope he is working. Now, if the gentleman desires, we will be pleased to recall him and send one who will work. I have no sympathy for loafers.

Mr. LAMB. He is a first-rate fellow, but, like you, he is misguided.

Mr. COCKS. Well, I have a whole lot of company right in this House. [Laughter and applause.]

EMPORIA, VA., *March 15, 1906.*

Hon. WILLIAM W. COCKS,
Committee on Agriculture, House of Representatives,
Washington, D. C.

DEAR SIR: In reply to yours of the 13th, will say that I go in with you in trying to abolish the free distribution of common garden seeds. I hope that the committee of Representatives will command such action.

Respectfully, yours,

H. W. WEISS,
Manager of Immigration.

I have a letter here from the Kansas Farmer, to show you these come from all over the country.

KANSAS FARMER,
Topeka, Kans., March 9, 1906.

Hon. WILLIAM W. COCKS,
Washington, D. C.

DEAR SIR: I have your letter of March 7, referring to the matter of the proposed abolishment of the free-seed distribution as relating to garden seeds. The Kansas Farmer is heartily in favor of such abolishment. This distribution is a graft on the Government, an imposition on seed dealers, and a fraud on the recipient of such seed in a great many cases. It is greatly to be hoped that Congress will revise the above, and abolish the distribution of such seed as can be obtained through the regular channels.

Yours, very truly, E. B. COWGILL, *Editor.*

I have a letter here from the Ranch and Range, of Denver, which is also along the same line.

DENVER, COLO., *March 16, 1906.*

Hon. WILLIAM W. COCKS,
Committee on Agriculture,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your esteemed favor of the 13th instant, wherein you solicit our views on the question of free distribution of common garden seeds, permit us to say that we are just on the point of writing an editorial on this question, a synopsis of which is, that it is a needless expenditure of $100,000 of the people's money, much of the seed being sent to town and city people, who consign them to the waste basket, while that sent direct to the farmers is often illy adapted to his needs, climatic conditions, etc., not being taken into consideration, and on the whole it is regarded by the people in general as a kind of perquisite or, as our western people would term it, graft, by which the legislators scheme to make themselves solid with their constituents. We assure you that if this needless expenditure of the people's money were discontinued and the money so wasted devoted to some phase of the development of our agricultural and live-stock resources, it would meet with the general approval of the people throughout the country.

Thanking you for the courtesy of asking our views on this subject and hoping that such laws may be enacted that much of the needless expenditure may be discontinued and the Government placed on a practical business basis, we are,

Yours, very truly,

RANCH AND RANGE,
By H. S. GROVES,
Editor and Manager.

Also from the Southern Farm Gazette, of Starkville, Miss., signed by the editor:

THE SOUTHERN FARM GAZETTE,
Starkville, Miss., March 16, 1906.

Hon. WILLIAM W. COCKS, *Washington, D. C.*

DEAR SIR: This replies to your favor of March 13. I am certainly glad the Committee on Agriculture favors the abolition of the free distribution of the common garden seeds. The Southern Farm Gazette would have before this given the matter more attention if an unusual demand from our subscribers for information about crops, fertilizers, and improved methods of cultivation had not prevented it.

I am firmly convinced that the abolition of this free distribution of seeds will make for better and more profitable gardening throughout the whole country. Besides reducing the yield of really desirable crops of what ought to be produced, this distribution of seed causes an unwarranted expense. The loss that the postal department suffers from this cause should be avoided and the saving used to extend rural free delivery if there is no other use for it.

Our next issue will not appear before April 1, and I fear that will be too late to aid the cause. If not, I should be glad to be so informed as soon as possible, so that our 12,500 of real farmers can profitably have some facts placed before them.

Very truly, yours, CHAS. M. SCHERER,
Editor Southern Farm Gazette.

I have one from the Twentieth Century Farmer, of Omaha:

THE TWENTIETH CENTURY FARMER,
Omaha, Nebr., March 29, 1906.

Hon. WILLIAM W. COCKS, *Washington, D. C.*

MY DEAR SIR: Several days ago we received a letter from you asking our views on the subject of the abolishment of the distribution of common garden seeds by the Department of Agriculture. I inclose herewith the editorial page of the Twentieth Century Farmer, with a marked editorial on free-seed distribution, which expresses our views on this subject.

In former issues of the Twentieth Century Farmer we have gone into this matter more in detail, but this editorial expresses in a few words what we think of the present method of Government free-seed distribution.

Very sincerely, yours, T. F. STURGESS, *Editor.*

Also one from Farm Life, of Chicago:

FARM LIFE,
Chicago, Ill., March 20, 1906.

Hon. WILLIAM W. COCKS,
Washington, D. C.

DEAR SIR: Replying to your letter of recent date in regard to our position on the free distribution of common garden seeds, we will say that we do not favor the proposition. It seems to us like an unwarranted subsidy, which can not fail to injure the seedsmen of the United States, and in too many cases we are inclined to believe that the farmers do not consider the seeds valuable.

Trusting that this will make our position clear to you and your committee, we are,

Very truly, yours,

FARM LIFE,
By C. HAM, *Editor.*

Also one from The Farmers' Voice, of Chicago:

THE FARMERS' VOICE,
Chicago, Ill., March 24, 1906.

Hon. WILLIAM W. COCKS,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to yours of the 13th, I beg to say that I shall have something to say on the subject of the free distribution of garden seeds in the April issue of The Farmers' Voice and will send you a marked copy for your criticism. Without going into the matter herein, I will add that we are in favor of the abolishment of this practice and any movement to this end will have our support.

Very truly, yours,

H. A. BEREMAN, *Agricultural Editor.*

One from the Wisconsin Agriculturist:

THE WISCONSIN AGRICULTURIST,
Racine, Wis., March 24, 1906.

Hon. WILLIAM W. COCKS,
Washington, D. C.

DEAR SIR: Replying to your favor of the 13th instant, beg to say that I am entirely in sympathy with the action of the Committee on Agriculture in regard to the free-seed distribution, and have just written an editorial on the subject, and will send copies to the Members of the House from this State. If the farmers of this country would get after their Members at this time, I believe that it would have a splendid effect. It is a waste of public money and has been for years. No one wants these free seeds, as they are usually worthless, and the Government has no more right to give them away than barb wire or horse blankets. More than this, it has a tendency to educate the people toward graft.

With best wishes for the success of the measure, I am,

Very truly, yours,

THE WISCONSIN AGRICULTURIST,
C. H. EVERETT, *Editor.*

One from the Rural Californian, Los Angeles, Cal.:

RURAL CALIFORNIAN,
Los Angeles, Cal., March 19, 1906.

Hon. WILLIAM W. COCKS,
Washington, D. C.

DEAR SIR: We thank you for your kind letter of March 13, and wish to say that we have expressed ourselves editorially regarding the abolishment of free distribution of the common garden seeds. It is getting to be a chestnut, as we have published articles regarding it for several years almost monthly. We are with you in this matter; go ahead and do something.

Most truly, yours, THE RURAL CALIFORNIAN.
C. M. HEINTZ.

One from the Ohio Farmer, Cleveland, Ohio:

THE OHIO FARMER,
Cleveland, Ohio, March 15, 1906.

Hon. WILLIAM W. COCKS,
House of Representatives, Washington, D. C.

DEAR SIR: We heartily indorse the action of the Committee on Agriculture of the House in regard to abolishing the free-seed distribution, and we have strenuously advocated it for years past in the Ohio Farmer. We regard it as an unnecessary waste of public money and a great injury to seedsmen. When first adopted it was justified by existing conditions; now there is no excuse for it. Congress has the same right to distribute farm implements and machinery and live stock as it has to distribute seeds. It is an unjust discrimination against an important

industry. All the common seeds, such as are distributed through Congress, can be obtained at every store or grocery and are cheap. Let the Department of Agriculture introduce, test, and distribute new and useful varieties from abroad. This is all that is needed.

Yours, respectfully,

THE EDITORS.

One from the Gleaner, Detroit, Mich.:

THE GLEANER,
Detroit, Mich., March 15, 1906.

Mr. WILLIAM W. COCKS,
Washington, D. C.

DEAR SIR: We have before us your valued favor of March 13 and have carefuly noted contents.

We are very much opposed to the giving away of seeds, as has been the custom in the past. We believe it is wrong and an imposition and that the practice should be stopped.

Yours, sincerely,

JAMES SLOCUM.

Mr. GAINES of Tennessee. Did you write to these men?

Mr. COCKS. I wrote and asked their position.

Mr. LAMB. That explains it.

Mr. COCKS. Is not that a pretty good way of getting information?

Mr. GAINES of Tennessee. Have you any letters from the laboring man who goes out with a grubbing hoe and works in the soil instead of working the air?

Mr. COCKS. Now, Mr. Chairman——

Mr. LILLEY of Connecticut. I have fifty here right from the soil.

Mr. GAINES of Tennessee. Give me some from a fellow who has cockleburs in his hair and knows what it is to till the soil himself.

Mr. COCKS. I could not satisfy you on this question if I gave you everything, anyhow. I also have a letter here from the editor of the Topeka Mail and Breeze, a well-known paper in the State of Kansas:

COMMITTEE ON AGRICULTURE,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 13, 1906.

Editor of Mail and Breeze, Topeka, Kans.

ESTEEMED FRIEND: You have perhaps noticed by the papers that an effort is being made to abolish the free distribution of the common garden seeds. The Committee on Agriculture of the House of Representatives will recommend such action. Would be glad to have your views on the subject, and, if you are in favor of the proposition, to have you do what you can toward helping it along.

Yours, truly,

WILLIAM W. COCKS.

I am decidedly opposed to the free-seed graft. It is wrong in principle. It costs the Government lots of money, and there is no benefit to anyone.

ARTHUR CAPPER.

I have also one from the secretary of the New York State Grange confirming the statement from the master:

NEW YORK STATE GRANGE, P. OF H.,
Skaneateles, N. Y., February 15, 1906.

Hon. WILLIAM W. COCKS, M. C., *Washington, D. C.*

DEAR SIR: Your esteemed favor of the 13th received and noted. The State Grange did take action relative to the free-seed distribution. They are unanimously opposed to it and have been for a long time. They look upon it as a very useless and extravagant thing to do. Our legislative committee would be pleased to call on any committee at Washington and express these views at any time.

Yours, respectfully,

W. N. GILES.

I also have one here from the Fruit Growers' Association; then one from the Farm and Fireside, of Springfield, Ohio; one from Minneapolis; one from the Michigan Farmer; one from Detroit; one from the Farmer, of St. Paul, Minn.; one from the Tribune, Sioux City, Iowa; and one from the New Haven Farmer, New Haven, Conn.; also a communication from Mr. Jordan, of the Agricultural Experiment Station, Geneva, N. Y.; also one from the editor of the Rural New Yorker, of New York; the Rural Home, of New York; also one from the editor of the Farm Journal, of Philadelphia; also one from the Orange Judd Company. I also have a letter from one of the most successful florists in my country, a man who is an authority on carnations and peonies, who is a member of the board of control at Geneva Experiment Station, New York, which is along the same line. I also have one letter from a constituent of mine, and I can say that I have one consistent man in my district, at least. He says:

I am strictly opposed to the free distribution of seed by the United States Government, and have returned to the Department of Agriculture the package received through your courtesy.

CHARLES H. ALLEN.

Mr. MANN. Is he a publisher, too?

Mr. COCKS. He is a florist. He is not a seedman. He is a "farmer under glass," as we call him.

Mr. MANN. He is not an editor of any paper which is enjoying the second-class mail graft? He has not returned any of that, I suppose?

Mr. COCKS. If the gentleman will only not consume my time——

Mr. MANN. The gentleman consumed some of mine.

Mr. COCKS. I had forgotten that courtesy.

I also have a letter from a farmer in my district by the name of S. F. McDonald, along this same line. I also have here clippings from various other agricultural papers, where I did not receive communications directly from the editor. I will ask unanimous consent to extend my remarks in the RECORD and include those.

Mr. BARTLETT. Will the gentleman yield for a question?

Mr. COCKS. In one minute, and I will answer all kinds of questions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I move that the gentleman's time be extended. I ask unanimous consent that the gentleman may have as much time as he desires.

Mr. COCKS. I do not want but little more.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks unanimous consent that the gentleman may continue his remarks for five minutes longer. Is there objection?

There was no objection.

Mr. BARTLETT. May I ask a question?

Mr. COCKS. Yes, sir; certainly.

Mr. BARTLETT. Those letters and matters you have read were sent to you by these gentlemen because they recognized you as the chief advocate of the abolishment of the seed distribution in this bill?

Mr. COCKS. I do not know. They were in response to inquiries as to their views. I can show the gentleman a copy of my letter.

Mr. BARTLETT. Did you not make a motion in the committee room by which the seed business was ruled out?

Mr. COCKS. I simply wrote them a courteous letter, asking for their views. I have a copy of the letter somewhere which I will show the gentleman if I can find it.

Mr. BARTLETT. Doubtless the gentleman is the champion of the proposition to prevent any further distribution of seed?

Mr. COCKS. Common garden seed? Oh, certainly; yes.

Mr. BARTLETT. It is for that reason, I apprehend, that these letters and articles were sent to you?

Mr. COCKS. They were sent to me. I asked their views, and they were sent to me on that account.

Mr. RUCKER. I understood the gentleman to read a letter a few moments ago from one of his constituents advising him that the package of seed received had been returned to the Department of Agriculture?

Mr. COCKS. Yes.

Mr. RUCKER. Then I infer the gentleman used his quota of vegetable seed?

Mr. COCKS. I did.

Mr. RUCKER. And only one package was regretted and returned?

Mr. COCKS. That is the only one, I think. A good many of my constituents would a great deal rather have jackknives, a set of colors, or a compass, or an anchor, or something of that kind.

Mr. RUCKER. Does the gentleman try to get those things on?

Mr. COCKS. No; but that is an attitude of human nature.

Mr. WILSON. Mr. Chairman——

Mr. RUCKER. Let me ask the gentleman another question. Will the gentleman yield?

Mr. COCKS. I will yield to the gentleman from Illinois [Mr. WILSON].

Mr. WILSON. How many letters had you?

Mr. COCKS. I think about thirty or forty; I had answers from nearly every one of them.

Mr. WILSON. Were they all opposed?

Mr. COCKS. All that answered were opposed, and all the editorials in the papers were opposed.

Mr. WILSON. Did you get any letters that were not opposed?

Mr. COCKS. No; I have not got one. Every answer that I received was opposed to the free distribution. Now, I will answer the gentleman from Georgia.

Mr. BARTLETT. Has the gentleman examined publications of the editors whose letters here were read to see whether or not they are filled up with advertisements of seed men?

Mr. COCKS. I assume that they all have seed advertisements. I assume that the seed business is a legitimate business, and I assume that the editors of those papers are as careful of their subscribers as they are of their advertisers. That is the position I take in the matter.

Mr. FORDNEY. Will the gentleman allow me to ask him a question?

Mr. COCKS. Certainly.

Mr. FORDNEY. Is it not true that all the letters you have are replies to a letter that you have written to the parties?

Mr. COCKS. Most of them are.

Mr. FORDNEY. Did you get any letters that you did not write for?

Mr. COCKS. Yes; I got six or seven or eight. I think I had six, seven, or eight private letters sent me from parties who did not know I was interested in the matter, calling my attention to the fact that the proposition was to be made and asking my support.

Mr. FORDNEY. Were you not aware that in writing to those parties you were sure what their replies would be?

Mr. COCKS. I had not; I had only taken the proposition up in this way, and I have no personal interest in the matter.

Mr. ADAMS of Wisconsin. Will the gentleman yield to me to ask a question of the gentleman from Michigan?

Mr. COCKS. Certainly.

Mr. ADAMS of Wisconsin. I would like to inquire of the gentleman from Michigan if he regards it as pertinent in the consideration of a question, if a man reads a letter, that the party has responded simply because another party has asked him to reply?

Mr. FORDNEY. Any man can find trouble by looking for it.

Mr. ADAMS of Wisconsin. Let me ask the gentleman another question. Does he not know that nearly every great agricultural journal in the United States is opposed to the Congressional distribution of seeds?

Mr. FORDNEY. I do not.

Mr. ADAMS of Wisconsin. And opposed to it largely because the sentiment of their subscribers is in accordance with that of the Department? [Cries of "No."]

Mr. FORDNEY. I know of no opposition to the proposition at all except that which comes from the seed dealers. [Loud applause.]

Mr. COCKS. Mr. Chairman, so far as that is concerned——

Mr. ADAMS of Wisconsin. Will the gentleman yield just for one moment?

Mr. COCKS. Certainly.

Mr. ADAMS of Wisconsin. For the information of the gentleman from Michigan, which I have no doubt he will accept with the grace that he always accepts information, I want to say to him that the Roundtop Farmers' Institute organization, at its last meeting, in March, composed of 700 to 1,000 farmers, representing the best farming sentiment of the State of Wisconsin, the men who toil in the soil and work with their hands, who believe in farming, and respect the dignity of the farmers' profession, unanimously voted against this Congressional seed distribution. [Applause.]

Mr. MANN. And yet they are in favor of the oleomargarine graft. [Laughter.]

Mr. COCKS. I want to say to you, and to the House, that I believe that that is true of the farmers' organizations anywhere, and I am surprised at what gentlemen said——

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. DRISCOLL. I ask unanimous consent that my colleague may be allowed to proceed for five minutes more.

Mr. GAINES of Tennessee. Mr. Chairman——

Mr. COCKS. I will never finish my remarks if I yield any more.

Mr. GAINES of Tennessee. I want to ask the gentleman this——

The CHAIRMAN. Does the gentleman from New York yield?

Mr. COCKS. No; I can not yield now. When I finish my remarks the gentleman can ask me any question he desires in his own time. I have already imposed upon the good nature of the House. I have had too many favors granted me already to ask for any more. I just want to say that when gentlemen speak of the agricultural papers of the country, those letters I have read are from agricultural papers. Now, the question is about the things that the farmer wants to have done instead of distributing free garden seed. That which is of more interest to him, and which is the real question, is what they are doing in regard to new and rare seeds; what they are doing in searching along these lines in different countries for valuable new varieties. Now, that is the kind of work that the farmers of the United States are anxious that the Department of Agriculture shall do, and not peddle out common garden seed.

Now, so far as the seedmen's proposition is concerned, the principal seedman in my district has many times been very glad to sell to the Government large quantities of seed. He is not opposed to this proposition on that ground, for he has sold very large amounts of seed to the Government at different times.

Mr. GAINES of Tennessee. What is his name?

Mr. COCKS. So that that proposition is not necessarily all one way. These seeds nearly all come from the seed growers. Not half the seed dealers grow all the seeds that they send out.

Mr. SIMS. I should like to ask the gentleman whether the Government tests the seeds that it buys?

Mr. COCKS. I decline to yield any further.

The CHAIRMAN. The gentleman from New York declines to yield.

Mr. COCKS. I propose to call the attention of the House to some of the things that have been done by the Agricultural Department, and to call attention to the fact that a great many valuable plants are now awaiting discovery by the Agricultural Department, especially in eastern Asia, whose climate is more nearly like ours than any other part of the world.

I ask leave to insert this as a part of my remarks. Now, I will yield to the question of the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. I understood the gentleman to read a letter.

Mr. COCKS. Yes.

Mr. SIMS. Which said that these seeds were worthless.

Mr. COCKS. Some of them are worthless, I believe.

Mr. SIMS. Did you say it?

Mr. COCKS. I can not quote from memory just exactly what every man said who wrote a letter.

Mr. SIMS. Don't you know that that statement is not true?

Mr. COCKS. I know that some of them are worthless.

Mr. SIMS. That letter said these seeds are worthless, did it not?

Mr. COCKS. Some of them are.

Mr. SIMS. And you have just admitted that these seed men sell a great many seeds to the Government.

Mr. COCKS. Of course they do. Anybody who has ever had any experience knows that there are a great many poor seeds in the very best that you can raise. Every time you try to raise a lot of seeds you get a lot of poor stuff. You know that just as well as I do.

Mr. SIMS. Does the Government test the seeds it buys?

Mr. COCKS. The Government tests for germination and sometimes for type, but not always. It can not test for type every year—as to whether the seeds are true to type or not. There is not time in a single year to test for the purpose of determining whether a radish seed is going to turn out a radish or a beet.

Mr. SIMS. Are not the seeds improved by the Government experts?

Mr. COCKS. Under this bill, the Government will continue to improve seeds as fast as it can, so far as concerns new and useful varieties. We want to increase that part of the Government work. That is what we want to do.

Mr. CANDLER. Will the gentleman yield to me?

Mr. COCKS. Yes.

Mr. CANDLER. Did not Mr. Galloway say in the hearing before the committee that all the seeds were tested not only to determine germination, but also to determine trueness to type?

Mr. COCKS. If they do, then they are old seeds; that is all.

Mr. CANDLER. He testified to that.

Mr. COCKS. I don't remember that, but if he did they are old seeds; that is all.

Mr. MANN. I understood the gentleman to say that he was strongly in favor of that part of the appropriation for obtaining and testing new and rare seeds.

Mr. COCKS. Yes.

Mr. MANN. Why, then, did the gentleman's committee strike out most of the appropriation which has been used for that purpose?

Mr. COCKS. We do not strike it out. It is our proposition to insert an addition if this garden-seed proposition is stricken out.

Mr. MANN. Do I understand that the committee now propose to change their report and to offer an amendment?

Mr. COCKS. The committee has always been in favor of the new and rare varieties.

Mr. MANN. Is it the proposition now to offer an amendment to the bill, admitting that the committee was wrong?

Mr. COCKS. No; not admitting that the committee was wrong, but substituting rare seeds for the common garden seeds.

Mr. MANN. I will repeat. I say the gentleman's committee, in the appropriation that is reported to the House, struck out a large sum of money which has heretofore been used for the very purpose which the gentleman now says is proper.

Mr. COCKS. If the gentleman will have patience I think the bill will be perfected.

Mr. MANN. I think the committee will perfect the bill. [Laughter.]

Mr. COCKS. I hope they will.

Following are some of the letters and statements to which I have referred:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., March 7, 1906.

Hon. WILLIAM W. COCKS,
House of Representatives.

MY DEAR SIR: I have your letter of the 6th, asking my views on the free distribution of seeds. I had something on this subject in my annual report to Congress for 1903, and as I do not think I can state it any better than I did then, I send you a copy of the paragraph herein. I am of the same opinion still.

Very truly, yours, JAMES WILSON, *Secretary.*

THE DISTRIBUTION OF SEEDS AND PLANTS.

With regard to the securing and distributing of miscellaneous garden and flower seed, the fact remains that this work does not accomplish the ends for which the law was originally framed. There are collected, put up, and distributed now, on Congressional orders, nearly 40,000,000 packets of miscellaneous vegetable and flower seeds each year. These seeds are the best that can be obtained in the market, but from the fact that large numbers of packets are wanted the seed obtained can be of standard sorts only, such as are to be found everywhere for sale in the open market. As there is no practical object to be gained in distributing this kind of seed, it seems very desirable that some change be made. To this end it would seem wise to limit our work entirely to the securing and distributing of seeds, plants, etc., of new and rare sorts. There is still much to be done in the way of securing seeds, plants, etc., of this kind from abroad, but still more to be accomplished in careful investigations of our own possibilities in this direction. There are many valuable plants scattered all over this country which are still little known outside of their respective localities. These should be collected, tested, and distributed. There are also great possibilities of improving agricultural industries by distributing specially bred seeds and plants.

As the plant-breeding work of the Department increases opportunities for securing seed of this nature will accumulate. To do this work in the most effective manner, arrangements could be made in all cases to secure the advice and assistance of Senators and Representatives who have agricultural constituents. The Department has a well-organized force of scientists who are thoroughly familiar with the general conditions of soil and climate in nearly all parts of the country. Special crops could be selected for special purposes, and with the advice and cooperation of Members of Congress such crops could be placed where they would do the most good. This is a line of work that would result in very much more value to individual districts throughout the country than the distribution of a large quantity of common varieties of garden seed which have no particular merits so far as newness or promise are concerned. I shall inaugurate the coming year work along the lines here mentioned, and hope to receive the cooperation and aid of Congress in this matter. (Extract from Report of Secretary of Agriculture for 1903, issued December 1, 1903.)

[Progressive Farmer and Cotton Planter, Raleigh, N. C., March 15, 1906.]

THE FREE-SEED HUMBUG.

By a vote of 8 to 7, the Committee on Agriculture has cut out the appropriation of $240,000 for seed for free distribution. Now is time for Congress to stop the free-seed graft that has been going on for lo, these many years. How many people have been benefited by this free distribution of seed? The intention of the Government sending seed to the farmers over the country was good, but the plan has been so abused that next to nothing of benefit has been derived from it. The cost has been not only $240,000 per year for seed alone, but look at the extra expense incurred in handling them. The beneficiaries so far have been the seed houses, the extra number of clerks and officials necessary to carry on the work, and the railroads for hauling them.—Smithfield Herald.

[The Farmers' Voice and Rural Outlook, Evanston–Chicago, April, 1906.]

The time seems close at hand when the ancient and honorable custom of sending a constituent a package of garden seeds, to put him in proper voting frame of mind, will be put aside and filed in the archives of unwritten history as an experiment which was well meant in its origin, but pestiferous and obnoxious in its ending. It is no sacrifice in principle of the contention that a beneficent government should act in loco parentis to all its citizens. There are some things which can be done better by the people through Government channels than can be done for them by private control of corporations. All insurance should be furnished by the Government. The cost to policy holders would be reduced to the mere clerical expenses of the bureau and the credit would be A 1. The distribution of garden seeds as it has been followed is not a success, and the appropriation will very likely be omitted at this session of Congress.

[Washington Post, April 10, 1906.]

OPPOSED TO FREE SEEDS—SECRETARY WILSON SAYS NO GOOD RESULTS FROM DISTRIBUTION—NATIONAL GRANGE CONDEMNS PRACTICE, AS DO BRANCHES IN THE SEVERAL STATES.

As the impression prevails in some quarters that Secretary Wilson and the officials of the Agricultural Department favor a continuance of the free distribution of seeds, an inquiry was addressed to Dr. B. T. Galloway, chief of the Bureau of Plant Industry, to which Doctor Galloway replied:

"The views of this Department, with reference to the distribution of miscellaneous vegetable and flower seeds, have been clearly set forth in our various reports. The attitude of the Department was stated by the Secretary in his report for 1903, extract from which I send inclosed."

The extract says: "With regard to securing and distributing miscellaneous garden and flower seeds, the fact remains that this work does not accomplish the ends for which the law was originally framed. There are collected, put up, and distributed now, on Congressional orders, nearly 40,000,000 packets of such seeds each year. These seeds are the best that can be obtained in the market, but from the fact that large numbers of packets are wanted, the seed obtained can be of standard sorts only, such as are to be found everywhere for sale in the open market. As there is no practical object to be gained in distributing this kind of seed, it seems desirable that some change be made. To this end, it would seem wise to limit our work entirely to securing and distributing seeds, plants, etc., of new and rare sorts. * * * This is a line of work that would result in much more value to individual districts throughout the country than the distribution of a large quantity of common varieties of garden seed, which have no particular merits, so far as newness or promise are concerned."

Those Members of Congress who still hang on to "free seeds" are defending their position by asserting that "the farmers want them." This position appears untenable, from the fact that the National Grange, at its last annual convention, at Portland, Oreg., vigorously condemned the free-seed appropriation, as have the State granges of Illinois, New York, and other States.

[The Breeder's Gazette, Chicago, March 21, 1906.]

HELP KILL FREE SEEDS.

It is intimated that a fight will be made in the House to reincorporate the appropriation for free seed distribution, which was eliminated by the committee in preparing its budget for the Department of Agriculture. It is not to be supposed that this hoary-headed petty graft would die easy, but it should die hard—good and hard and dead. Farmers can kill it. If only half of this journal's readers would write letters to their representatives requesting that they vote against an attempt to appropriate the people's money for such private ends, any amendment that shows itself in the House would be quickly killed. What kind of a letter should be sent? Here is one which the writer of this editorial has forwarded to his Congressman:

"I acknowledge receipt of several packets of garden seeds, sent me with your compliments under your frank.

"If the Department of Agriculture would like me to devote any part of my farm or garden to testing any new variety of plants I would be pleased to comply, but there is no more reason why the Government should supply me with common garden seeds than with bread and meat.

"Kindly accept this as a request that you do all in your power to secure the abolition of the free distribution of common seeds. I am sure that such an act would meet with the approval of the farmers of your district, who do not desire to be considered pensioners on the Government, even to so slight an extent."

Try a letter something like that. Let your Congressman know that he can not get your vote or hold it by sending you a dime's worth of garden seeds. Help Congress to lop off this scandalous misappropriation of money. Let the distribution of seeds be confined to rare varieties which the Secretary of Agriculture desires tested under different conditions in this country. That was the object of the original appropriation for this purpose, but it has been sadly perverted into a perquisite by the use of which a Member is supposed to curry favor with his constituents. Let us have an end to it. Members of the House Committee on Agriculture who have recommended the abolition of this appropriation would be pleased to have the farmers of the country support them in the move.

[The Breeder's Gazette, Chicago, March 7, 1906.]

The free-seed joke got a jolt in the House Committee on Agriculture the other day. Several Secretaries of Agriculture have recommended the abolition of the free-seed distribution by Congressmen, but in spite of this it has long been maintained as one of the most precious perquisites of the national legislators. The privilege of sending a half dozen packets of flower or garden seeds, worth about 25 cents at the store, to a number of their leading constituents has been thought of such inestimable value to the political "fences" of Congressmen that they declined to give it up, even though it cost the Government about $250,000 a year to carry on this petty free-gift affair. How precious this privilege seems in the sight of legislators is revealed in the fact that the abolition of this appropriation for free seeds was carried in the committee by the close vote of 8 to 7. No more singular phase of public life has been forced on the view of the public than this long-retained grasp on public money for the attempted furtherance of personal ends. The distribution of seeds by Congressmen has long since become one of the jokes of political life, and is now as stale as a jest of the Adamic age. Conceived in a spirit of utility, designed to introduce rare seeds that might be profitably included in the economy of our field and garden production, this free-seed distribution long ago degenerated into one of the most petty of all known devices to curry political favor. It is greatly to be hoped that the Senate committee will concur with the House committee in eliminating this worse than waste of public money, and it is further hoped that no member of either House will have the hardihood to endeavor to reincorporate the appropriation by an amendment when the bill is up for action. Under the bill as drafted the only seeds which the Department can purchase are rare seeds for experimentation at the different State stations.

[Evening Wisconsin, Milwaukee, Wis., March 23, 1906.]

CUT OFF THE FREE-SEED WASTE.

The House of Representatives should not reverse the action of its Committee 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 provisions 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.

[The Post Express, Rochester, N. Y., April 9, 1906.]

FREE SEEDS.

The free distribution of seeds by the Government of the United States ought to be abandoned. It is not only a nuisance to the Senators and Representatives, unsatisfactory to the farmers, and expensive to the people, but it is an unjust competition on the part of the Government against the seedsmen and nurserymen of the country.

The total distribution during the year ending June 30, 1905, was as follows:

Miscellaneous vegetable, packets	32,067,335
Miscellaneous flower, packets	3,706,065
Tobacco, packets	114,190
Cotton, 1-peck packages	8,665
Cotton, ½-peck packages	2,880
Lawn grass, packages	18,000
Miscellaneous, packages	60,000
Total packets and packages	35,977,135

The numbers of vines, plants, and bulbs distributed were:

Grapevines	24,675
Strawberry plants	97,000
Bulbs, gladiolus	134,000
Bulbs, tuberose	98,400

These figures will indicate the extent of the Government competition with the regular dealers in seeds. The total appropriation for this work was $290,000, and the expensive character of the work appears from the fact that no less than $71,000 of the whole appropriation was expended on salaries, nearly $42,000 in assembling and mailing the seeds, and less than $91,000 in the purchase of seeds themselves. This looks like a waste of public funds, especially as the bulk of the seeds distributed are old varieties of little value to the recipients. Congressman Cocks, of New York, is to offer an amendment to the agricultural appropriation bill eliminating the appropriation for free seeds, and says not only that many Congressmen have assured him of their support, but that he has received many letters from farmers advocating the reform.

[Farm and Fireside, Springfield, Ohio, April 1, 1906.]

CONGRESSIONAL SEED DISTRIBUTION.

The world truly moves. Progress may be slow, but it is also sure. The recent action of the Committee on Agriculture of the House of Representatives, when it decided by a close vote to strike out the $250,000 appropriation for seeds, came to some of us as a most agreeable surprise. It is, however, only the first step toward the eradication of the arrant old humbug, and the real fight about it in the two Houses is yet to come. In these days of immense graft and waste, the question, financially, is of comparatively little importance. But it has always galled me to see this petty and absurd distribution of Government pap be made in the name of agriculture, and for the alleged benefit of the American farmer. The end of it is bound to come.

[Twentieth Century Farmer, Omaha, Nebr., March 28, 1906.]

THE FREE-SEED DISTRIBUTION.

The annual farce of Government seed distribution is now due. This old Congressional custom, which has long since outlived its usefulness as an agricultural adjunct, should be discontinued as a useless expense of public funds, a silly recognition of political friendships, an abuse of confidence with the people in encouraging them to plant seeds that have no guarantee of quality or trueness to name, a system of distribution which recognizes no fixed conditions in soil or climatic adaptation for successful plant growth. A system which at the present time has no redeeming quality or excuse for its existence, except as a graft to squander about $300,000 annually of the funds of the United States Treasury, encourage a seed graft in the supply of this stock, and work an imposition upon the legitimate seed industry of the country.

There is a large field open for Congressional experimental aids to agriculture in the introduction and tests of grains, grasses, and plants of other countries that would meet the indorsement of our progressive people and be of ultimate advantage to our country. Why not discontinue the useless expense of Government seed distribution and aid in a worthy cause that all our people can indorse and appreciate as commendable and profitable?

[The Michigan Farmer, Detroit, Mich., March 17, 1906.]

THE QUESTION OF FREE-SEED DISTRIBUTION.

The committee having under consideration the appropriation bill for the National Department of Agriculture have stricken from it the free-seed distribution clause. This does not necessarily mean that there will be no appropriation made for the purpose of free-seed distribution, as the clause may be reinstated on the floor of the House when the bill comes up for passage, as was the case last year, after having been eliminated by the committee. It is said that prominent seed dealers of the country have been in conference in Washington for the purpose of using their influence to prevent a similar action this year. While the final outcome of the matter is pending, let us analyze the situation carefully from the standpoint of the farmer who would get the seeds in case the distribution is continued. First let us look into the matter of the cost to the Government. Figures in the report of Prof. 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 of seeds distributed. Thus it will be seen that the expense incurred by the Government in collecting a few cents' worth of seeds to each person receiving them is nearly three times the first cost of the seeds. What recipient of the bounty (?) of the Government will desire a continuation of seed distribution as at present conducted in the light of this fact?

Any fair-minded man should concur in the opinion that this is not good business. It is not what was intended when the foundation of the present system of free-seed distribution was laid, for this is not a new question. It is older than the Department of Agriculture. Free-seed distribution by the Government had its origin as far back as when the agricultural interests of the country were looked after by a bureau of the Patent Office instead of by a great Department of the Government as at present. At that time a small appropriation was made to enable the Commissioner of Patents to buy and distribute to the farmers of the country "rare and valuable foreign seeds." There can be no doubt about the wisdom of this move or of the benefits which have accrued to the country along this line. It was under the provisions of this law that tea culture was first introduced into this country as a beginning, and it is to just this line of work that many of our most valuable seeds and plants have been introduced and acclimated, thus not only broadening the field of American agriculture, but fostering and building up many dependent industries as well. Nor is there any question but that this kind of work should be continued indefinitely. The money appropriated for research along this line is well expended, as past results plainly indicate, but can the same be said of that appropriated for the distribution of garden seeds? We think not. We believe with the chairman of the committee that cut the appropriation that "when it comes to peas and beans and corn and turnips the country is sufficiently well informed to go it alone without expending a quarter of a million dollars for this purpose." Not but that there is legitimate field of work for the Department along this line in experimenting with new and improved varieties of all farm staples and in distributing a reasonable amount of seeds which experiments shall determine to be of exceptional value. Indeed too much money, if wisely expended, could hardly be appropriated for this purpose, since there can be no proper comparison between the good which would result from work of this kind and the wholesale distribution of common seeds of indifferent quality as conducted at present. Nor do we believe that the Department or the Congressmen would care to perpetuate the present system if they were only assured that their constituents would approve if it were abolished. Why not give them that assurance while the matter is under consideration?

[Cincinnati Packer, April 21, 1906.]

THE FREE-SEED FRAUD—CONGRESS ANNUALLY WASTES $250,000 IN THIS MANNER—SEEDS ARE OF NO VALUE TO FARMERS, BUT CONGRESSMEN UTILIZE THEM AS A REMEMBRANCE—STARTED HARMLESSLY.

CINCINNATI, *April 21, 1906.*

The American Grange Bulletin recently published the following regarding the free-seed distribution agitation which is now attracting attention all over the country:

"The annual distribution of seeds through the Department of Agriculture is graft, pure and simple—not less such because it is for a political object than if it were prosecuted for private and direct money gain. Last year Congress appropriated $290,000 for this purpose, the number of packages scattered broadcast among the people being 36,293,820. It is not imagined or pretended that the seeds are of any real use or value to anybody except the Congressmen themselves, who are enabled in this way to advantage themselves by 'remembering' their favorite constituents.

"ORIGIN OF THE GRAFT.

"In the year 1869 Congress gave $1,000 to the Patent Office for the purpose of collecting and giving away 'rare and improved varieties of seeds.' This was the germ out of which the monster graft in question has grown. Year after year the appropriation for the purchase and distribution of seeds has been increased, and beyond question it will reach $400,000 per annum within half a dozen years from now. This nonsense has already cost the people not far from $5,000,000. Nine years ago the then Secretary of Agriculture, Mr. Morton, declared that it was contrary to law, inasmuch as the seeds sent out were neither rare nor improved, but of the commonest kinds, such as corn, beans, nasturtium, and pansies—Congressmen having refused to receive anything but ordinary field and garden seeds.

"A RIDICULOUS COLLECTION.

"Attention was called to the fact that the average parcel of seeds consisted of five little papers, amounting in all to about two-thirds of an ounce, and consisting of two-tenths of an ounce of cabbage seed, two-tenths of an ounce of cucumber seed, three-tenths of an ounce of squash seed, three-tenths of an ounce of turnip seed, and less than one-tenth of an ounce of tomato seed. It is easy to imagine how utterly useless such a consignment would be to the average farmer. But when it was suggested that the seeds should be put up in larger packages Congressmen declined to consider the proposition, inasmuch as to do this would diminish the number of constituents 'remembered.'

"PROTESTED AGAINST SWINDLE.

"Congress was so angry at Secretary Morton on account of his protest against the swindle that he was threatened with impeachment. His objection to the violation of law, which could not be denied, was overcome by amending the act in such a way as to include seeds of all kinds. How little good was accomplished by the rebellion of the Department is shown by the fact that the appropriation was $80,000 for that year, 1896, and since has been increased to $290,000 per annum, and that the number of packages distributed has grown during the same period from 10,125,000 to 36,293,820. Verily, we are a long-suffering people.

"OF REAL VALUE.

"By a great effort the present Secretary of Agriculture, Mr. Wilson, has succeeded in having about $50,000 out of the huge annual appropriation set aside for the procurement of seeds and plants that are really valuable, and to this extent the original intention of the law is carried out. Also, he has in many instances persuaded Representatives from urban districts to accept flower seeds instead of garden and field seeds, in order that their constituents may utilize them in window boxes and yards.

"OTHER PEOPLE'S MONEY.

"Hitherto such urban Members, having no use for field and garden seeds, have felt compelled to exchange them with rural Congressmen for documents that they wanted, or else, as often happened, to resort to the illegal expedient of selling their quotas in bulk to agricultural Members. Brokers, by the way, have made quite a profitable business of buying up quotas of seeds for a fraction of their original cost to the Government, and not very long ago one of these dealers, who had a cellar stored full of them, offered for sale 30,000 packages of the previous year's output which had been somewhat damaged by mice.

"It is a case of other people's money. The Government is rich, so what is the use of economizing?

"FARMERS AWAKENING TO FRAUD.

"The farmers of the country seem to be awakening at last to the fact that the Government seed distribution is a delusion and a snare. Year after year Congress appropriates about a quarter of a million dollars for the 'purchase and distribution of valuable seeds,' and each Senator and Member has assigned to him 12,500 packages, each containing five packets of seeds of the commonest possible varieties. There are usually packets of radishes, lettuce, cucumber, watermelons, and carrots, or some similar vegetable. The intrinsic value of the collection is from 2 to 3 cents in each case, and no possible good is served.

"LACK MORAL COURAGE.

"Yet every attempt to cut off the distribution is fought vigorously on the floor of the House. Not one Member in ten really believes that the distribution should continue, but not one in twenty seems to have the courage to vote against the item.

"STATE GRANGE OPPOSED.

"Now, however, the State granges are beginning to take part in the fight, and already New York and Illinois have declared against the continuance of the practice.

"The Illinois State Grange, at its annual session in December, adopted the following resolution:

"'*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 we ask that the control of seed distribution be placed under the Department of Agriculture and limited to experimental work.'

"TWO AGAINST FRAUD.

"Thus far two members of the House Committee on Agriculture, Messrs. WADSWORTH and COCKS, of New York, are the only ones who have declared against the continuance of the annual squandering of money for seeds which do no good. As a rule, Members use their packages for electioneering purposes, and of course a majority will vote against the proposition to cut off the supply. If, however, the State granges generally follow the lead of Illinois and New York, it will not be many years before the seed division of the Department of Agriculture is restored to its original purpose—the discovery and distribution of new and valuable seeds—instead of continuing the purchase of the cheapest varieties in order to secure for Members of Congress as many packets as possible, without reference to utility or value."

J. M. LUPTON, WHOLESALE SEED GROWER,
Mattituck, Long Island, N. Y., March 16, 1906.

Hon. W. W. COCKS,
House of Representatives, Washington, D. C.

DEAR SIR: I have at hand your favor of the 7th. The Committee on Agriculture in your House in reporting against any appropriation for the free distribution of garden seeds has acted most wisely and sensibly upon a proposition which is wrong both in theory and practice. It has done an immense amount of harm to one of the most scientific branches of agriculture, that of seed growing. But very little benefit has ever been accomplished by the free distribution of ordinary seeds on the part of the Government among farmers. It is more than probable that but a very small part of the seeds so distributed has ever been planted, because of the feeling which I know prevails almost universally among farmers and growers that the character of the seed sent out by the Government has not been up to the standard of those which they could buy of the seed trade, and in very many instances the varieties were not what they wanted, so that they have generally preferred to purchase what they did want in place of planting that the Government sent them free. In some instances, perhaps, farmers have felt a little complimented that their Member should think enough of them to send them a little package of seeds, but more times I have heard the receipt of one of these packages sneeringly alluded to as a scandalous misappropriation of the Government's money. To me it seems that there was no particular reason why you should send free a lot of seeds to farmers any more than any other kind of merchandise, and certainly the distribution carried out in such great proportions as it has now assumed has had a depressing effect upon the seed trade, which has been felt throughout the country. The production of seeds is perhaps the most scientific part or branch of agriculture, and can only be successfully carried on where managed with a great deal of intelligence and a thorough understanding of the condition governing their successful production. It is scientific because it must be a successful attempt in all cases to improve varieties in order to keep up to the times, and to whatever extent it exceeds in improving varieties it is in a great degree beneficial to the farmer and agriculturists. The Department of Agriculture, which obtains its supplies and turns over the order to those who bid lowest upon it, can not assume to secure in this way the best effort of the seed grower. For your seed distribution you have secured that which the seed grower has as surplus stock and is willing to dispose of at the lowest prices. It does not represent his best effort in the way of seed improvement, but merely what he most desires to get rid of. Therefore what you distributed can not be regarded as the best in the market. The product upon which he has given the most effort is reserved for what he considers his best class of customers, those who are willing to pay for the extra effort made to improve the variety. For my part I believe it far better for a cultivator to pay double price for that article upon which the grower has expended his best thought and labor than to plant the poorer article given him when we consider the small cost of the seed compared to the real value of the product. And I think that the Government of the country has been decidedly wrong in doing that which has had a depressing effect upon an industry which, if allowed to grow and flourish, will do much toward the improvement of every cultivated variety of seeds.

Yours, truly, J. M. LUPTON.

SOUTHAMPTON, LONG ISLAND, N. Y., *March 27, 1906.*

WILLIAM W. COCKS, *Westbury.*

DEAR SIR: Might I ask you to use your influence against the free distribution of common garden seeds? Last year I believe there was appropriated $290,000. I fully concur in the appropriation of the $40,000 for the purchase and distribution of new or rare seeds and plants, but the common seeds which I have had nearly every year sent to me, in my opinion, is just a farce. At first I planted the seeds very carefully, to find that they rarely came up. Corn and beans are the only seeds that gave satisfaction, and there was not enough of them to do any good. It seems to me a waste of the public money, as more than one-half of the seeds distributed are never sown.

Then, again, the mail service is overburdened with these free seeds. Instead of deriving a revenue from them they cost the Government $300,000 per annum for franking. I have yet to hear a farmer or gardener express themselves in favor of the free seeds. All think it is a fearful waste of money.

Yours, truly, S. F. MACDONALD.

---

107 WALL STREET, NEW YORK, *March 26, 1906.*

Hon. W. W. COCKS,
House of Representatives, Washington, D. C.

DEAR SIR: I am in favor of the legislation which is coming before you tending to restrict the distribution of seeds by the United States Department of Agriculture, limiting the same to new or rare seeds or plants not on sale generally in the United States. It seems to me that the present system is wasteful and produces only a small percentage of good, besides being a considerable burden upon the Post-Office Department.

Hoping that your views will accord with mine, and that you will support the reform,

Yours, very truly, GEO. C. RAND.

CHARLES H. ALLEN, CARNATIONS AND MIGNONETTE,
Floral Park, N. Y., March 20, 1906.

Hon. WILLIAM W. COCKS, *M. C.,*
Washington, D. C.

DEAR SIR: I am strictly opposed to the free distribution of seeds by the United States Government, and have returned to the Department of Agriculture the package received through your courtesy.

Yours, truly,

CHARLES H. ALLEN.

COTTAGE GARDENS COMPANY,
Queens, N. Y., March 28, 1906.

Hon. WILLIAM W. COCKS,
Washington, D. C.

MY DEAR SENATOR COCKS: Upon my return home from a trip into Mexico I found your esteemed favor of the 7th of March awaiting my attention. I am very glad that you called my attention to the effort that is being made to abolish the free distribution of common garden seeds. While I am not a seedsman and have no interest whatever in the sale of seeds, I have decided views upon that perversion of the original scheme of distributing rare plants and seeds throughout the United States for the purpose of testing new material that might prove of economic value to our country. In years past I have been at various times the recipient of Congressional liberality in the way of various packages of free seeds, and being in the horticultural business and being thoroughly versed with the best material that was offered in the way of seeds and plants by our leading nurserymen and seedsmen, I have considered myself to some extent competent to judge of the value of the material sent out. In no instance have I ever received through Congressional liberality a single variety of seed or plants that was in any way an improvement or even as good as 90 per cent of the ordinary material offered for sale through the regular channels. In fact, in almost every instance the varieties sent were of the most common, ordinary kinds, and generally the material received was some seedsmen's stock left over from years past, and so lacking in vitality that the largest percentage of it failed to grow, and had I purchased seeds at the highest market price of the better varieties and planted them upon the same space occupied by the free seeds I would have gained largely in a financial way had I been compelled to sell the crop and pay the expense of cultivation.

Now, I understand that the object sought in distributing free seeds and plants is to place in the hands of the general horticulturalist and farmer in various parts of the country new and improved varieties for trial, and from my knowledge of what has been sent out in this way I am satisfied that the above object has been very seldom attained. As I view the distribution of free seeds at the present time, it is simply a form of Congressional graft and has absolutely no merit whatever to commend it, nor, in fact, any excuse whatever except that it enables rural Congressmen to curry the good favor of certain of their constituents by sending them a little present paid for by Uncle Sam. Just a little bid for a vote, you might call it, and a mighty cheap one at that. As I view it, the money invested in this free-seed distribution is largely thrown away, and very little intrinsic benefit accrues to the recipients of this species of Congressional alms. At the present time, when there is being unearthed so much connected with the conduct of business in this country that is shady, questionable, unlawful, and in many instances criminal, it seems to me as if Congress ought to set the example and cut out this form of extravagance, and that the money spent in this free distribution should be put to some more profitable as well as more worthy purpose. I do not know of any reason why Congress should not make an appropriation and distribute free cheeses to the poor of our large cities. It seems to me as if there is just as much excuse for distributing any commodity free as there is for distributing the free seeds that have been sent out under this act for the past ten to fifteen or twenty years.

I am glad to know that the Committee on Agriculture has reported in favor of abolishing the free distribution of common garden seeds. I believe that it is a step in the right direction, and I sincerely hope that Senatorial courtesy will be suspended when this matter comes before Congress, to the end that the subject may be thoroughly thrashed out and end up in abolishing the practice.

Hoping that my views will meet with your approbation, and assuring you that you are at liberty to use them, provided you consider them of value, I remain,

Very truly, yours, CHAS. W. WARD.

ORANGE JUDD COMPANY,
PUBLISHERS OF AGRICULTURAL WEEKLIES,
New York City, March 10, 1906.

Mr. WILLIAM W. COCKS,
Committee on Agriculture,
House of Representatives, Washington, D. C.

DEAR SIR: Allow me to congratulate your committee on its effort 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 ten to one 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 this scandal of "free seeds."

Yours, very truly,
HERBERT MYRICK,
President and Manager.

(Mr. Myrick was called away and was unable to sign this letter personally, but his signature is guaranteed.)

COMMITTEE ON AGRICULTURE,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., March 13, 1906.

EDITOR OF FARM JOURNAL,
Philadelphia, Pa.

ESTEEMED FRIEND: You have perhaps noticed by the papers that an effort is being made to abolish the free distribution of the common garden seeds. The Committee on Agriculture of the House of Representatives will recommend such action. Would be glad to have your views on the subject, and, if you are in favor of the proposition, to have you do what you can toward helping it along.

Yours, truly,
WILLIAM W. COCKS.

By all means pass the bill.

WILMER ATKINSON,
Editor Farm Journal, Philadelphia.

OFFICE OF THE METROPOLITAN AND RURAL HOME,
New York, N. Y., March 15, 1906.

WILLIAM W. COCKS, Esq.,
Washington, D. C.

DEAR SIR: I am in receipt of your kind favor of the 13th instant, and in reply I beg to state that I am most positively in favor of the abolishment of the free distribution of common garden seeds by the Department of Agriculture.

From every investigation I have made the consensus of opinion is that the distribution of these free seeds is of no practical value whatever.

We have never as yet in our columns taken a stand on either side of the fence, but since receiving your letter asking for our cooperation, I will publish something on this subject in our April issue.

Assuring you of our cooperation, I beg to remain,

Yours, very truly,
THE METROPOLITAN AND RURAL HOME,
B. B. HOPKINS, *Editor.*

THE RURAL NEW-YORKER,
New York, March 8, 1906.

Hon. WILLIAM W. COCKS,
Washington, D. C.

DEAR SIR: I am glad to have an opportunity to reply to your letter of March 7. We have for a long time regarded the distribution of Government seeds as one of the greatest humbugs of the age. Positively no sound argument can be advanced why this distribution should not be abolished, while on the other hand an excellent reason can be given for killing off the humbug. In the first place it interferes with an honest and legitimate trade. The seedsmen of the country have thousands if not millions of dollars invested in their business. These free seeds sent out by Congressmen as they are, directly interfere with this business of the seedsmen, because naturally the man who gets these seeds as a gift from his Congressman can see no reason why he should buy legitimate products. There is no reason on earth why this industry should be singled out by the Government for direct and injurious competition, nor is there any reason why the Government should not send a man a harrow, a plow, or send his wife an organ or a sewing machine if it is to send these garden seeds to farmers. As to the quality of the seeds, it is notorious that ridiculous mistakes have been made. For example, I send you herewith a letter from one of our readers in Texas, showing what absurd mistakes are made. I have been told that samples of new cotton have been sent to people in New England, while seeds thoroughly adapted to the northern latitude have been sent to farmers in the Gulf States.

I have received numberless letters from our readers who say the only use they have for these seeds is to feed them to their chickens, and I see no reason why Uncle Sam should furnish, at a great expense, this stuff to be used as chicken feed. The greatest fraud and humbug of all, however, is the way in which the average Congressman approaches people with this petty form of graft. I once lived in the house with another man and we had a back yard garden between us. He approached me one spring and proposed a form of cooperation. His proposition was that I should spade the garden, do all the raking, plant the seed, and do all the hoeing, while he, in his turn, was to furnish the seed at Government cost. He said he had a "pull" with our Congressman which few other people had and that the Congressman would let him have these wonderful seeds guaranteed by the Government to be better than anything else. I merely mention this to show you how ridiculous, how positively absurd, this little graft or pull becomes in the hands of a Congressman. There is, as I have stated, positively no good argument to be given in favor of a continuance of this practice. It is a wise and desirable thing from time to time to distribute new seeds or rare cuttings or plants for experiment purposes, but this petty graft should be stopped off at once and I sincerely hope that you will do all in your power to have this nuisance abolished.

Yours, very truly,
H. W. COLLINGWOOD, *Editor.*

[From the Rural New-Yorker.]

PARCELS POST *v.* FREE SEEDS.

In talking with different people on this topic, market gardeners in particular, I have yet to hear the first sensible man indorse the free seeds and plants as generally sent out from the Agricultural Department. In conversation with two of the ablest men of the Department some time back, they both admitted the free-seed shop as a discredit to the Government, it being both a big expense to the Agricultural as well as the Post-Office Department for what little good is ever derived from it. But both these men stated that Congress would never do away with the free seeds as long as many of the Members counted largely on having these very seeds, worthless as many of them might be, assist them in their elections. If only new and rare seeds and varieties were distributed for the trial (the original purpose of the business) all would be well and good. But for stuff to be sent out still that was discarded as worthless by practical men years ago is just simply a serious reflection on the wisdom of the officials of the Agricultural Department. I frequently receive seeds, not that I request them, but they come anyway. If they are of a nature to make good chicken feed, it's not so very bad, but if otherwise, they are just thrown or given away. A few days ago, in a veritable snowstorm, with a cold north wind, our rural carrier seemed to be extra heavily loaded. Asking the cause, was told, "An overdose of free seeds and plants." When opening a parcel that was directed to myself, behold what I found: Two Lenoir and two Herbemont grapevines all the way from Washington by mail, delivered in a regular snowstorm, worth, at the most, if they were needed, 10 cents. Jerusalem, what a gracious Government! No wonder we farmers are prospering when we get such gifts. Now, the Herbemont grape is one of the oldest we have. Nurseries sell them at 5 cents apiece by the 100. The Lenoir is not worth standing room in our section of the country. I have discarded them as worthless twenty years or more ago. Now, if the Post-Office Department could carry parcels of, say, up to 10 pounds weight of such goods as the people generally require at a fair rate of postage, there would be revenue for the services, and the people would be benefited. There would be an advantage all around. And would it not be best for the country's good to have the Congressmen who have not ability or brains enough to reelect them to their positions to stay at home next time and let some abler man take the place, than to have them get themselves reelected by the means of free seeds, etc.? Now, Mr. Congressman, act sensible and do away with the free-seed humbug and give the country in place a parcels post. You will stand much better chances of reelection.

J. W. STUBENRAUCH.

NEW YORK AGRICULTURAL EXPERIMENT STATION,
Geneva, N. Y., March 7, 1906.

Hon. W. W. COCKS,
House of Representatives, Washington, D. C.

DEAR MR. COCKS: I want to congratulate you on the position you have taken in regard to Congressional appropriations for seed distribution. Money so spent is mostly a waste of funds. Money spent to prevent the serious adulterations which are now occurring with many of our seeds would be wisely applied. The adulteration of alfalfa seed with trefoil has been a serious matter to the farmers of New York during the past two years.

I trust you are prospering and enjoying your work.

Yours, truly,
W. H. JORDAN, *Director.*

THE CONNECTICUT FARMER,
New Haven, Conn., March 22, 1906.

Hon. WM. W. COCKS,
Washington, D. C.

DEAR SIR: In reply to your letter of the 13th, we are glad our views coincide with yours, and we believe we fully expressed the views of our patrons in the matter of free distribution of seeds by the Government. It has always seemed to us to be an uncalled-for waste of money, as the seeds in most cases were of very common varieties that were obsolete or inferior. We are glad your committee is going to take the stand it is, and in our issue of March 24 we have devoted considerable space recommending that the usual appropriation for this purpose be cut out.

Very truly, yours,
THE FARMER PUBLISHING AND PRINTING COMPANY.

FARMERS' TRIBUNE PUBLISHING COMPANY,
Sioux City, Iowa, March 17, 1906.

Hon. WM. W. COCKS,
House of Representatives, Washington, D. C.

DEAR SIR: We appreciate very much the work of the House Committee on Agriculture in striking out the provision for appropriating money for the free distribution of seeds, and we sincerely trust that your efforts may bear fruit.

Speaking for 50,000 farmers in the corn belt who represent a population of one-fourth of a million, I beg to state that we are strongly opposed to the Government distribution of free seed as it has been carried on in recent years. Instead of the farmer being helped by this promiscuous distribution, we believe that he is acutally being harmed. The seeds sent out are often of poor quality; they are not up to the standard of the seed sent out by our best seed houses. Furthermore, whenever a man gets something for nothing he does not value it.

So far as free-seed distribution is concerned, Congress should have nothing to do with it. Should the Department of Agriculture, in its investigations, both home and abroad, find varieties that in its opinion should receive general introduction in this country, it might for a time distribute a certain amount of such seed until their value has been demonstrated, but Congress should have nothing to do with such distribution. The free-seed distribution as practiced now is nothing but a graft and every one regards it as such.

Wishing your committee success, I remain,

Yours, very truly,
JNO THOMPSON, *Editor.*

THE FARMER,
St. Paul, Minn., March 17, 1906.

Hon. WILLIAM W. COCKS,
House of Representatives, Washington, D. C.

ESTEEMED FRIEND: Your letter concerning the effort that is being made to abolish free distribution of seeds at hand. In reply we wish to say that we are in hearty accord with such a movement, for we consider it a waste of funds, as it seems impossible for the Government to distribute seeds suitable to all localities. In fact, I find in my ex-

tensive acquaintance over the Northwest that the farmers consider the Government distribution of seeds no more than a farce. It is seldom that these seeds are planted, and a large per cent of them go into the farmer's swill barrel.

Thanking you for the interest you are taking in eliminating this Government graft, we are,

Very truly, yours,

THE FARMER,
Per A. W. TROW.

THE LAWRENCE PUBLISHING COMPANY,
Detroit, Mich., March 16, 1906.

WILLIAM W. COCKS,
Washington, D. C.

DEAR SIR: In reply to yours of the 13th instant, we mail you, under separate wrapper, marked copy of Michigan Farmer, last issue.

You will notice from same the position we have taken regarding free distribution of seeds.

Trusting you will find this along the lines desired, and assuring you that we will be glad to cooperate in any way possible to secure the desired results, we remain,

Yours, respectfully,

THE LAWRENCE PUBLISHING CO.,
G. J. MUNSELL,
Advertising Department.

FARM, STOCK, AND HOME COMPANY,
Minneapolis, Minn., March 16, 1906.

Hon. WILLIAM W. COCKS,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to yours of the 13th, would say that Farm, Stock, and Home has always been opposed to the distribution of the garden seeds by the Government, and we are glad to know there is a good prospect of the practice being discontinued. There is an absolute waste of people's money without giving them any benefit whatever.

Very truly, yours,

FARM, STOCK, AND HOME COMPANY,
H. N. OWEN, *Secretary.*

EDITORIAL ROOMS FARM AND FIRESIDE,
Springfield, Ohio, March 16, 1906.

Hon. WILLIAM W. COCKS,
Washington, D. C.

DEAR SIR: Answering your favor of the 13th instant, I take pleasure in saying that Farm and Fireside for many years past has steadfastly opposed the free distribution of common garden and flower seeds. During all that time the contributors and readers, as far as known, have approved of the stand taken by the paper. Expressions of their opinion have been in favor of it; in fact, not one expressed a desire to have free-seed distribution continued.

Farm and Fireside now heartily indorses the action of the Committee on Agriculture in recommending its abolition, and respectfully urges the Members to "stand pat" on the proposition when it comes up in the House.

Very truly, yours,

JOHN C. BARNETT.

NEW YORK STATE FRUIT GROWERS' ASSOCIATION,
Penn Yan, N. Y., March 31, 1906.

Hon. W. W. COCKS,
Washington, D. C.

DEAR SIR: I learn that you are interested in a plan to abolish the present seed distribution, so far as it applies to common garden seeds. I wish to say that my acquaintance with the farmers of this section of the State, and with the fruit growers of the whole State, leads me to the belief that the sentiment is strongly in favor of the movement for which you stand.

Personally, for many years I have been opposed to Government seed distribution. It might be desirable to send the seeds of certain new plants into localities where the probable conditions would be favorable for them, but for the present I believe that the whole plan had best be discontinued.

Anything you do along this line, I believe, will be appreciated by the farmers and fruit growers of New York State.

Very truly, yours,

E. C. GILLETT, *Secretary.*

THE NEW YORK STATE POULTRY SOCIETY,
Watervliet, N. Y., April 9, 1906.

Hon. W. W. COCKS,
House of Representatives, Washington, D. C.

HONORABLE SIR: Myself, as well as the majority of the members of the above association, which I represent, are opposed to the distribution of common garden seeds, but do favor the distribution of seeds of new plants for trial. Trusting this will meet with your approval.

Very truly, yours,

JOHN D. JAQUINS, *President.*

THE NEW YORK STATE SHEEP BREEDERS' ASSOCIATION,
Batavia, N. Y., April 2, 1906.

Hon. W. W. COCKS,
Washington, D. C.

DEAR SIR: I want to express my approval of the determined stand you are taking in opposition to any further distribution of ordinary garden seeds which are sent out from Washington. I have never been able to see one good reason for such distribution as it has been carried on in past years. The seeds which I have received in quite large quantities are as a rule not as desirable varieties, neither are they as fresh as can ordinarily be purchased from reliable seed houses, and whatever seeds have been sent have been used only as food for poultry. I trust you will keep up this fight until the distribution is discontinued, and I am confident that such course on your behalf will merit the approval of the best farmers of the country. At the same time I am of course in favor of a reasonable distribution and experimenting with strictly new varieties of seeds, and in this way increase the number of valuable plants that may be adapted to various localities.

With congratulations for your good work in this direction, I remain,

Very truly, yours,

FRANK D. WARD, *President.*

NEW YORK STATE ASSOCIATION OF BEE KEEPERS' SOCIETIES,
Clifton Springs, N. Y., April 3, 1906.

Hon. W. W. COCKS,
House of Representatives, Washington, D. C.

DEAR SIR: I am not interested in the sale of seeds; but as an American citizen I wish to protest against a continuance of the Congressional distribution of common and abundant varieties of garden seeds and to urge a discontinuance of the practice, believing as I do that said seeds are of doubtful utility, to say the least.

I am, however, in favor of the Government distribution of seeds of new varieties of plants, and believe that more attention should be given to the testing and distribution of such seeds.

Believing that I voice the sentiment of a large majority of those whom it is my privilege to represent, I would urge you to use your best efforts toward bringing about the desired change in this matter.

Yours, truly,

W. F. MARKS.

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

Hon. WILLIAM W. COCKS,
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 a flagrant perversion of the aims and intent of the law creating the Department of Agriculture."

Yours, faithfully,

LEONARD BARRON, *Secretary.*

NEW YORK STATE FRUIT GROWERS' ASSOCIATION,
Halls Corners, N. Y., March 31, 1906.

Hon. W. W. COCKS,
Washington, D. C.

DEAR SIR: I notice by the papers that you are the originator of a bill before Congress to abolish the free distribution of common garden seeds. Personally I believe you are right. And from what I can learn in meeting the members of the State Fruit Growers' Association I believe it meets with the hearty approval of a large majority of our members. Still I think the careful distribution of the seeds of new varieties of plants and vegetables will continue to be of benefit to agriculture.

Trusting you may succeed in the passage of your bill, I am,

Truly, yours,

T. B. WILSON.

NEW YORK STATE FRUIT GROWERS' ASSOCIATION,
Penn Yan, N. Y., March 31, 1906.

Hon. W. W. COCKS,
Washington, D. C.

DEAR SIR: I learn that you are interested in a plan to abolish the present seed distribution, so far as it applies to common garden seeds. I wish to say that my acquaintance with the farmers of this section of the State, and with the fruit growers of the whole State, leads to the belief that the sentiment is strongly in favor of the movement for which you stand. Personally, for many years, I have been opposed to Government seed distribution. It might be desirable to send the seeds of certain new plants into localities where the probable conditions would be favorable for them, but for the present I believe that the whole plan had best be discontinued. Anything you do along this line I believe will be appreciated by the farmers and fruit growers of New York State.

Very truly, yours,

——— ———, *Secretary.*

STATE OF NEW YORK DEPARTMENT OF AGRICULTURE,
BUREAU OF FARMERS' INSTITUTES,
Fayetteville, N. Y., March 22, 1906.

Hon. GEORGE L. FLANDERS,
Assistant Commissioner of Agriculture, Albany, N. Y.

DEAR SIR: Your favor of March 19 asking about the matter of free-seed distribution by the National Government is received. I have attended practically all of the annual meetings of the various State agricultural organizations during the winter and have conversed with a great many of our leading farmers in relation to seed distribution. I believe I can say that, without exception, the leading members of these organizations are opposed to the distribution of the sort of seed that is being sent out—that is, common, ordinary seeds that could be procured of any seedsman. Quite a number of them, however, express themselves as being in favor of having samples of new and valuable seed for testing sent into the different sections in order that we may find out whether or not any new crops are suitable for growing in our State.

Trusting that this gives you the information you are seeking, I am,

Yours, very truly,

F. E. DAWLEY.

STATE OF NEW YORK, DEPARTMENT OF AGRICULTURE,
BUREAU OF FARMERS' INSTITUTES,
Fayetteville, N. Y., March 22, 1906.

Hon. W. W. COCKS,
Member of Congress, Washington, D. C.

DEAR MR. COCKS: I have just received a letter from Mr. George L. Flanders at Albany in relation to Government seed distribution and inclose herewith copy of my reply.

I believe, if you wish it, I could get you a letter from the president of each of the various agricultural and horticultural organizations in New York State supporting your position in this matter. I have been in more than fifty of the counties of the State during the past winter, and from the fact that as statistical agent for the United States Government I have sent out some seed I believe I know very well the attitude of the people.

Yours, very truly,

F. E. DAWLEY.

NEW YORK STATE GRANGE,
OFFICE OF THE MASTER,
Philadelphia, N. Y., April 3, 1906.

Hon. W. W. COCKS,
Washington, D. C.

DEAR SIR: I take this opportunity of addressing you in regard to the free-seed distribution. It seems to me that this is the proper time to cut off this needless and wasteful use of the public money. For myself, personally, and for the order of Patrons of Husbandry, numbering 70,000 members in the State of New York, I wish to enter a protest against any further distribution of common seeds by the Federal Government. So far as the distribution of new or rare varieties of seeds is concerned, I think that there is no objection to that, but the practice of sending common seed should be stopped at once.

Yours, very truly,

GEO. A. FULLER.

The increase in the country's wealth as a direct result of the plant introduction work of the Department of Agriculture.

COST TO THE GOVERNMENT.

Total cost of nine years' work of the Office of Plant Introduction	$210,000
(Which is considerably less than the appropriation of a single year for Congressional seed distribution.)	
Paid for salaries, not over	50,000
(No salary being over $2,500.)	
Remainder expended for the purchase of new plants, for exploration expenses in foreign countries in search of new plant industries and for the propagation, dissemination, and recording of newly introduced plants	160,000
	210,000

PROFIT TO THE COUNTRY.

On durum wheat.—A new wheat from Russia has been introduced into the semiarid region of the Northwest which yields over 4 bushels more per acre than the wheat formerly grown there, is a surer crop, less subject to disease, better for macaroni making, brings practically the same price as other kinds, and which will produce a crop on land too dry to grow the ordinary American wheats. Approximately 1,330,000 acres of this wheat was grown last year, yielding 20,000,000 bushels. This represents over 5,000,000 bushels more than the ordinary wheat would have yielded.

5,000,000 bushels, at 60 cents	$3,000,000
Less difference in price of new wheat, 10 cents a bushel on 15,000,000 bushels	1,500,000
	1,500,000
Investment represented by total cost to the Government of the introduction of the wheat	30,000
Earnings for the single year 1905	1,500,000
(Earnings for previous years when 10,000,000 and 15,000,000 bushels were produced left out of account.)	

On Finnish black oat.—A quick-maturing oat from Arctic Finland has been introduced into Alaska and has become the most profitable oat now grown there. The figures of actual earnings are not obtainable.

On Swedish select oat.—A Swedish oat found in Russia has been introduced into the Northwest, and in Wisconsin alone it has raised the average yield of oats per acre in that State by 6 bushels. The total area planted to this oat in Wisconsin alone in 1905 was about 200,000 acres, and the net gain, at 6 bushels per acre, from the cultivation of this imported variety yielded the farmers of that State, in the single season of 1905, $360,000; investment represented by estimated cost to the Government of the introduction, $5,000; earnings for the single year 1905, estimated at 6 bushels per acre increase on $200,000 acres, amounts to $1,200,000 bushels, at 30 cents a bushel, $360,000. (Earnings for previous years left out of account and extra price secured for seed oats not considered.)

On Japanese rice.—The Kiushu rice from Japan has been introduced into the Louisiana and Texas rice plantations, and it is now grown on half the rice-growing areas of these States. It is a more vigorous variety, yields 2 to 3 barrels more of rice to the acre, has a straw that is better for fodder, and, being short kerneled, it is not so much broken in the milling as the ordinary rice previously grown there. Its introduction has been an important factor in the phenomenal growth of the rice industry in Texas and Louisiana, the acreage devoted to this crop having increased from 210,396 acres in 1898 to 610,700 acres in 1904, and the output from 115,000,000 pounds to 650,000,000. If, as has been estimated, one-half of this increase is due to the introduction of the Kiushu rice, the annual value of the earnings from this introduction equals $3,000,000.

The loss to the planters through the breakage of the ordinary variety in the milling process was estimated as $3,000,000 a year before the introduction of this new variety, and it is fair to estimate the saving brought about by the introduction of the Kiushu rice, now grown over one-half the rice area at one-half this sum.

Investment represented by the cost of sending an explorer twice to Japan and China to select and purchase the seed	$18,000
Earnings for the single year 1905, estimated as above as savings	1,500,000
Increased crop production	3,000,000

On Turkestan alfalfa.—A more drought and alkali resistant alfalfa from Turkestan of distinctly superior quality for stock feeding has been introduced which produces in the trials that have been made in the arid West, where the yield of the ordinary alfalfa is reduced by drought to less than 2 tons per acre, from 50 to 100 per cent larger yields than the ordinary alfalfa heretofore grown there.

Although it has just been introduced, there are thousands of acres of this variety already established in the arid West and there are 60,000,000 acres of the Great Plains region on which its use will be an advantage, and several seed firms are importing this year carload lots of seed from Turkestan. Investment represented by the cost of two expeditions to Russia and Siberia and the seed secured, $6,000.

The new Bohemian horse-radish.—A variety of horse-radish has been brought in from Austria, which is fine flavored, yields a ton more to the acre, and is better appearing than the ordinary American horse-radish. It is now growing on at least 20 acres of land in New Jersey, Wisconsin, and Missouri.

Investment represented by part of the expenses of an explorer in the field while getting other plants, and the cost of the plants, their propagation and distribution	$500
Earnings for the single year 1905, 20 acres at 1 ton extra per acre, at $100 a ton, the market price	2,000

Kaffir corn introductions.—Kaffir corn was an early introduction by the Department from Africa, at a cost of not more than $5,000, and produces over $15,000,000 worth of grain and forage each year on the dry lands of the West, where corn is a very uncertain crop. All the best varieties have recently been gotten from all parts of the Old World, and comparative tests to find which are most profitable are in progress.

SUMMARY OF EARNINGS FOR THE YEAR 1905 ON WHICH FIGURES ARE OBTAINABLE.

On these few grain and forage plant introductions alone, which are quick yielders and where the profits can be estimated, the earnings to the country for 1905 have been (not counting rice increased production nor Kaffir corn) $3,362,600.

But these are only a few of the 18,000 new introductions which have been made since 1897, many of which are as promising wealth producers as those cited.

The condition of some of these other Government investments which are not yet yielding dividends to the country of such a nature as to admit of being represented in figures is as follows:

Date introductions.—The fact has been proved that America can grow her own dates. She now imports $600,000 worth every year. Over 3,000 date palms of 170 varieties have been introduced and are now growing in gardens in Arizona and California. These have been secured in Arabia, Algeria, Egypt, and Beluchistan, and a number have produced excellent fruit.

There are at least 500,000 acres where the date palm will probably be commercially grown in America, and fresh, clean dates produced. It is a plant which will grow on alkaline soils where most plants do not succeed, and will make farms and homes possible in regions which to-day are largely uninhabited. Investment represented by cost of expedition to the Sahara, Egypt, Arabia, and Tunis, and the cost of the high-priced young palms, and freight, $30,000.

New vegetable introduction.—The favorite vegetable of the Japanese (the Udo) has been introduced, and hundreds of patches of it are growing all over the country.

It has proven easier of cultivation and a heavier yielder than celery or asparagus, and its characteristic flavor has won enthusiastic admirers wherever it has been tasted. It is a distinct and valuable addition to the food plants of the country, and is a gift from Mr. Barbour Lathrop, of Chicago, that the Government has spent not over $3,000 to disseminate.

Japanese matting-rush introduction.—The rush of which the Japanese make their matting, which we pay $5,000,000 a year for, has been introduced and is growing in the abandoned rice plantations of the Carolinas. There are thousands of unused acres in the South where it will grow, and there is a market for the raw rushes of $2,000,000 in New England, where machines have been invented for weaving the matting.

These investigations have been two years in progress, at a cost of not over $2,000, and promise to be successful.

Developing sugar-beet seed growing.—The sugar-beet seed industry is an important one and one which is bound to increase as time goes on. At present this country is dependent almost wholly upon foreign-grown seed, and this Department has been working with considerable success to develop a home-grown supply. We are importing a half million dollars' worth of seed annually, and, besides this, a very conservative estimate shows that by proper seed growing, if we can increase the yield of beets and the percentage of sugar to even a very small degree, it will mean an increase of a million dollars annually in the value of the sugar production in this country. Our experimenters have already demonstrated that American seed properly grown will give an increase of at least 1 ton per acre in the yield, which will be equal to something like 300 pounds of sugar per acre.

Wilt-resistant cottons.—The annual loss in the southeastern cotton-growing section alone from wilt disease is upward of half a million dollars. The Department experts who have been studying this disease for years have developed several strains of wilt-resistant cotton. These are just ready for wide distribution. The same is true of cowpeas and watermelons in the South. Both of these crops suffer more or less from disease, against which the Department experts have developed immune strains. In the case of watermelons we are now growing stock of the first immune variety ever produced.

Cover crops.—The tobacco growers of Connecticut alone would realize a saving of $300,000 annually if a proper leguminous cover crop could be found. Our experimenters in the last two years have shown that this can be done, but much more work needs to be done before the proper varieties can be thoroughly made available for the purpose. The matter of cover crops for orchards in the great fruit-growing sections of Michigan, Florida, and California is in the same condition.

Tobacco seed of selected types.—The growers of high-priced tobacco in both Connecticut and Florida have suffered much in the past from the lack of uniformity in type. At times not more than a very small percentage of the crop could be sold on account of this lack of uniformity. During the current fiscal year we have made our first distribution of selected tobacco seed, and this important branch of the work has only just commenced.

Oats.—In the South a rust-resistant oat is very desirable. An oat of this type was introduced by the Department a great many years ago, but the variety has greatly deteriorated, and we have just taken up again the problem of pushing a thoroughly good rust-resistant oat. Some money has already been expended on this, and when it is borne in mind that the introduction of the Swedish Select oats has increased the oat crop in Wisconsin alone by $1,000,000 annually the importance of the introduction of some of the new varieties which the Department now has under way can readily be appreciated. One of our experimenters has been working for a number of years on the problem of developing a better quality of oat and one of heavier yield for the Middle States. We have small stocks of these varieties on hand now, and should by all means have an opportunity to increase the stocks and distribute the desirable sorts.

Hardy oranges.—During the past few years the Department has expended several thousand dollars in breeding and distributing selected oranges that can be grown farther north and be relatively free from danger during the disastrous freezes which visit Florida. Some of these varieties have been distributed during the past three years, but varieties of still greater promise are now on hand in small quantities.

Flaxseed and flax fiber.—The flaxseed crop of North Dakota is worth nearly twenty millions of dollars annually, and as good flax can be produced in this country as anywhere. Two years ago the Depart-

ment sent an expert to Europe to secure the best varieties of flaxseed, and these, together with some disease-resistant varieties developed in this country, should by all means be distributed throughout the West. It is difficult to calculate the amount of money represented by such sorts, but there is no reason why the crop of flaxseed in this country should not be doubled by such an introduction.

Timothy.—For several years past we have been breeding new varieties of timothy, which, as you know, is a standard grass over the larger part of the United States. Some of these new varieties gave a yield of from 15 to 25 per cent higher than the ordinary crop. An increase of 20 per cent in this crop, even without an increase in acreage, will amount to an annual increase of $10,000,000 in the value of this crop alone.

Soy beans.—Soy beans have become an important crop in some sections of the country, especially Kansas, and we have a new variety which is about ready for distribution, and gives a larger yield, while it is eaten much more freely and is easier to harvest. The introduction of this variety would also be rendered impossible if the funds were lacking.

Alfalfa.—There are approximately 60,000,000 acres of the Great Plains region alone where our new Turkestan alfalfa has proven decidedly superior to the ordinary kind, and its extension into this region will make farming there much more profitable. In that region the Turkestan alfalfa will produce from 50 to 100 per cent greater yield than the ordinary kind, often succeeding moderately where the ordinary kind fails entirely. While this variety may be considered as already introduced, there is still much work to be done in extending it throughout the region to which it is adapted. These semiarid sections are at present enjoying a series of rather wet years, and it is highly important that this seed be pushed into these regions rapidly during the next few years so that the alfalfa may get a good start before another season of dry years occurs. Besides the Turkestan alfalfa we have under way a new variety from Arabia, which is adapted to something like 500,000 or 1,000,000 acres in the irrigated regions of the South. In these sections it produces a ton of hay per acre more than the ordinary kind. The value of this hay, uncut, is at least $2 per ton, making an annual increase in value of from one to two million dollars if we can get this variety thoroughly introduced.

Grapevines.—The grape industry in California for some time has been suffering severely and has been threatened with almost total extinction on account of disease. We have now established nine experimental gardens, where we are trying to introduce disease-resistant varieties which are at the same time adapted as stocks for the fine table and wine crops. The successful completion of this work will be worth millions of dollars to California.

Brewing barleys.—The brewers of the country are awakening to the fact that a more satisfactory brew can be made from a pure barley than from a mixed lot. The introduction of these pure races has been put under way by the Department, and the time is ripe just now for their rapid extension. The crop will bring a higher price to the farmers and means a saving also to the brewers.

Mango introductions.—One of the best fruits of the Tropics is the mango, and the largest collection of varieties in the world has been assembled from India, Ceylon, East Africa, and the South Sea Islands, for the purpose of establishing the mango industry in Florida, Hawaii, Porto Rico, and the Panama Canal Zone.

Some of these varieties will fruit next season, and they will prove a new paying fruit crop for these regions and add a new fruit to the American menu.

The cost of these introductions will not exceed $10,000.

The pistache introduction.—The pistache is a tree that withstands drought in a remarkable degree and produces one of the most delicious table nuts known, as well as a flavoring extract which is now imported. Plants of this most promising new crop for the arid regions have been placed in the hands of experimenters. Hardy and cold-resistant stocks have been imported from the desert regions of Asia and China upon which to graft it, and in a few years the nuts will be as common with us as they are in Greece and Sicily to-day. There are thousands of acres of almond orchards in California and Arizona which have not been profitable because they were planted on too dry land, but this pistache will, it is believed, grow and produce good crops in these soils.

Explorations in China.—Minister Rockhill, Dr. Augustine Henry, and Professor Sargent, of Harvard, all authorities on China, agree that it has more plants likely to be valuable for American farmers and fruit growers than any other region in the world.

A trained explorer has been since July exploring the plant possibilities of this vast country, and has already sent in over a hundred more or less promising things which will be adapted to the conditions of the Middle States.

Seedless persimmons, hardy peaches and pears, remarkable new grapes, a new drought-resistant lawn plant, plums and apricots, hardy bamboos, and many important grains and vegetables are among the plants above mentioned.

When it is realized that the introduction of a Chinese peach variety revolutionized peach growing in the Atlantic States, and the Chinese pear hybrids have driven out most other sorts over wide areas of this country, the greatness of the possibilities of these new Chinese plant immigrants is evident.

Investment in this one-man expedition to China ($1,000 for his salary), $6,000.

Without going further into the same detail, as was done in describing the foregoing few selected problems, the following may be mentioned as partial investments made already, which must be followed up to produce returns, but which will have to be dropped if an appropriation of less than $110,000 is made:

The introduction of the sisal industry into Porto Rico, an industry out of which Mexico gets $16,000,000 a year from America; the introduction from North Russia and Finland of hardy fruits for the Dakotas; the establishment of clumps of the hardy timber bamboo throughout the South; the trial of the Japanese plant, from which the superlative papers of Japan are made; the introduction into the American tropics of such delicious East Indian fruits as the mangosteen, the doekos, and the leitchee, and the growing of a hop in America which shall be as good as the best European, which now brings double the price.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WADSWORTH. Mr. Chairman, I think that the amendment offered by the gentleman was to strike out the last word, and I move that all debate on that amendment be now closed.

Mr. CANDLER. I hope the gentleman from New York will not do that.

Mr. POWERS. Mr. Chairman, I move to strike out the last two words.

Mr. WADSWORTH. After we have read two or three lines more we shall come to the paragraph relating to bureau and plant industry. Then all this free-seed discussion will be in order. I ask the committee to wait until we get to that point.

Mr. GAINES of Tennessee. I want to ask the gentleman a question about this appropriation at this particular time.

Mr. WADSWORTH. There will be no attempt to curtail debate except by unanimous consent. I ask that the reading of the bill be proceeded with until we reach the proper point.

Mr. GAINES of Tennessee. I want to ask the gentleman a question before we arrive at that paragraph.

The CHAIRMAN. The gentleman from Tennessee is out of order.

Mr. GAINES of Tennessee. I want to ask the gentleman from New York why he declines to put in any money to give unadulterated seed to the farmer when he puts in money here to give them unadulterated articles of other kinds?

Mr. POWERS. Mr. Chairman, what is the question before the committee?

The CHAIRMAN. Nothing; and the Clerk will read.

The Clerk read as follows:

For experiments in animal breeding and feeding in cooperation with State agricultural stations, $25,000.

Total, Bureau of Animal Industry, $1,682,980.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee why he has put money in this bill to inspect butter and does not put money in to inspect the seed which the farmers get? That is an honest inquiry and a fair question. The Secretary of Agriculture examines the seed he raises and those he buys and distributes. That is shown by the hearings, and I challenge the gentleman from New York to read it or deny my contention. Mr. CANDLER asked this question of Doctor Galloway: "All of them (the seed) are tested?" And the answer of Doctor Galloway was, "All of them are tested." Now, the gentleman leaves out the money appropriated for that purpose, but he puts money in this bill to test our dairy products, to test the rotten beef, to test the "foot disease" and the "mouth disease," the hollow-horn disease, and the hollow-tail troubles. [Laughter.]

Mr. POWERS. Mr. Chairman, I rise to oppose the motion of the gentleman from Tennessee to strike out the last word. [Laughter.] I do not intend to occupy but a very few moments of the time of the committee. I have not the good fortune to have had instruction either from the newspapers, from the granges, or from my constituents in relation to this subject-matter, as other gentlemen have. There seems to be a great deal of criticism, excitement, and talk about this small appropriation or proposed amendment to give some farmers a few garden seeds—a sort of a tempest in a teapot. A wondrous streak of economy and saving has taken possession of some gentlemen in reference to this matter, but I think that the gentleman from Maryland [Mr. MUDD] struck the keynote, disclosed the real power behind this spasmodic economy. I believe if you could trace this opposition to its real source, though many gentlemen may not realize it—I mean the refusal to include in the bill the small sum that should be, and heretofore has been, appropriated for the benefit of the farmer who works with his own hoe and plows with his own hands, not the kid-gloved gentlemen who farm by the honest sweat of the other fellow's brow—you would find that it originates and all springs from the persons engaged and having a large amount of money employed in raising and selling seeds for the market. I have heard it called the "seed trust"—whether a trust or not I can not say. I refer to the men who are holding or about to hold, as I am informed, a convention at the New Willard to see to it that no appropriation for seeds is made.

Mr. LILLEY of Connecticut. Will the gentleman yield?

Mr. POWERS. I can not yield now; I have only got five minutes. I will yield after that. I do not know, Mr. Chairman—and he did not inform us during the considerable time he was allowed to proceed—from what source the gentleman from New York got his list of newspapers to write to; I do not know who furnished the list to him, or what was the inducement that caused him to expend so much time and labor, nor the sort of letter that he wrote. It seems, however, that he got the answers he was hunting for. But I learned quite early in life that if you wanted to get certain information and sent persons after it they generally got what you wanted; and if you wrote for information you got what you wanted if you were careful enough in the selection of your correspondents. I believe myself, notwithstanding I have had no instruction and no correspondence with newspapers, that the majority of the small farmers throughout the country, the men who receive but

very little consideration from the Government [applause], are glad to have these seeds sent to them. I represent an agricultural district, a district that has more agriculture, as you may know, Mr. Chairman, than most of the gentlemen here in this House believe. I represent a county in which the farmers themselves this year will receive some $6,000,000 for what they spare in agriculture. We have large seed-raising establishments and none of their advertisements in our newspapers. Hence there are no replies hailing from my district to the gentleman from New York.

I have never had a letter from one man in any part of my district stating that he did not want the few packages of seeds sent, and I have at various times received letters of thanks for the seeds, and very many requests for them. I will admit that I think greater care ought to be taken by the Department in the seeds sent to the various climates. For instance, they do send to northern Maine seeds unfit for that climate, and if they send out rotten seeds, as has been stated by the gentleman from New York [Mr. COCKS], then the Department should exercise greater care in that respect, for the law and the appropriation and every consideration demand that the seeds should be of the best quality.

Now, what is this? Here is a small sum appropriated for the purpose of sending to the farmers throughout the country packages of seeds. They have been accustomed to receive them. By receiving these packages they fail to buy of the agents of these various large concerns, who, I dare say, advertise in every paper from which the gentleman has letters, and to pay them their very remunerative profits, as they get them from the Government. I believe that the farmer, and especially the small farmer, in the out-of-the-way little town and plantation is as deserving of consideration as any class of men in our country, and until I hear from this class I shall vote to continue to send him a little memento from the Government in the shape of a few packages of seed, as we have been doing in years past. Possibly these seed producers, if they sell to the Government, are compelled to sell for a lower price than they could wring from the farmer. Under these circumstances, this distribution having been a custom for years past, it seems to me that it would be poor legislation, uncalled-for retrenchment; that it would be a saving at the spigot and pouring out at the bung to attempt to take from the farmers of this country this small amount which is used for the seed distribution, and which, in my judgment, produces great good in many cases.

Mr. TRIMBLE. Mr. Chairman, I move to strike out the last two words, and I ask unanimous consent that I may be permitted to proceed for ten minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to continue his remarks for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WADSWORTH. Mr. Chairman, I wish to object now, but I shall not object if the gentleman will wait until we reach the Bureau of Plant Industry.

The CHAIRMAN. The Chair put the question, and the gentleman failed to object. The Chair will hold that the gentleman's objection comes too late.

Mr. WADSWORTH. I have no objection at the proper time.

Mr. TRIMBLE. Mr. Chairman, at a certain point in this bill, which will be reached in a very few minutes, an amendment will be offered to restore the free distribution of garden seeds, a practice which has been in vogue for many years, to the great advantage and improvement of the agricultural interests of the country. That amendment was stricken out by the Agriculture Committee, composed of six Democrats and twelve Republicans. I understand the programme is that a point of order is to be made against that amendment, and if the Chair sustains the point of order then we will have an indirect vote on this proposition by the way of an appeal from the decision of the Chair, and if the Republicans are whipped into line, as they usually are on an appeal from a Republican Chairman, whether he be right or wrong, then the free-seed distribution will be wiped out; but I want the country to know, then, that the responsibility devolves upon the Agricultural Committee for striking this meritorious provision out, and I want the country to know that the six Democratic members on the Agricultural Committee, of which I have the honor to be a member, stood, as Democrats always stand, for the interest of the farmer—the free distribution of garden seeds. [Applause on the Democratic side.] If it goes out, I want the country to know that the responsibility is on the Republican party in this House. The Democratic party has been the friend of the farmer from the foundation of the Government to this good hour. It was truthfully said by the late Senator Vest, of Missouri:

> The founder of the Democratic party was the best friend the agricultural interest ever had upon this continent. It is a singular fact that Mr. Jefferson, when minister to France, and watching the great drama of the French revolution, as he looked upon the French court at Versailles feasting and dancing, as some people are doing now, while the mob surged and roared like a wild beast in the streets of Paris, and while corresponding with the savants of Europe, sent home seeds and plants of all kinds in order to improve the agriculture of this country.
>
> It is a singular fact that he traveled incognito over all the southern parts of France and across the Alps into Italy in order to find out why the planters of South Carolina did not have seed rice equal to that which was produced in Europe. In Italy he found the rice superior to any that had ever been known on this continent. He discovered that by Italian laws it could not be exported, and I am not ashamed to say that in the interests of agriculture the founder of our party turned smuggler and filled his pockets inside and out with the rice, which he brought to Paris and shipped to Charleston, S. C., in small packages. It was carefully distributed and attended, and gave us the South Carolina rice, which to-day is the finest in the world.
>
> When William C. Rives was minister to France, in 1853, he states that in the rooms of the Royal Agricultural Society of the Seine he saw the prize plow of Thomas Jefferson, which had received a medal from that society while he was minister to France. The Democratic party has always been peculiarly devoted to the farming interests of this country, and has derived its largest support from that source. It has never been the party of the capitalist and the rich man, but has always depended upon the people on whom at last the prosperity of the country must rest.

Now, Mr. Chairman, I want to take up some of the reasons why the opponents of Government distribution of seed want to strike this provision out. It is said that the seed dealers are opposed to it, and I say they are behind and instigating all these newspaper articles opposing this measure, and I am going to make the broad assertion that some of the greatest commercial thieves and scoundrels in this country are among the seed dealers, and I will prove the truth of my assertion. [Applause.]

Mr. LILLEY of Connecticut. Mr. Chairman, will the gentleman yield for a moment?

The CHAIRMAN. Does the gentleman yield?

Mr. TRIMBLE. Yes.

Mr. LILLEY of Connecticut. Will the gentleman yield long enough to allow me to disabuse his mind of the fact that the seed dealers are the only people in this country who are opposed to this?

Mr. TRIMBLE. No; I do not yield for that purpose, as it is immaterial who is opposed to it in discussing the merits of the measure.

Mr. LILLEY of Connecticut. I have got a lot of information from the farmers here.

Mr. MANN. He has got about a couple of dozen letters here.

Mr. TRIMBLE. I want to reiterate that some of the greatest thieves who are robbing the farmers in this land are among the wholesale seed dealers of this country, and I want to prove it to this House by Government reports that can not be questioned. At the last session of Congress I introduced a bill to prevent the adulteration and misbranding of blue-grass, orchard-grass, clover, and alfalfa seed, because of the fact that many wholesale dealers were engaged in this adulteration business on a colossal scale, entailing a loss of millions of dollars to the farmers and enormous profits for themselves.

The bill provided heavy penalties for the adulterating and misbranding of these important seeds—fine and imprisonment. It met the approbation of the Secretary of Agriculture and was favorably reported to the House by the Agricultural Committee, but on account of the lateness of the session it looked impossible to have it considered; therefore, at my suggestion, the Agricultural Committee very wisely incorporated in the agricultural appropriation bill the following provision:

> The Secretary of Agriculture is hereby directed to obtain in the open market samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada bluegrass (Poa compressa) are obtained under any other name than Canada bluegrass or Poa compressa, to publish the results of the tests, together with the names of the persons by whom the seeds were offered for sale.

Now, under the operation of this provision, mind you, after the seed dealers of the country knew that this law was on the statute books, they were caught by the wholesale, engaged in the adulteration and misbranding of seed. For the edification of those who are strenuously quoting the petitions of the seed dealers of the country as a reason why the Government distribution of seed should be done away with, I submit the first report of the Secretary of Agriculture in carrying out the provisions of this law, that you may judge for yourselves whether or not all of them are honest and have the interest of the farmer at heart.

The report is as follows:

> ADULTERATION OF KENTUCKY BLUEGRASS AND ORCHARD GRASS SEED.
>
> Seeds of Kentucky bluegrass and of orchard grass have been obtained and tested in accordance with the following paragraph contained in the act of Congress making appropriations for the Department of Agriculture:
>
> "The Secretary of Agriculture is hereby directed to obtain in the

open market samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada bluegrass (Poa compressa) are obtained under any other name than Canada bluegrass or Poa compressa, to publish the results of the tests, together with the names of the persons by whom the seeds were offered for sale."

In carrying out the provisions of this act 251 samples of seed of Kentucky bluegrass and 265 samples of orchard grass were obtained in the open market and examined. Of these, 41 samples of seed of Kentucky bluegrass were found to be adulterated with seed of Canada bluegrass, while 133 samples of orchard grass seed were found to be adulterated, the seeds most commonly used as adulterants being English rye-grass and meadow fescue, the value of neither being more than one-third to one-half that of orchard grass seed. That the adulteration of orchard grass is very general is evidenced by the fact that samples containing adulterants were obtained from twenty-four States.

While Canada bluegrass is imported into the United States in quantities varying from 600,000 to 700,000 pounds per annum, it is used only occasionally in this country, and it is evident that the bulk of the seed imported is sold as Kentucky bluegrass.

In accordance with the provisions of the act of Congress quoted, publication is here made of the names and addresses of the seedsmen who sold the lots found to be adulterated, together with the percentages of adulteration in each lot.

Results of tests of samples of seed obtained in the open market as Kentucky blue-grass seed and found to be adulterated.

Seed sold as Kentucky blue-grass by—		Quantity examined.	Seeds used as adulterants.	
Name.	Address.		Canada blue-grass.	Total adulterants.
			Per cent.	*Per cent.*
Frank H. Battles	28 Selye Terrace, Rochester, N. Y	Mail sample	19.32	19.32
Brewster, Crittenden & Co	44 N. St. Paul street, Rochester, N. Y	do	23.77	23.77
Do	do	Seed bought in bulk	24.08	24.08
A. C. Brown	217 S. Fifth street, Springfied, Ill	Mail sample	28.35	28.35
M. F. Crissman	Manchester, Ohio	do	30.65	30.65
Do	do	Seed bought in bulk	21.49	21.49
Curry-Arrington Co	Rome, Ga	Mail sample	21.54	21.54
Do	do	Seed bought in bulk	27.74	27.74
Zach Davis Co	Delaware, Ohio	Mail sample	23.23	23.23
Do	do	do	25.48	25.48
Do	do	Seed bought in bulk	21.02	21.02
Denver Seed and Floral Co	Denver, Colo	Mail sample	29.3	[a] 46.86
Do	do	Seed bought in bulk	25.1	25.1
J. A. Everitt	Indianapolis, Ind	Mail sample	50.03	50.03
Do	do	Seed bought in bulk	35.99	35.99
Godden Co., Amzi	Birmingham, Ala	Mail sample	32.5	32.5
Griswold Seed Co	Lincoln, Nebr	do	47.55	47.55
Do	do	Seed bought in bulk	42	42
Harmon & Harris Co	Exchange and Federal streets, Portland, Me	Mail sample	46.19	46.19
Do	do	Seed bought in bulk	46.19	46.19
Joseph Harris Co	Coldwater, N. Y	Mail sample	18.55	18.55
Do	do	Seed bought in bulk	25.11	25.11
Arthur G. Lee & Bro	Fort Smith, Ark	Mail sample	72.55	[b] 30.72
Do	do	Seed bought in bulk	76.85	76.85
Leonard Seed Co	79 E. Kinzie street, Chicago, Ill	Mail sample	89.91	89.91
Do	do	Seed bought in bulk	83.23	83.23
M. G. Madson Seed Co	Manitowoc, Wis	Mail sample	41.56	41.56
Plant Seed Co	814 North Fourth street, St. Louis, Mo	do	55.13	55.13
Do	do	Seed bought in bulk	25.98	25.98
Martin C. Ribsam	Broad and Front streets, Trenton, N. J	Mail sample	78.92	[c] 83.12
Ross Bros	90 Front street, Worcester, Mass	do	2.7	[d] 48.1
Do	do	Seed bought in bulk	19.32	19.32
John A. Salzer Seed Co	La Crosse, Wis	Mail sample	19.45	19.45
Do	do	Seed bought in bulk	22.74	22.74
Schisler-Corneli Seed Co	813 North Fourth street, St. Louis, Mo	Mail sample	84	84
Do	do	Seed bought in bulk	8.67	8.67
A. Tilton & Son	83 Woodland avenue, Cleveland, Ohio	Mail sample	23.8	23.8
Do	do	Seed bought in bulk	25.3	25.3
E. E. Wheeler	1131 Main street, Bridgeport, Conn	Mail sample	36.91	36.91
Do	do	Seed bought in bulk	30.89	30.89
Young & Halstead	2 Grand street, Troy, N. Y	Mail sample	59.9	[e] 66.9

[a] 17.56 per cent redtop. [b] 8.17 per cent timothy. [c] 4.2 per cent timothy. [d] 45.4 per cent redtop. [e] 4.1 per cent timothy; 2.9 redtop.

Results of tests of samples of seed obtained in the open market as orchard-grass seed and found to be adulterated.

Seed sold as orchard grass by—		Quantity examined.	Seeds used as adulterants.	
Name.	Address.		Meadow fescue and rye grass.	Total adulterants.
			Per cent.	*Per cent.*
N. H. Adams & Son	Decorah, Iowa	Mail sample	23.93	23.93
Do	do	Seed bought in bulk	18.8	18.8
T. Lee Adams	417 Walnut street, Kansas City, Mo	Mail sample	10.78	10.78
Do	do	Seed bought in bulk	13.2	13.2
Alexander Seed Co	Augusta, Ga	Mail sample	26.7	26.7
Do	do	Seed bought in bulk	29.68	29.68
H. C. Anthony	Portsmouth, N. H	Mail sample	22.25	[a] 38.55
Do	do	Seed bought in bulk	24.3	[b] 27.4
Batchelor's Seed Store	26 Liberty street, Utica, N. Y	Mail sample	51.15	51.15
Do	do	Seed bought in bulk	37.4	[c] 43.50
Frank H. Battles	Rochester, N. Y	Mail sample		[d] 19.7
Do	do	Seed bought in bulk	26.58	26.58
A. A. Berry Seed Co	Clarinda, Iowa	Mail sample	9.13	[e] 33.37
Do	do	Seed bought in bulk	7.7	[f] 29.35
Binghamton Seed Co	Henry and Water streets, Binghamton, N. Y	Mail sample	21.68	21.68
Do	do	Seed bought in bulk	19.4	19.4
F. W. Bolgiano & Co	935 B street, Washington, D. C	Mail sample	25.4	25.4
Do	do	Seed bought in bulk	25.8	25.8
C. S. Brent	Lexington, Ky	Mail sample	26.62	26.62
Do	do	do	29.79	29.79
Do	do	Seed bought in bulk	2.45	2.45
Brewster, Crittenden & Co	44 North St. Paul street, Rochester, N. Y	Mail sample	32.65	32.65
Do	do	Seed bought in bulk	39.71	39.71
A. C. Brown	217 South Fifth street, Springfield, Ill	Mail sample	18.4	18.4
Do	do	Seed bought in bulk	18.54	18.54
John J. Buffington & Co	104 South Charles street, Baltimore, Md	Mail sample	9.19	9.19
Do	do	Seed bought in bulk		[g] 2.79

[a] 6.7 per cent other fescue grasses; 6.8 per cent bromus; 2.8 per cent molinia.
[b] 3.1 per cent molinia.
[c] 6.1 per cent velvet grass.
[d] 19.7 per cent other fescue grasses.
[e] 24.24 per cent other fescue grasses.
[f] 21.65 per cent other fescue grasses.
[g] 2.79 per cent timothy.

Results of tests of samples of seed obtained in the open market as orchard-grass seed and found to be adulterated—Continued.

Seed sold as orchard grass by—		Quantity examined.	Seeds used as adulterants.	
Name.	Address.		Meadow fescue and rye grass.	Total adulterants.
			Per cent.	*Per cent.*
D. V. Burrell	Rocky Ford, Colo	Mail sample	25.26	[a]34.85
Do	do	Seed bought in bulk	55.85	[b]64
Charleston Nursery and Seed Co	Charleston, W. Va	Mail sample	40.45	40.45
Do	do	Seed bought in bulk	43.75	43.75
Chesmore-Eastlake Mercantile Co	838 South Fourth street, St. Joseph, Mo	Mail sample	6.75	[c]20.09
Do	do	Seed bought in bulk	12.75	[d]22.60
O. W. Clark & Sons	59 Seneca street, Buffalo, N. Y	Mail sample	26.5	26.5
Do	do	Seed bought in bulk	26.15	26.15
E. W. Conklin & Sons	Binghamton, N. Y	Mail sample	26.4	26.4
Do	do	Seed bought in bulk	23.4	23.4
M. F. Crissman	Manchester, Ohio	Mail sample	44.5	44.5
Do	do	Seed bought in bulk	49.95	49.95
Crosman Bros	Rochester, N. Y	Mail sample	19.86	19.86
Do	do	Seed bought in bulk	16.21	16.21
Curry-Arrington Co	Rome, Ga	Mail sample	36.3	36.3
Do	do	Seed bought in bulk	37.45	37.45
Zach Davis Co	Delaware, Ohio	Mail sample	19.74	[e]21.29
Do	do	do	19.62	19.62
Do	do	Seed bought in bulk	19.55	19.55
Edward P. Dibble	Honeoye Falls, N. Y	Mail sample	15.36	15.36
Farber Seed Co	St. Joseph, Mo	do	35.8	35.8
Do	do	Seed bought in bulk	10.7	10.7
Wm. S. Gilbreath Seed Co	Indianapolis, Ind	Mail sample	11.4	11.4
Do	do	do	13.86	13.86
Do	do	Seed bought in bulk	6.25	6.25
Godden Co., Amzi	Birmingham, Ala	Mail sample	25.3	25.3
Do	do	Seed bought in bulk	24.2	24.2
James J. H. Gregory & Son	Marblehead, Mass	Mail sample	21.11	21.11
Do	do	Seed bought in bulk	20.85	20.85
Harmon & Harris Co	Exchange and Federal streets, Portland, Me	Mail sample	21.25	21.25
Do	do	Seed bought in bulk	20.25	20.25
Holmes Seed Co	Harrisburg, Pa	Mail sample	42.73	42.73
Do	do	Seed bought in bulk	46.15	46.15
Carl S. Hopkins	Brattleboro, Vt	Mail sample	21.2	21.2
Do	do	Seed bought in bulk	18.36	18.36
John Hubbard & Co	First and Vine streets, Evansville, Ind	Mail sample	24.35	24.35
Do	do	Seed bought in bulk	26.05	26.05
John D. Imlay	54 Fifth street, Zanesville, Ohio	Mail sample	20.28	[f]22.73
Do	do	Seed bought in bulk	19.65	19.65
Iowa Seed Co	613 Locust street, Des Moines, Iowa	Mail sample	18.89	18.89
S. M. Isbell & Co	Jackson, Mich	Mail sample	22.85	22.85
Do	do	Seed bought in bulk	28.94	28.94
Milton T. Jones	14 Liberty street, Utica, N. Y	Mail sample	39.55	39.55
Do	do	Seed bought in bulk	41.43	41.43
Kendall & Whitney Co	Federal and Temple streets, Portland, Me	Mail sample	26.2	26.2
Do	do	Seed bought in bulk	1.29	1.29
Lacy Seed and Fuel Co	Noblesville, Ind	Mail sample	50.6	50.6
Do	do	Seed bought in bulk	50	50
Leonard Seed Co	79 East Kinzie street, Chicago, Ill	Mail sample	27.21	27.21
Do	do	Seed bought in bulk	24.5	24.5
Livingston Seed Co	Columbus, Ohio	Mail sample	19.76	19.76
Do	do	Seed bought in bulk	25	25
J. M. McCullough's Sons	316 Walnut street, Cincinnati, Ohio	Mail sample	21.75	21.75
Do	do	Seed bought in bulk	3.1	3.1
I. S. Matthews's Sons	Binghamton, N. Y	Mail sample	44.48	44.48
Do	do	Seed bought in bulk	48.7	48.7
L. L. May & Co	381 Minnesota street, St. Paul, Minn	Mail sample	73.65	[g]89.7
Do	do	Seed bought in bulk	9.9	9.9
Thos. Meherin	552 Battery street, San Francisco, Cal	Mail sample	35.05	35.05
Do	do	Seed bought in bulk	1.1	1.1
Henry F. Michell Co	1018 Market street, Philadelphia, Pa	Mail sample	37.25	[h]55
Do	do	Seed bought in bulk	34.6	[i]50.65
P. B. Mingle & Co	103 Market street, Philadelphia, Pa	Mail sample	26	26
Do	do	Seed bought in bulk	28.45	28.45
Missouri Seed Co	1426 St. Louis avenue, Kansas City, Mo	Mail sample	13.4	13.4
Walter Mott Seed and Bulb Co	Jamestown, N. Y	do	44.4	44.4
Do	do	Seed bought in bulk	42.2	42.2
Murray's Seed Store	420 South Adams street, Peoria, Ill	Mail sample	18.25	18.25
Do	do	Seed bought in bulk	19.82	19.82
National Seed Co	101 West Main street, Louisville, Ky	Mail sample	26.68	26.68
Do	do	Seed bought in bulk	3.55	3.55
Oklahoma Seed House (Barteldes & Co.)	Oklahoma City, Okla	Mail sample	18.75	18.75
Do	do	Seed bought in bulk	13.53	13.53
L. L. Olds Seed Co	Clinton, Wis	Mail sample	98.55	98.55
Geo. H. Price	511 Broadway, Albany, N. Y	do	43.27	43.27
Do	do	Seed bought in bulk	40.45	40.45
Ratekin's Seed House	Shenandoah, Iowa	Mail sample	12.26	[j]33.70
Do	do	Seed bought in bulk	15.29	[k]32.53
Robert C. Reeves Co	187 Water street, New York, N. Y	Mail sample	7.45	[l]30.05
Do	do	Seed bought in bulk	6.6	[m]37.50
Martin C. Ribsam	Broad and Front streets, Trenton, N. J	Mail sample	23.68	23.68
Do	do	Seed bought in bulk	12.54	[n]41.41
Ross Brothers	90-92 Front street, Worcester, Mass	Mail sample	32	32
Do	do	Seed bought in bulk	31.97	31.97
Wm. G. Scarlett & Co	729 E. Pratt street, Baltimore, Md	Mail sample	9.45	9.45
Wm. E. Schaeffer	Lockport, N. Y	do	19.08	19.08
Do	do	Seed bought in bulk	22.3	22.3
Jos. A. Schindler & Co	827 Decatur street, New Orleans, La	Mail sample	10.05	[o]24.25
Schlegel & Fottler Co	26 S. Market street, Boston, Mass	do	8.2	8.2
Do	do	Seed bought in bulk	6.2	6.2

[a] 9.59 per cent bromus.
[b] 8.15 per cent bromus.
[c] 9.99 per cent other fescue grasses; 3.35 per cent bromus.
[d] 6.1 per cent bromus; 3.75 per cent other fescue grasses.
[e] 1.55 per cent other fescue grasses.
[f] 2.45 per cent Kentucky blue grass.
[g] 16.05 per cent chess.
[h] 17.65 per cent molinia.
[i] 16.05 per cent molinia.
[j] 21.44 per cent other fescue grasses.
[k] 17.24 per cent other fescue grasses.
[l] 22.6 per cent other fescue grasses.
[m] 30.9 per cent other fescue grasses.
[n] 6.7 per cent bromus; 22.17 per cent other fescue grasses.
[o] 14.2 per cent other fescue grasses.

Results of tests of samples of seed obtained in the open market as orchard-grass seed and found to be adulterated—Continued.

Seed sold as orchard grass by—		Quantity examined.	Seeds used as adulterants.	
Name.	Address.		Meadow fescue and rye grass.	Total adulterants.
			Per cent.	*Per cent.*
Geo. L. Siegel	Erie, Pa	Mail sample	9.39	9.39
Do	do	Seed bought in bulk	10.85	10.85
State Nursery Co	Helena, Mont	Mail sample	42.45	42.45
Do	do	Seed bought in bulk	40.25	40.25
Chas. H. Stone & Co	9 Chatham Row, Boston, Mass	Mail sample	32.87	a 45.75
Chas. H. Stone & Co	9 Chatham Row, Boston, Mass	Seed bought in bulk	23.3	23.3
Storrs & Harrison Co	Painesville, Ohio	Mail sample	9.04	9.04
Do	do	Seed bought in bulk	12.35	12.35
Vogeler Seed and Produce Co	Salt Lake City, Utah	Mail sample	18.8	18.8
Do	do	Seed bought in bulk	51.95	51.95
Whitney-Eckstein Seed Co	Chamber of Commerce Building, Buffalo, N. Y	Mail sample	39.38	39.38
Do	do	Seed bought in bulk	37.85	37.85
Whitney-Noyes Seed Co	Church street and Terrace, Buffalo, N. Y	Mail sample	23.13	23.13
Do	do	Seed bought in bulk	24.2	24.2
N. L. Willet Drug Co	Augusta, Ga	Mail sample	29	29
Do	do	Seed bought in bulk	28.6	28.6

a 12.88 per cent timothy.

In order that seedsmen, as well as farmers, may avoid the purchase of adulterated seeds, this Department will examine and report promptly as to the presence of adulterants in any samples of seed submitted for that purpose.

JAMES WILSON, *Secretary of Agriculture.*

WASHINGTON, D. C., *February 7, 1906.*

Results of tests of samples obtained in the open market as alfalfa seed and found to be adulterated.

Seed offered for sale as alfalfa by—		Seeds used as adulterants.		
Name.	Address.	Bur clover.	Yellow trefoil.	Total adulterants.
		Per ct.	*Per ct.*	*Per ct.*
Darrison, John T	13-17 Buffalo street, Lockport, N. Y.	.....	43.8	43.8
Do	do	.....	41.64	41.64
Ebeling, F. H	217 Warren street, Syracuse, N. Y	4.06	30.22	34.28
Do	do	.....	10.4	10.4
Harvey Seed Co	65-69 Ellicott street, Buffalo, N. Y	3.98	40.46	44.44
Do	do	3.6	38.86	42.46
Do	do	.....	36.86	36.86
Jacot & Mullen	1 Water street, New York, N. Y	.....	34.34	34.34
Do	do	.....	10.7	10.7
Moody, J. A	13 South Phelps street, Youngstown, Ohio.	.....	35.62	35.62
Do	do	.....	39.78	39.78
Small & Co., W. H	7 and 9 Upper First street, Evansville, Ind.	3.82	39.82	43.64
Do	do	3.44	32.42	35.86
Do	do	4.38	41.74	46.12
Do	do	2.92	36.3	39.22
Do	do	2.88	24.44	27.32
Do	do	5.5	32.62	38.12
Do	do	3.86	30.74	34.6
Teweles & Co., L	113-119 Clybourn street, Milwaukee, Wis.	11.34	.....	11.34
Young & Halstead	Foot of Grand street, Troy, N. Y	5.06	17.02	22.08
Do	do	5.66	17.44	23.1
Do	do	6.74	15.22	21.96
Do	do	5.85	16.625	22.475

The Department takes this occasion to call attention again to its offer, repeatedly made in official publications, in circulars sent to seedsmen, and in announcements through the agricultural press, to test and report upon samples of seeds sent for that purpose by any farmer or seedsman.

JAMES WILSON, *Secretary.*

WASHINGTON, D. C., *December 29, 1904.*

[United States Department of Agriculture, office of the Secretary.—Circular No. 14.]

ADULTERATION OF ALFALFA AND RED CLOVER SEED.

Seeds of alfalfa and red clover have been obtained and tested in accordance with the following paragraph contained in the act of Congress making appropriations for the Department of Agriculture:

"The Secretary of Agriculture is hereby directed to obtain in the open market samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada blue grass (*Poa compressa*) are obtained under any other name than Canada blue grass or *Poa compressa*, to publish the results of the test, together with the names of the persons by whom the seeds were offered for sale."

In carrying out the provisions of this act 1,272 seedsmen were asked by special agents of this Department for samples of red clover and alfalfa seed, as offered for sale by them. From these seedsmen 658 samples were obtained and examined. As a result the following lots were purchased in the open market and found to be adulterated. In accordance with the mandatory nature of the act quoted above, publication is here made of the names and addresses of the seedsmen who sold the lots found to be adulterated, together with the percentages of adulteration in each lot.

Results of tests of samples bought in the open market as red clover seed and found to be adulterated.

Seed sold as red clover by—		Seeds used as adulterants.	
Name.	Address.	Yellow trefoil.	Total adulterants.
		Per ct.	*Per ct.*
Rawson & Co., W. W.	12 and 13 Faneuil Hall square, Boston, Mass.	10.55	10.55
Ross Bros	90 and 92 Front street, Worcester, Mass.	26.85	26.85
Small & Co., W. H.	7 and 9 upper First street, Evansville, Ind.	14.08	14.08

Results of tests of samples bought in the open market as alfalfa seed and found to be adulterated.

Seeds sold as alfalfa by—		Seeds used as adulterants.			
Name.	Address.	Sweet clover.	Bur clover.	Yellow trefoil.	Total adulterants.
		Per ct.	*Per ct.*	*Per ct.*	*Per ct.*
Barrett Co., The W. E.	65-87 Canal street, Providence, R. I.	.....	3.47	32.86	36.33
Barteldes & Co	1521 Fifteenth street, Denver, Colo.	.....	16.86	.....	16.86
Crossman Bros	503 Monroe avenue, Rochester, N. Y.	.....	5.02	39.48	44.50
Dallwig, W. E	34 Juneau avenue, Milwaukee, Wis.	.....	5.74	.....	5.74
Everitt, J. A	227 W. Washington street, Indianapolis, Ind.	.....	4.27	38.43	42.70
Do	do	.....	3.90	39.53	43.43
Gregory & Son, James J. H.	Marblehead, Mass	.....	3.00	.....	3.00
Grossman, W	15 Bollingbrook street, Petersburg, Va.	.....	.....	1.25	1.25
Hamilton Bros	Cedar Rapids, Iowa	.....	5.49	.....	5.41
Huntington & Page	130 E. Market street, Indianapolis, Ind.	.....	3.37	38.54	41.99
Kirchner, Jacob F	156 North street, Pittsfield, Mass.	9.52	.....	.....	9.52
McMillan Seed Co., L. D.	23 S. Broad street, Atlanta, Ga.	.....	10.04	.....	10.04
Martin, B. E	Main and Walnut streets, Salem, Ill.	.....	.....	6.98	6.98
May & Co., L. L	381 and 383 Minnesota street, St. Paul, Minn.	.....	.....	31.77	31.77
National Seed Co	101 W. Main street, Louisville, Ky.	.....	16.53	.....	16.53
Platt Co., The Frank S.	374 and 376 State street, New Haven, Conn.	.....	5.88	39.85	45.73
Rush Park Seed Co.	Independence, Iowa	.....	12.69	.....	12.69
Steckler Seed Co. (Ltd.), J.	518-526 Gravier street. New Orleans, La.	.....	2.57	.63	3.20
Young & Halstead	Foot of Grand street, Troy, N. Y.	.....	6.23	31.26	37.49

In order to aid seedsmen in avoiding the purchase of adulterated seeds, this Department will examine and report promptly as to the presence of adulterants in any samples of seed submitted for that purpose.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *October 23, 1905.*

Mr. TRIMBLE. I want to call to the attention of my friend from New York [Mr. COCKS] that there were more than twenty of these seed thieves "caught in the act" in his own State. [Applause and laughter.] The Government found these honest seed dealers selling the farmers pure orchard grass, blue grass, and clover seed adulterated all the way from 10 to 90 per cent. Do you think they are honest?

Mr. COCKS. Mr. Chairman, will the gentleman permit a question?

Mr. TRIMBLE. Yes.

Mr. COCKS. I would like to know what that has to do with free distribution of garden seed?

Mr. TRIMBLE. Oh, I am only showing the gentleman the general character of some of the seed dealers, and that because a man is a dealer in seeds it does not necessarily follow that he is an honest man, and "loses sleep" looking after the interest of the farmer.

Mr. COCKS. I am just as much in favor of the purity of seeds as the gentleman is.

Mr. TRIMBLE. Now, a word in regard to the newspapers fighting this measure. There is a newspaper published in my district that had one of those stereotyped editorials against Government distribution. I had sent the editor a bag of garden seeds, three to four hundred packages. He requested me to send him "more seed." When I saw this article I wrote to him and asked him why he wanted the Government seeds when his paper declared them to be inferior and unfit to plant. His reply was "You go on and send your garden seed; my advertising columns are open to the public, who pay for space." [Applause and laughter.] Now, as to the granges of the country being opposed to the Government distribution. Why, of course many of them do not appreciate a little thing like that. Among them are the kid-glove farmers, who can afford a cocktail before breakfast, a clean shirt and a shave every day, a plunge bath, and bed springs at night. [Applause and laughter.] The man who wants these garden seed, and who appreciates them, is the fellow who follows the plow for fourteen hours a day, for 75 cents, while these kid-glove farmers are debating ways and means to skin him out of his crops. [Applause and laughter.]

Why, talk about graft; suppose it is graft? It is the only graft in the Government in which each of our 80,000,000 people have a chance to get a piece of the "rake-off," and that is the reason some of you are kicking. [Prolonged laughter and applause.] If a few fellows got it all, some of you distinguished gentlemen who are fighting this proposition would be on the other side of the question. [Applause.] Mr. Chairman, I would rather vote a hundred times the amount of this appropriation to give something to the struggling farmer who is fighting life's rugged battle unaided by the Government, something to make his home comfortable and happy; I would rather put one flower in the sick room of his wife and children, than to vote a single dollar to build life-destroying guns and battle ships. [Applause.] Some of the gentlemen on the other side of the House who are strenuously opposing this appropriation from a standpoint of economy will in a few days fall over one another to vote for the $100,000,000 naval appropriation. They say that the money could be spent to a better advantage for the farmer in some other way. I deny the assertion. I believe the money spent for the distribution of seed reaches directly more people and brings greater returns than any money appropriated by Congress. If you want to economize, begin in the right place, where there is an abundance of room for economy. "Take not from him that hath nothing, even that little which he hath." Mr. Chairman, permit me to submit for the earnest consideration of this House a feasible, plausible, and practical proposition in economy and finance that is worth the consideration of this great body and which will settle this much-mooted question for a hundred years hence, and future generations will "call us blessed." Let us eliminate from the naval appropriation bill an $8,000,000 battle ship, and instead invest the money for a hundred years in 4 per cent bonds. This will produce an income of $320,000 per year—enough money to buy double our present quota of seed—and at the end of the century we would have our original capital intact, while five battle ships would have become obsolete during the time. Besides we do not need battle ships if we stay at home and attend to our own business and let other people's possessions alone, any more than an honest, peaceable, law-abiding citizen needs a burglar's jimmy and dark lantern when he starts to church. [Laughter and applause.]

Now, let us carry this proposition to its logical conclusion. It requires $1,000,000 per year to keep one of these monster ironclads going. Invest this $1,000,000 at 4 per cent, compound the interest, and add the million each year that is required to operate the battle ship to the principal, and at each twenty-year period add eight million to the principal, the amount required to renew the old ship, and at the end of the hundred years have you any conception of what a snug little sum will have accumulated for future generations, and how proud our posterity would be of the thoughtfulness of their "wise forefathers?" I have made the calculation, and it will stagger the comprehension of the ordinary mortal. It would amount to the stupendous sum of $1,612,720,000. Transform it into silver dollars and it would load a freight train, 20,000 pounds to the car, that would reach from Washington to Baltimore; lay the coins edge to edge and they would belt the world more than one and one-half times; pile them on top of each other and you will have a silver shaft 3,181 miles high. [Applause and laughter.] If my distinguished Republican friends who are guiding the destiny of this great nation, and are having fits for fear the old "hayseed" will get a crumb as it falls from Dives's table, will sand their hands and climb this shaft, perhaps from the top, up in that rarefied atmosphere, you will see working in their fields, from the Atlantic to the Pacific, from the Lakes to the Gulf, the men who have raised this country from the poorest of nations to the wealthiest on this great round globe. And while up there among the angels, and away from the contaminating influences of this wicked world, it is to be hoped you will forget your subservience to the trusts and monopolies, so that when you descend to mother earth again you will have some thought of the farmer, "that Atlas upon whose broad shoulders this great world rests," the man who produces this country's wealth, who pays its taxes in time of peace and fights its battles in time of war. [Applause.] Mr. Chairman, I appeal to the independent Republican Members of this House to join the Democrats and deal liberally with the agriculturists of this country. Help us to promote the interest of the farmer, and when we promote his interest we promote our own interest, and every man's interest who, with pick and pen, brain and brawn, honestly earns his daily bread. [Great applause.]

Mr. BURLESON. Mr. Chairman, I have the honor to represent upon this floor an agricultural constituency. It is probable that more than 75 per cent of the voters in my district are engaged in agricultural pursuits. I have no purpose whatever, as far as I can do so within the bounds of conscience, acting within the limits of the Constitution, to do anything else than serve their best interests. I am opposed to this appropriation, and I oppose it because I believe the intelligent agriculturists of our country are opposed to it. [Applause.] As a matter of fact, the self-reliant farmer, whether he lives in Texas or whether he lives in Maine, does not expect the Government to aid him in his business.

All he asks or wants at the hands of his Government is the enactment of just and equal laws and their prompt and impartial enforcement. He is opposed to subsidies of all kinds, whether intended for the shipping trust or the railroad corporations, and, being always consistent, of course he would not ask one, in the shape of free garden seed, for himself. He is wise enough to know that it is to his interest to oppose this vicious policy, if not upon principle, then for purely selfish reasons, for well does he understand that, when favors in the form of subsidies are to be passed out, for every penny received by him pounds would be thrust into the pockets of those whose fortunes are already swollen beyond all healthful limits, a class recently described by a very distinguished official, who always indulges in a maximum of talk and a minimum of action.

The farmer of this country under any and all circumstances has been willing to support the Government, and has never at any time expected the Government to support him. Gentlemen, what is the basis for this appropriation? Is it because the farmer wants it——

Mr. PADGETT. Mr. Chairman——

Mr. BURLESON. If you will examine the agricultural papers published throughout this country——

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. BURLESON. I have only a few minutes, and I regret that I can not yield. If you look at the agricultural papers of our country, and presumably these papers are conducted in the interest of the farmer, you will find every one of them, without exception, unalterably opposed to free seeds, and repeatedly denouncing them editorially as a "petty species of grafting."

But gentlemen upon this floor say, "Oh, these editors can not be trusted because they are controlled by unworthy motives." Mr. Chairman, these editors of farmers' papers have devoted years and years of their lives to furthering the interest of agriculture, yet it is now claimed that they can not be trusted, that they are controlled by the sordid motive which prompts them to betray the interests of their subscribers in return for advertisement placed in their papers by seedsmen.

I do not believe it, but for argument's sake will accept that proposition as true, if gentlemen see fit to urge it; but I stand here to assert that no one can produce——

Mr. GAINES of Tennessee rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Tennessee?

Mr. GAINES of Tennessee. Does the gentleman mean to call the members of the House here grafters?

Mr. BURLESON. Not at all. I have said nothing that can be distorted into such a charge. Neither do I think that gentlemen of this House ought to stand in the cloakrooms or elsewhere and refer to "Reuben" or the "hayseed who must have his penny package of garden seed." [Applause.] I say it is as much of a reflection upon the farmer to make that statement as it would be if I had called these gentlemen grafters, but this I have not done.

Mr. GAINES of Tennessee. Does the gentleman allude to me? [Laughter.]

Mr. BURLESON. No, I have not the gentleman from Tennessee in mind. I am glad to say my friend from Tennessee is not within that category.

Mr. Chairman, I say that if the editors of the farmers' journals can not be trusted, and all editorials written by them on this subject are to be discredited for the reasons given, then again, I say, I challenge—now, do not all speak at once; do not arise and say "I have them, but left them in my desk or at my office," and in saying this I do not mean to impugn the statement made by the gentleman from New Hampshire—but I challenge any man here to produce a resolution adopted by a grange or a farmers' institute or a farmers' union, or any association of farmers, upholding this "petty species of graft," as the grange denominated it in resolutions recently adopted by that organization. I do not so denominate it. I only state what the farmers in their institutes have denominated it and the farmers in their unions have called it.

Mr. GAINES of Tennessee. Why repeat that insulting language? I say that anybody that says I am a grafter makes a misstatement of the facts. [Great laughter.] I know my friend does not mean to be offensive, but what he says is offensive.

Mr. BURLESON. I have no quarrel with the gentleman from Tennessee. I did not have him in mind. I think I have made plain my meaning.

Mr. JAMES rose.

The CHAIRMAN. Does the gentleman from Texas [Mr. BURLESON] yield to the gentleman from Kentucky [Mr. JAMES]?

Mr. BURLESON. Certainly, I am pleased so to do, at all times.

Mr. JAMES. I understood you to say that every agriculturalist in the land was opposed to this seed distribution.

Mr. BURLESON. I conscientiously believe they do not approve it.

Mr. JAMES. Now, did you make that statement conscious of the definition that "a farmer is one who farms the land and the agriculturist is one who farms the farmer?" [Great laughter.]

Mr. BURLESON. Mr. Chairman, that statement is more witty than wise. This is a serious matter we are engaged in here. The question is, and it ought to appeal with great force to Democrats, whether we are going to take $200,000 and give it away without clear authorization, and that, too, to a class of people who do not ask it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. Mr. Chairman, with the permission of the committee, I would like a minute or two more.

A VOICE. Make it five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to be granted five minutes more. Is there objection?

There was no objection.

Mr. BOWIE. Just one question. Is the gentleman aware of the fact that when he stated it was $200,000, that, in fact, the amount which they propose to strike out is only $90,000?

Mr. BURLESON. As I understand it, $132,000 is expended by the Agricultural Department in the purchase and preparation for their distribution of the common garden seeds, and thousands of dollars in addition are paid to the railroad companies to transport this as mail matter, as every man here knows.

Mr. GAINES of Tennessee. Will my friend tell why he voted for the irrigation bill for Texas the other day?

Mr. BURLESON. Certainly; because I thought the bill ought to be passed. I was exerting myself to have the reclamation act, already on the statute books, extended to Texas, just as it now applies to other States and Territories containing arid lands. I will further state to the gentleman that I voted for the reclamation act when it passed this body, though my mind was not free of doubt upon the question of authority to use public money for such a purpose; but my party in its platform having declared for it, I resolved all doubt in favor of the proposition, and this I always do. That was the reason I did it.

Mr. GAINES of Tennessee. What is the difference between sprinkling the farmer's lands with water and giving him seed?

Mr. BURLESON. I asked unanimous consent for this time, and the gentleman from Tennessee can have an abundance of time after I have concluded my remarks.

Mr. GAINES of Tennessee. I want the gentleman to explain his democracy and knowledge of——

A VOICE. What about your boll-weevil appropriations?

Mr. BURLESON. Mr. Chairman, I anticipated that that question would be thrust at me.

One must indeed be possessed of an illogical mind who can not differentiate between what we are asked to do here and what was sought to be accomplished by the boll-weevil appropriations.

Here we are asked to make an appropriation with a view of furnishing the farmer common garden seed, a thing he can easily secure for himself, to which I am sure he is indifferent, and which I firmly believe he does not want.

On the other hand, I did ask the Congress to make the boll weevil appropriations, the first, in 1900, for $20,000; the second, in 1901, for $30,000, and afterwards for a quarter of a million dollars. For what purpose were these appropriations requested? I challenge the record now to sustain the statement I make. Was the appropriation asked to be used in exterminating the boll weevil? Not a bit of it. It was urged by me in order that something might be done for the cotton planter which all will admit he could not do for himself. The appropriations were asked and secured with a view of enlisting the skill and knowledge of the ablest scientists, the most learned entomologists, who were, by experimentation, to discover, if possible and point a way for the destruction of this pest. Of course, the planter could not do this. He did not have the scientific knowlede to enable him to grapple with the problem.

After these scientific experts had discovered the means of destroying this insect, then the cotton planter, using his own means to accomplish that end, was to destroy it. Not one dollar was ever asked by me of this Government to be used to destroy the boll weevil. The record will bear me out in this statement. I did ask that the farmer be shown how the weevil could be destroyed, and being shown, relying only on his own exertions, he would do the rest.

I have said that a resolution adopted by a farmers' organization favoring free garden seed can not be produced.

No gentleman has arisen upon this floor to hand me one that I might send it to the Clerk's desk and have it read. It can not be produced. Furthermore, gentlemen, the Secretary of Agriculture, Mr. Wilson——

Mr. BEALL of Texas. Will my colleague yield to me?

Mr. BURLESON. With great pleasure.

Mr. BEALL of Texas. Will my colleague explain this sudden activity on the part of the grangers in opposition to this seed item?

Mr. BURLESON. It is not a sudden activity. I understand that the farmers of this country have been protesting against this unrighteous practice for years, and this is the first favorable opportunity they have had to voice their protest against it upon this floor. It seems strange to me that many here who represent agricultural constituents should now fail to give heed to their protests and earnestly insist upon the continuance of this practice.

Mr. BEALL of Texas. Will my colleague yield for another question?

Mr. BURLESON. Certainly, I will.

Mr. BEALL of Texas. Have you received from a single farmer in your district, a man who tills the soil himself, one single protest against the free distribution of seed?

Mr. BURLESON. Why, no; many of them treat the matter as of so little importance that the package of seed is thrown aside and no attention paid to it. They do not know that it has cost this Government over $5,000,000 to carry on this practice. They do not know that Secretary Wilson has——

Mr. CANDLER. Will the gentleman allow me to ask him one question?

Mr. BURLESON. Yes, with pleasure.

Mr. CANDLER. You said you had not received a single protest against this seed distribution.

Mr. BURLESON. I have answered that question.

Mr. CANDLER. Have you received numbers of requests from farmers throughout your district asking for seed?

Mr. BURLESON. Unquestionably so, but not very many. There is no denying that. And just so long as this practice is continued, I will receive these requests.

And I will add that same will always be promptly granted if the number of packages allotted me for distribution will permit. But, Mr. Chairman, the fact that these requests are made does not mean that those making them approve the practice. Knowing the system prevails; knowing that seeds have been allotted for distribution, some farmer may request a packet though he disapproves the practice and is conscious of the fact that the seed when received will be of little value. And in this connection I desire to state that if this indefensible practice is continued, and from certain signs now manifest I fear it will be, then I do say that the number should be increased so that we may send to every householder, whether he wants it or not, an assortment of seed.

Each year I have sent out the allotment I have received, and as I view it, I would be a peculator if I did not so do. I have no right to retain them or divert them for a different purpose than was intended by this Congress. Mr. Chairman, as I have tried to say several times, the present Secretary of Agriculture is a man who has devoted the best years of his life toward furthering the interests of the farmers of this country. He is a man for whom the farmers of the South have as high regard, on account of the interest he has manifested in their welfare, as any farmer found north of Mason and Dixon's line.

Secretary James Wilson—and no gentleman on this floor will question his deep interest in the welfare of the agriculturists of our country, whether of the East or West, North or South—in one of his recent reports, speaking of the distribution of these seeds, used this language:

As there is no practical object to be gained in distributing this kind of seed, it seems very desirable that some change be made. To this end it would seem wise to limit our work entirely to the securing and distributing of seeds, plants, etc., of new and rare sorts. There is still much to be done in the way of securing seeds, plants, etc., of this kind from abroad, but still more to be accomplished in careful investigations of our own possibilities in this direction. There are many valuable plants scattered all over this country which are still little known outside of their respective localities. These should be collected, tested, and distributed. There are also great possibilities of improving agricultural industries by distributing specially bred seeds and plants.

As the plant-breeding work of the Department increases opportunities for securing seed of this nature will accumulate. To do this work in the most effective manner, arrangements could be made in all cases to secure the advice and assistance of Senators and Representatives who have agricultural constituents. The Department has a well-organized force of scientists who are thoroughly familiar with the general conditions of soil and climate in nearly all parts of the country. Special crops could be selected for special purposes, and with the advice and cooperation of Members of Congress such crops could be placed where they would do the most good. This is a line of work that would result in very much more value to individual districts throughout the country than the distribution of a large quantity of common varieties of garden seed which have no particular merits so far as newness or promise are concerned.

Note his language—he speaks of "common varieties of garden seed, which have no particular merit so far as newness or promise are concerned." Thus it is this true friend of the farmer voices his protest against this useless waste, this continued useless waste, of the public money.

Mr. SIMS. You put it too strong in quoting James Wilson. He does not protest.

Mr. BURLESON. Now, Mr. Chairman, let us ask ourselves candidly the question and each make to himself a candid answer. Is this appropriation made for no other reason or purpose than the benefit supposed to accrue to the farmer? Honor bright! Is there not entering into our action in this matter a faint hope or belief that our farmer constituent will be flattered by this small attention from his Congressman (furnished at Government expense) and will in consequence be made just a little more inclined to give us a continuance of his approval?

I may be mistaken, but I fear the purpose of some of us is to use this means to advantage ourselves by annually reminding our favorite or influential farmer constituents that we are still on the earth and have not forgotten them. Some gentlemen appear to really believe that opposition to this item would jeopardize the esteem and confidence reposed in them by their agricultural constituents—permit me to say to those who thus believe, that they underestimate the farmer of this country. I have an abiding faith in the intelligence of those I represent and I feel sure they would prefer that this money, which is now wasted in the purchase of "common varieties of garden seed which have no particular merit," as was said by Mr. Secretary Wilson, should be expended for other and more beneficial purposes.

The officials of the Agricultural Department have repeatedly urged the necessity of securing and distributing the comparatively new or little-known kinds of various field and forage crop seeds—such as corn, cotton, alfalfa, etc.—and the improvement of same by breeding and selection. Most valuable work has already been done along this line. How important it would be to the cotton planter, especially in the boll weevil section, if by selection and breeding the scientist of the Department could develop a much earlier-maturing variety of cotton. What a great saving it would result in to the cotton planter if a type of cotton could be developed which would resist the wilt or root rot. How valuable it would be to the cotton planter if by careful breeding and seed selection a long, staple upland cotton could be evolved which would command 4 or 5 cents per pound in advance of the price paid for the ordinary varieties.

If the money now virtually wasted in the purchase of common garden seed could be saved, this very important work to which I have just alluded could be enlarged and extended and benefits substantial in character brought to our farmers. Mr. Chairman, a great work has been done by the scientist of the Agricultural Department, acting under the wise guidance of Dr. B. T. Galloway, in the introduction into our country of new and valuable plants and fruits from foreign countries. No small amount of the credit for the development of the great and profitable fruit industry of both California and Florida is due the bureau over which he presides.

Plant laboratories have been established in both those States by the Government, and to them, as a result of explorations made throughout the world, valuable fruits and nuts have been brought there, tested, thoroughly acclimated, and from thence distributed throughout those States. This work is still going on and is of the highest importance to the agriculturists and horticulturists of our country.

Mr. Chairman, Texas possesses a variety of soil, suitable for every cereal, fruit, nut, vegetable, or plant that can be grown either in the Tropics or in the higher altitudes of the Temperate zone. What limitless possibilities are there presented awaiting only development by those who are skilled in the science of agronomy and horticulture? If the money now wasted on worthless garden seed could be saved, I have assurances that lead me to believe that the appropriation for carrying on this most valuable foreign exploration and introduction work would be materially enlarged and increased. New plant laboratories could then be established in other sections of our country, and other new and valuable plant, fruit, and vegetable industries there built up.

Throughout the entire South we have vast stretches of land known as canebrakes, covered by impenetrable jungles of worthless cane. Who knows that it may not be possible to substitute for this worthless cane the valuable Japanese timber bamboo, which affords not only material suitable for the construction of houses, but from it thousands of other beautiful and valuable articles may be made. Under the devastating onslaught and operations of the lumber trust, building material is growing scarcer and dearer in this country, and the time may come when those who come after us would thank us for our wisdom if we could do what is here suggested.

Mr. Chairman, many great and good things could be brought about if we would only get away from this garden-seed humbug. We all know that there is not more than 10 per cent of the membership of this body that really believe this practice should continue, but from present indications the excitement occasioned by the elimination of the item from the bill by the Agricultural Committee would indicate that there will not be more than 5 per cent who will have the courage to vote against the item being restored to the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I talked with the Secretary of Agriculture no longer ago than Saturday about this matter. Two years ago he recommended that the same amount be spent in some other line of investigation, and that is all he did; and in his last report he has not a word to say in opposition to free seeds. The gentleman from Texas [Mr. BURLESON] is too strong in his statement when he says that the Secretary of Agriculture is protesting against appropriation. He is not misrepresenting him, but misunderstood him. Now, I do not think my friend from Texas—and I am glad to so regard him—will ask that the appropriation be taken out for the destruction of the cotton-boll weevil. He has pleaded for that, and I think it was justly given, and we have appropriated $250,000 for the purpose of exterminating the boll weevil in Texas in this bill. I believe that while Texas is more interested in the matter than other parts of the country, that all parts of the cotton belt are interested, because the weevil may spread over the country, but Texas is directly and immediately interested. And now I will ask the gentleman whether he is opposed to the Agricultural Department furnishing the farmers of Texas with

earlier-maturing varieties of cotton seed in order that they may head off the boll weevil.

Mr. BURLESON. This bill does not do it.

Mr. SIMS. If it does not, it should. [Laughter.] Now, then, if it is wrong to furnish the farmer that which he can furnish himself, strike out this provision for the boll weevil. The Secretary of Agriculture told me—and he will not deny it anywhere—that this was only an expression of his judgment as to the best use of the public money, and that he told the seed men at their convention in this city that they did not, at least all of them, furnish good seed, and the investigation of his Department proved it.

Now, these farmers that are opposed to this appropriation are that class of farmers who wear their watch chains across their bodies and part their chains in the middle, as they do their hair, and not that class of farmers who have got no watch chains or diamonds or free passes to go to so-called "agricultural meetings," but the farmers who need, want, and are grateful for this little bit of public favor. The newspapers that last year received $27,000,000 in graft by way of second-class postage rates are fine teachers of morality to be quoted here as lecturers of Congress on such a subject as this. I have as good people in my district, Republicans and Democrats, white and black, male and female, as are to be found anywhere in the South or in the North, and they all want these seeds, all are glad to get them, never return them, and all write for more. We have had meetings of agricultural associations in Tennessee, and not one has ever said a word in opposition to these seeds. The people who get the seeds are not protesting against them. It is an organized effort of private interests that expect to profit by being enabled to sell an inferior article of seed for more than they can now. Why, we farmers who do not wear our watch chains crossways, we all know that when you plant a common vegetable seed in a different section of the country from that in which it was grown you get a better result. Cabbage seed grown in Michigan gives better results for a few years in my State than home-grown seed. A farmer gets a paper of these seeds and plants them, makes seed, and next year he distributes them to his neighbors, and these covetous, greedy seed growers and dealers do not want them to grow their own seeds in this way from seed sent them by the Government—do not want them to have this little Agricultural Department nest egg—and they come here and propose to teach us what democracy is.

Why, we vote money out of the Treasury for almost every object under the heavens, Constitution or no Constitution, and whenever the constitutional lawyers of the other side get to drawing lines against the farmers as to a few mustard seed, cabbage seed, and bean seed, I think our friends over there will have a very difficult task in undertaking to defend such a course in the Congressional elections next fall, where it is so well known that the Constitution has been shot through with 13-inch shells by them until there is nothing left of it but holes. [Laughter.] Then talk about drawing the line against this little universal benefit to everybody in the country on constitutional grounds. [Applause.]

Mr. JONES of Virginia rose and was recognized.

Mr. WADSWORTH. Mr. Chairman, I appeal to gentlemen to allow the Clerk to finish this next paragraph. Then the debate can proceed. There is no disposition to curtail it.

Mr. JONES of Virginia. Mr. Chairman, I understood that I was recognized for five minutes.

The CHAIRMAN. The gentleman from Virginia was recognized for five minutes.

Mr. WADSWORTH. How much time does the gentleman want?

Mr. JONES of Virginia. Not more than five minutes.

Mr. WADSWORTH. At the expiration of that five minutes I propose to move that all debate on this paragraph be closed.

Mr. JONES of Virginia. Mr. Chairman, during the progress of this debate gentlemen who are opposed to the expenditure by the Government of the comparatively small sum of $200,000 for seed, to be distributed to the farmers of the country, have read numerous letters and editorials written by persons who are opposed to this appropriation. On the other hand, it has been stated on this floor that the principal part of the opposition to this small appropriation comes from the seedsmen of the country. I believe that statement is absolutely true, and I have in my hand a letter written by an intelligent farmer in my district, recently a resident of Detroit, Mich., which I think establishes the fact that the seedsmen of this country are doing an immensely profitable business, and that their course in opposing any and all free distribution of seed by the Government is both selfish and unjustifiable. The distribution of these seed in the past has not injured at least one great concern engaged in growing and selling seed, as the letter which I hold in my hand and shall now read, fully and completely establishes.

I commend the statements contained in this letter particularly to the gentleman from New York [Mr. COCKS], who read so many letters and editorials in an effort to show that the farmers are not favorable to any free distribution of seed. The writer is a farmer, and he knows something about the immense profits of the seedsmen.

GUINEYS, VA., *March 14, 1906.*

Hon. W. A. JONES,
Washington, D. C.

DEAR SIR: I see the question of free-seed distribution is about to come before your body, and while I do not wish to be understood as advocating the indiscriminate distribution of each and every kind of seed, yet I am under the impression that the matter is being agitated by the seedsmen, more especially by those from whom the Government has made no purchases. Such being the case, I can probably give you some light in regard to one of the pleas that seedsmen may present, which is that this free distribution interferes with their business and makes the seed business unprofitable.

I was bookkeeper for five years (from 1895 to 1900) for a brother-in-law of D. M. Ferry, president of D. M. Ferry & Co., of Detroit, Mich., and for three or four years transacted the custom-house business for their Canada branch. During this period the free-seed distribution was agitated as it is now. A reporter interviewed Mr. Bowen, the then secretary of D. M. Ferry & Co., on the subject. Mr. Bowen went on to say that he thought the Government was committing an outrage upon the seedsmen of the country, who, he claimed, were none too prosperous. Now, from this expression of Mr. Bowen's, that his house was really suffering from said practice, whereas D. M. Ferry & Co. were really declaring a dividend of 75 per cent per year on their capital stock. Mr. Sherman R. Miller, for whom I kept books, owned $35,000 worth of said stock, from which he drew annually $26,250. This house, of course, was none too prosperous.

I do not think Congress should object to appropriating $250,000 for its vast horde of toilers, while one seed house clears $750,000 on these same toilers. I don't mean for this to influence you at all; use your own judgment. It is merely information I am furnishing.

Yours, truly, G. W. MOSS.

Mr. Chairman, the writer of this letter is a gentleman of high character and unquestioned veracity. I satisfied myself as to his standing before I decided to use his letter. He declares that the firm of D. M. Ferry & Co., of Detroit, Mich., is paying a dividend of 75 per cent upon its stock, paying dividends amounting in the aggregate to $750,000 a year. These are the people who object to the farmers receiving a few free seeds, because, as they claim, their profits are none too large, and the Government should not interfere even to so limited an extent with those profits.

Mr. WADSWORTH. Now, Mr. Chairman, I move that all debate on the paragraph be closed.

Mr. CANDLER. Is that motion subject to debate?

The CHAIRMAN. It is not.

Mr. CANDLER. Then I hope it will be voted down.

Mr. RUCKER. Before that motion is put I would like to offer an amendment.

The CHAIRMAN. The amendment is not in order. The question is on agreeing to the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. CANDLER) there were—ayes 97, noes 63.

So the motion was agreed to.

Mr. RUCKER. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

That there shall be printed and bound in cloth 200,000 copies of the Special Report on Diseases of the Horse and 200,000 copies of the Special Report on the Diseases of Cattle, 128,000 copies of each for the use of the House of Representatives, 64,000 of each for the use of the Senate, and 8,000 copies of each for the use of the Department of Agriculture.

Mr. WADSWORTH. Mr. Chairman, I make a point of order that that is new legislation carrying an appropriation, and there is no law for it. That is a matter that can be attended to by the Committee on Printing. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

BUREAU OF PLANT INDUSTRY.

Salaries, Bureau of Plant Industry: One plant physiologist and pathologist, who shall be chief of bureau, $4,500; one chief clerk, $2,000; one editor, $2,000; one superintendent of gardens and grounds, $1,800; four clerks class 4, $7,200; seven clerks class 3, $11,200; twelve clerks class 2, $16,800; twenty-seven clerks class 1, $32,400; one seed clerk and superintendent, $1,200; one clerk or artist, $1,200; one artist, $840; fourteen clerks, at $1,000 each, $14,000; six clerks, at $900 each, $5,400; eight clerks, at $840 each, $6,720; one clerk, $800; eleven clerks, at $720 each, $7,920; three clerks, at $660 each, $1,980; two clerks, at $600 each, $1,200; one clerk, $480; one photographer or clerk, $900; one assistant photographer, $600; one illustrator and clerk, $720; one carpenter, $900; one carpenter, $840; two gardeners, at $1,000 each, $2,000; four gardeners, at $900 each, $3,600; two gardeners, at $840 each, $1,680; four gardeners, at $780 each, $3,120; one gardener, $600; one gardener, $720; two gardeners, at $660 each, $1,320; one skilled laborer, $900; one painter, $840; two plumbers, at $840 each, $1,680; three firemen, at $720 each, $2,160; two

clerks or messengers, at $840 each, $1,680; three skilled laborers, at $720 each, $2,160; three skilled laborers, at $660 each, $1,980; six skilled laborers, at $600 each, $3,600; one messenger, $660; three messengers, at $600 each, $1,800; three watchmen, at $720 each, $2,160; two watchmen, at $600 each, $1,200; two skilled laborers or messengers, at $480 each, $960; four messenger boys, at $360 each, $1,440; one messenger boy, $300; in all, $160,160.

Mr. WADSWORTH. Mr. Chairman, I would like to call the gentleman's attention to the fact that this is at the end of the statutory salaries. Why not wait until he gets through with the paragraph to the lump sum—in other words, at the end of the next paragraph?

Mr. CANDLER. I am not going to offer an amendment now; I am only going to speak.

Mr. MANN. We want to hear you.

Mr. CANDLER. Mr. Chairman, before I proceed, it seems to have been the unanimous custom to extend the remarks five minutes beyond the usual time. I am frank to say that I do not expect to get through in five minutes, and I would like unanimous consent to proceed for ten minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that he may proceed for ten minutes. Is there objection?

There was no objection.

Mr. CANDLER. Mr. Chairman, the morning after it was stated in the public press in the city of Washington that the Committee on Agriculture had stricken from the bill the provision carrying the usual appropriation for the distribution of seeds another article appeared, which stated that—

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 appropriations for the Department of Agriculture had grown to about $3,000,000 and the appropriation for the purchase and distribution of seeds 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 appropriation bill carries $7,000,000.

It concludes with this significant remark:

Last week the Committee on Agriculture struck the seed clause from the appropriation bill, and at noon to-day there will be a gathering of seedsmen from all over the country at the New Willard for the purpose of devising means to keep that seed clause out of the bill.

And immediately there gathered from all over the country the kind of farmers whose protests against seed have been read in this debate here to-day—the agriculturists, the ones that farm with their jaws and farm with their tongues, and never are found between the plow handles or with a hoe in their hands.

Mr. JOHNSON. The farmers that plow in the field and work with the hoe do not come to Washington and stop at the New Willard Hotel, do they?

Mr. CANDLER. No, sir; they do not. These men who farm with their jaws and their tongues are the ones who stop at the New Willard Hotel and oppose this free distribution of seeds. Not a letter has been received from a single farmer in the country who follows the plow——

Mr. LILLEY of Connecticut. Will the gentleman allow me to read some letters that I have here from farmers?

Mr. CANDLER. I have the highest personal regard for the gentleman from Connecticut and wish I could yield, but really have not the time and must decline to yield for the present. The gentleman from New York, my friend Mr. COCKS, read a letter which he said was from a farmer, and when he was asked what kind of a farmer he was, he said he was a florist that farmed beneath the glass. Yes; he was a farmer inside of a hothouse. "Hothouse" and "agriculturist" farmers in this country, who do no work themselves, are opposed to the distribution of seeds. [Laughter.] The real farmers, who actually work, want them. I have received almost in every mail, I believe, since I sent out my original distribution, requests for seed up to the present day, and I could bring into this House letters by the hundreds from farmers that till the soil, from farmers' wives, and from farmers' daughters asking me to send them garden seeds and flower seeds in order to plant the garden and to beautify the home. [Applause.]

I opposed strenuously in committee the motion to strike the seed appropriation from the pending bill.

I want to respond to the requests that come from the farmers themselves, and I am willing to turn a deaf ear to these silk-hat, kid-gloved, high-collared, patent-leather-shoed, spike-tailed-coat "agriculturists," that hold their conventions in the New Willard Hotel, in order to keep the farmers of the country from receiving a package of seeds to which they are entitled. [Applause and laughter.]

Mr. GAINES of Tennessee. Mr. Chairman, I want the gentleman to tell this House whether or not they cut out of this bill the appropriation that tests the seeds that the Government buys.

Mr. CANDLER. If the bill passes as reported all seed are cut out, and necessarily all tests of seed.

Mr. GAINES of Tennessee. Do they not test the seed that the Government buys?

Mr. CANDLER. They certainly do, and I will come to that directly. I do not want to discuss that right now. I am going to show from a letter that the seed are thoroughly tested. As I was saying, if you will investigate for yourselves you will find that there are no farmers who follow the plow and that actually work in the fields, and by their brawn and muscle build up the wealth of this country, who are opposed to the distribution of seed.

Mr. LILLEY of Connecticut. I have letters from some here.

Mr. CANDLER. It is very remarkable that this seed distribution has become such a species of graft all at once. If so, there has been the greatest army of grafters in the United States of America that ever appeared in the world, because this appropriation began in 1865, and there has been an appropriation every year since, down to 1906; and if it is "graft" now, the "grafters" began in 1865, and continued from then until this day. It was never thought to be graft to send to the honest farmers of the country a package of garden seeds, and to his wife a package of flower seeds, until the seed trust met at the New Willard Hotel and said it was "graft," and some "statesmen" adopted their suggestion. The total amount of appropriations for garden seed for this purpose during all these years—from 1865 to 1905—is only the comparative small sum of $4,767,526.21, and, as I showed the other day in a speech that I delivered on this floor, the total appropriations for the Agricultural Department from the time of its organization down to to-day has only been the comparatively small sum of $65,000,000 for every purpose, from beginning to end, in connection with all the Agricultural Department's work. Now, the gentleman from New York [Mr. COCKS] said that the Secretary of Agriculture was opposed to the distribution of seeds and wrote a letter in which he referred to some statement in a report that he had made. Here is a letter from Mr. Galloway, who is Chief of the Bureau of Plant Industry, and he does not say that he is opposed to the distribution of seeds, but, on the contrary, he says the following:

There is little doubt in my mind that such distribution accomplished more or less good.

In connection with that he takes up the distribution of the special seeds, which are tobacco and cotton and things of that kind, and he advocates that very strongly. In this bill there is no provision for any of that work; not a particle. It absolutely takes away from the Department of Agriculture the right to distribute seed for any purpose, and the only appropriation provided for in this bill is a provision for the propagation and the testing of seeds in connection with the experiment stations; no distribution provided for; not a particle. Nowhere in the bill does it say you can send out a single solitary seed, but it is only for the purpose of experimentation, solely for the purpose of cooperation with the experiment stations. I asked the question because there was some doubt about that, and I had gentlemen come to me and ask me whether or not it would stop the distribution of all kinds of seeds if this provision was left out of the bill. I read from a letter which I received from the Department:

In the absence of Mr. Galloway, I beg to acknowledge the receipt of your favor of the 28th instant. If the appropriation for the distribution of seeds is eliminated, the distribution of all seed would be discontinued, including vegetable, flower, lawn grass, tobacco, cotton seed, shrubbery, plants, grapevines, etc.

Mr. Galloway, the Chief of Bureau of Plant Industry, on his return wrote to me corroborating what Mr. Wood, the acting chief in his absence, said, and said in addition to that that "it would discontinue the seed, not only the miscellaneous and garden and flower seed, but everything in the way of new cottons, tobaccos, corns and cereals, and everything else.

We have been expending something between $50,000 and $60,000 a year in the general seed work, including our introduction of new things. This money was involved in the regular seed distribution and, of course, would be eliminated with the rest if the action of the committee is sustained.

Now, then, you gentlemen who represent tobacco districts, and you gentlemen who represent cotton districts, and you gentlemen who represent any district of any kind where you have been sending specific and special seed, I tell you that if this provision is left out of the bill it will take away from you all classes of

seed of every kind, and you will have not a single solitary seed to send to anybody for any purpose.

Mr. Chairman, something was said about the testing of the seeds. Here is what the Chief of the Bureau says in reference to that:

The Department has a thorough system of handling the entire work, the object being to secure the very best seed obtainable and to be certain that they are true to type. A considerable portion of the seed sent out is grown for the Department out of selected stock. In order to keep thoroughly abreast of the times in these matters a number of testing stations have been established where not only the miscellaneous varieties are thoroughly tested to determine their trueness to type, but everything promising offered by seedsmen is also tested with a view to making use of it in the future distribution. The Department has adopted the most rigid system of testing for vitality, purity, etc. The Bureau of Plant Industry devotes a considerable part of its work to this subject, so that all seeds from whatever source are thoroughly tested before they are sent out. They are tested not only to determine their trueness to name and type, but for their vitality and for their purity.

Therefore, if that be true, they must be the best seeds that can be obtained from any part of the country, and especially must it be true that a great part of them are sent out from seed grown by the Department of Agriculture itself. Now, he goes on to state under the head of "the securing and distributing of comparatively new or little known varieties of field and forest plant seeds and the improvement of the same by breeding."

Under this head I may briefly refer to a class of work which I consider of great importance in the building up of agricultural industries in this country. As you know, special attention has been given during the last four or five years to the securing and distributing throughout the South of new and promising varieties of cotton. Oftentimes these cottons are secured from individual planters who have for a number of years been carefully selecting and thus have bred a type somewhat better than is ordinarily found among growers. Our cotton experts and breeders have been on the lookout for all these new and promising improvements and every year we have sent out quantities of them for trial. In addition to this our men are, by their own work, securing desirable new types which are distributed as fast as developed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER. I ask unanimous consent to continue for five minutes longer.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to continue for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANDLER (reading from letter from the Agricultural Department)—

This is necessarily slow and costly work, but unquestionably is having a very important effect on the agricultural conditions of the South. We have many hundreds of reports from the new and improved cotton seeds that we have sent out, all showing their increased value over the ordinary kinds.

The other day the gentleman from South Carolina [Mr. LEVER] told me that in his district he met one of his constituents with two samples of cotton, one in one hand and one in the other; that he had the cotton on the market. He said, "This cotton I raised from the ordinary seed which I had; I am offered 11½ cents for the cotton in that lot grown from ordinary seed. This sample of cotton was grown from seed that came from the Agricultural Department, and for this cotton from this sample grown from this seed I am offered 13½ cents." [Applause.] That was the statement, as I understood it. Now, that was 2 cents a pound, or $10 a bale, more for the cotton grown from seed prepared by the Agricultural Department than that grown from the ordinary seed that the farmer had saved from his crop of the preceding year.

Mr. LEVER arose and corroborated the statement.

Mr. CANDLER (reading further from the letter)—

What has been said of cotton is also true of other crops, such as improved cowpeas—varieties that will resist wilt—improved melons, and improved forage crops. A special effort is being made in this direction in the matter of improving the forage crop conditions in all parts of the country, and our records will show, I think, *that this work alone pays many times over the total amount appropriated for seeds and plants.* As a special feature of this work may be mentioned the tobacco investigations which have been carried on from year to year, and which have had for their object the development of new types which will enable the growers of different sections to place upon the market the very highest class product. Work in Connecticut, Florida, and some of the other States has demonstrated the great value of these investigations, and this year for the first time the Department is in position to send out seeds of the specially bred types, *the result of our investigations for the last three or four years.*

Now, then, refuse to reinsert the appropriation and you destroy the work of the Department, which has already been done for the last three or four years in this line and just now only reaching perfection where it can reach the people. As soon as it gets to the point where the people can have the benefit of it, then you propose to take it away from them by taking away this little, small, insignificant appropriation, which has been in the bill from time to time, and which has been stricken out by the committee this year. Now, then, it is said in this report that was made as the report of the committee that there never has been any law for this distribution. I assert there is law for it. You will find it in the organic act creating the Department of Agriculture, in which it says they shall gather and propagate and distribute seed; it says so in so many words in the act creating the Department of Agriculture, and that is the law which authorizes the distribution. You will find in another statute the law that authorizes the printing of "franks" and everything necessary to be done that the seed may be sent out, and upon these statutes stand the authority for this distribution which has been made from year to year. Possibly you would believe it was practically unanimous in the committee, according to this report, to strike out the seed appropriation, but that is not the situation. In the committee the first vote was eight to seven, the next vote was six to seven, and the final vote was a tie vote. It was badly divided in the committee so far as that is concerned. Hence I say to you that I believe, in view of the facts I have stated, that this appropriation ought to be reinserted, that the seed ought to be sent to the farmers throughout the country who desire them, and we should not act upon the statements in newspaper articles, such as the gentleman from Kentucky [Mr. TRIMBLE] referred to a few minutes ago, when he said he asked a man in his district why he printed a certain article in his newspaper, and he replied, "You send on the seed. My columns are open to advertisements."

I have read many editorials myself. Some of them have been marked and sent to me. I want to know from whence comes this newspaper uprising against seed, all of a sudden, without any seeming cause for it? It may be explained in the statement made by the "seed trust"—they would use the press to prevent this seed appropriation being made this year. [Applause.] That statement was made in some of the newspapers the next day after the "kid-glove seedsmen" held their meeting at the New Willard Hotel. Now, gentlemen, the question is whether you will vote for the seed trust or the working farmers. Line up with the seed trust if you want to and take the consequences. If we want to practice economy, it should be something larger than the one which is involved here. And if we want to practice economy, we ought to practice it on somebody besides the farmers who take care of the country and uphold its prosperity and pays its debts abroad. [Prolonged applause.]

As a part of my remarks I append hereto the letters to which I have referred and which are as follows:

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF PLANT INDUSTRY,
Washington, D. C., March 10, 1906.

Hon. E. S. CANDLER, Jr.,
House of Representatives, Washington, D. C.

DEAR MR. CANDLER: I have your letter of recent date, asking for full information relative to the purchase and distribution of seeds and plants by the Department. In order to bring the facts together in concrete form, I will take them up under certain heads, as suggested in your letter.

1. Total amounts appropriated and expended for seeds and plants since 1865, when the Department was organized.

Year.	Appropriated.	Expended.	Year.	Appropriated.	Expended.
1865	$61,000.00	$61,000.00	1886	$100,000.00	$99,980.24
1866	70,165.90	70,165.90	1887	100,000.00	99,998.37
1867	115,200.00	115,200.00	1888	103,000.00	102,587.55
1868	85,200.00	85,200.00	1889	104,200.00	104,168.73
1869	20,000.00	20,000.00	1890	104,200.00	104,174.55
1870	20,000.00	18,981.33	1891	105,400.00	105,090.94
1871	30,000.00	28,865.17	1892	150,000.00	(a)
1872	45,000.00	45,000.00	1892	105,400.00	104,920.35
1873	55,000.00	55,000.00	1893	135,400.00	134,908.27
1874	65,000.00	64,904.89	1894	135,400.00	119,719.76
1875	95,000.00	94,719.83	1895	165,400.00	120,545.15
1876	65,000.00	65,000.00	1896	135,400.00	126,476.87
1877	85,000.00	80,000.00	1897	150,000.00	142,822.52
1878	75,000.00	74,579.33	1898	130,000.00	121,870.38
1879	75,000.00	75,000.00	1899	130,000.00	127,150.52
1880	75,000.00	75,000.00	1900	130,000.00	118,561.53
1881	102,160.31	102,157.48	1901	170,000.00	149,615.49
1882	100,000.00	99,991.53	1902	270,000.00	266,614.12
1883	80,000.00	80,000.00	1903	270,000.00	253,133.70
1884	75,000.00	74,986.48	1904	290,000.00	284,254.21
1885	100,000.00	99,983.82	1905	290,000.00	280,530.30

[a] For drought sufferers. Not used.

Total appropriations, $4,767,526.21.

In the foregoing table we have set forth the total amount appropriated and spent for seeds and plants since 1865. The figures are self-explanatory, but it must be borne in mind that they cover all expenditures and are not for miscellaneous garden and flower seeds alone.

2. HOW THE WORK HAS BEEN HANDLED.

The business of securing, handling, and sending out the seeds and plants of the Department has been conducted in various ways. For a time the Department did all the work, but as it grew the labor proposition became a serious one. The plan of letting out the work by contract was then resorted to, the contractor furnishing all seeds and labor, under the supervision of Department officers. The contract system was kept up until five years ago, when the whole work was turned over to the Bureau of Plant Industry. There were serious defects in

the contract system, it being impracticable in this way to secure the very best seeds and for the Department to exercise proper supervision over it. When the work was turned over to the Bureau of Plant Industry an effort was made to thoroughly systematize it and to put it on a practical business basis. To this end arrangements were made for the Department to secure all the seed, in this way exercising absolute control over the kinds of seed secured, their vitality, trueness to name, and other essential things.

3. KINDS OF WORK CARRIED ON.

The work of seed and plant distribution as now conducted by the Bureau of Plant Industry falls under three principal heads, viz:

(*a*) The securing, handling, and distributing of miscellaneous garden and flower seeds, grapevines, strawberry plants, etc.

(*b*) The securing and distributing of comparatively new or little-known kinds of various field and forage crop seeds, such as cotton, corn, alfalfa, etc.; the improvement of the same by breeding and selection, and the general upbuilding of agricultural industries through such work.

(*c*) The introduction and dissemination of new and promising seeds and plants from foreign countries and the building up of new industries as the result of this work.

(*a*) THE SECURING, HANDLING, AND DISTRIBUTING OF MISCELLANEOUS GARDEN AND FLOWER SEEDS, ETC.

This work, as now conducted, costs about two-thirds of the total amount appropriated. The Department has a thorough system of handling the entire work, the object being to secure the very best seeds obtainable and to be certain that they are true to type. A considerable portion of the seed sent out is grown for the Department out of selected stock. In order to keep thoroughly abreast of the times in these matters a number of testing stations have been established where not only all of the miscellaneous varieties sent out are thoroughly tested to determine their trueness to type, but everything promising offered by seedsmen is also tested, with a view to making use of it in future distributions. The Department has adopted the most rigid system of testing the vitality and purity of the seeds. The seed laboratory of the Bureau of Plant Industry devotes a considerable part of its work to this subject, so that all seeds from whatever source are thoroughly tested before they are sent out. They are tested not only to determine their trueness to name and type, but their vitality and purity.

As to the value of this miscellaneous distribution of garden and flower seeds, it is very difficult to state what it may be. There is little doubt in my mind that such distribution accomplishes more or less good. Very few reports are received, however, and in the nature of the case it is impossible for us to use any but standard varieties in the distribution, because the quantities required make it impossible to use the rarer sorts. When this distribution was first undertaken a great many years ago there is no doubt that it accomplished much good, because at that time the seed industry was not as thoroughly organized as it is to-day. The practice of ordering through the mails from seed catalogues was not then in vogue, and it was extremely difficult for persons living in isolated localities to secure good garden seeds. This condition has changed, however, and to-day it is quite possible for anyone to buy garden seeds of the same varieties as we distribute.

(*b*) THE SECURING AND DISTRIBUTING OF COMPARATIVELY NEW OR LITTLE-KNOWN VARIETIES OF FIELD AND FORAGE PLANT SEEDS, AND THE IMPROVEMENT OF SAME BY BREEDING.

Under this head I may briefly refer to a class of work which I consider of great importance in the building up of agricultural industries in this country. As you know, special attention has been given during the last four or five years to the securing and distributing throughout the South of new and promising varieties of cotton. Oftentimes these cottons are secured from individual planters who have for a number of years been carefully selecting and thus have bred a type somewhat better than is ordinarily found among growers. Our cotton experts and breeders have been on the lookout for all of these new and promising improvements, and every year we have sent out quantities of them for trial. In addition to this our men are, by their own work, securing desirable new types, which are distributed as fast as developed. This is necessarily slow and costly work, but unquestionably is having a very important effect on the agricultural conditions of the South. We have many hundreds of reports from the new and improved cotton seeds that we have sent out, all showing their increased value over the ordinary kinds.

What has been said of cotton is also true of other crops, such as improved cowpeas, varieties that will resist wilt; improved melons and improved forage crops. A special effort is being made in this direction in the matter of improving the forage-crop conditions in all parts of the country, and our records will show, I think, that this work alone pays many times over the total amount appropriated for seeds and plants. As a special feature of this work may be mentioned the tobacco investigations which have been carried on from year to year and which have had for their object the development of new types which will enable the growers of different sections to place upon the market the very highest class product. Work in Connecticut, Florida, and some of the other States has demonstrated the great value of these investigations, and this year for the first time the Department is in position to send out seeds of the specially bred types, the result of our investigations for the last three or four years.

(*c*) THE INTRODUCTION AND DISSEMINATION OF NEW AND PROMISING SEEDS AND PLANTS FROM FOREIGN COUNTRIES.

This work, conducted as a part of the general seed and plant investigations, is one of the most important branches of the Department. In the last five years a number of new things have been brought in and established as distinct industries. Among them may be mentioned the macaroni wheat, which was first introduced five or six years ago. The annual yield of this crop is now from 20,000,000 to 25,000,000 bushels, valued at from ten to fifteen million dollars. Another important introduction has been the Swedish oat, which has resulted in great improvement in the grain-growing conditions in the Northwest, one State, namely, Minnesota, estimating the value of this crop at over $4,500,000. Other important crops introduced and established are new alfalfas. Japanese matting grass, date palms, etc. We import every year about $5,000,000 worth of matting for floor covering, and of this amount $2,000,000 practically represents the value of the raw material. This matting can be manufactured in the United States, and the rice lands of South Carolina, Texas, and Louisiana are well adapted to the cultivation of the grass. We have established gardens in South Carolina for the culture of this crop and confidently anticipate that in a few years we will add this as one of the new industries of the South.

The whole work of the introduction of new varieties, whether found in the United States or imported from abroad, is so nearly connected that the distinction is really an arbitrary one. For the purpose of administrative economy the two are handled together, the seeds and plants received from foreign explorations being in most cases tested and introduced together with those developed in the United States. To carry on all of this work intelligently and to the best interests of the Department, we have found it necessary to establish a number of testing gardens, through which we are trying to determine the crops best adapted to certain regions of the country. Thus we have a testing garden at Chico, Cal., where we are testing and distributing plants adapted to the temperate parts of the United States. Here are being tested and distributed new fruits for the Pacific coast, new forage crops for the dryer regions of the United States, new cereals for different sections of the country, and various new crops particularly adapted to the Northwest regions. At Amarillo, Tex., we have another station where we are testing drought-resistant crops especially. These include the newer durum wheats, sorghums, Kaffir corns, and crops of this nature. At San Antonio, Tex., we have another station where we are testing crops for the semiarid region. We have a grain-testing station at McPherson, Kans., where new wheats and other grains are being tested.

All of this work is being paid for out of the general appropriation for seeds and plants. I consider the work under the two last heads, namely, the securing and distributing of new or little-known varieties of field, forage, and other seeds, plants, etc., found in this country, and the securing and distribution of seeds and plants, etc., from foreign countries, of the utmost importance to American agriculture. I believe that the total amount now authorized for the entire work could very well be devoted to these problems.

I trust I have answered your inquiries fully, and for further and more detailed information, would respectfully refer you to my executive report made to the honorable Secretary in 1905, in which is set forth in detail the various lines of investigation and in general in what manner the work is being applied in a practical way to the agricultural development of the country.

Very respectfully,

B. T. GALLOWAY,
Chief of Bureau.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PLANT INDUSTRY.
Washington, D. C., March 1, 1906.

Hon. E. S. CANDLER, Jr.,
House of Representatives.

DEAR MR. CANDLER: In the absence of Mr. Galloway, who will not return to the city until Friday or Saturday, I beg to acknowledge the receipt of your favor of the 28th ultimo. If the appropriation for the distribution of seed were eliminated, the distribution of all seed would be discontinued, including vegetable, flower, lawn grass, tobacco, and cotton seed, strawberry plants, grapevines, etc.

Trusting this information will serve your purpose, I remain,

Very truly, yours,

A. F. WOODS, *Acting Chief of Bureau.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PLANT INDUSTRY,
Washington, D. C., March 3, 1906.

Hon. E. S. CANDLER, Jr.,
House of Representatives.

DEAR MR. CANDLER: As explained in the letter to you signed by the acting chief, dated March 1, I have been out of the city for a few days and have just returned. I note your inquiry as to whether the distribution of new varieties and types of cotton, tobacco, flower, and other seeds would be discontinued if the action of the committee in eliminating the appropriation for this work is sustained. In reply I beg to reiterate what Mr. Woods, the acting chief, has already stated, viz: That all of our seed work would be discontinued under this plan. This would include not only the miscellaneous garden and flower seeds, but everything in the way of new cottons, tobacco, corns, cereals, etc. We have been spending, as you know, between $50,000 and $60,000 in all for the general seed work, including our introductions of new things. This money was involved in the regular seed distribution, and of course would be eliminated with the rest if the action of the committee is sustained.

Trusting this information will answer your questions and assuring you of my desire to give any further facts on the subject, I remain,

Very truly, yours,

B. F. GALLOWAY, *Chief of Bureau.*

Mr. HENRY of Connecticut. In this appropriate connection I ask the indulgence of the House for brief remarks concerning the tobacco industry, more especially referring to the growing of wrapper tobacco in tents, or, in other words, shade-grown wrappers.

It is conceded that shade growing in Florida is a success, but assertions are repeatedly made that the efforts of the Department of Agriculture to introduce novel and improved methods of tobacco culture in the Connecticut Valley are at least partial failures.

Six years ago, in 1900, the Connecticut State agricultural station, under the able supervision of Dr. E. H. Jenkins, assisted by experts from the Department of Agriculture, raised about one-third of an acre of tobacco under thin cloth, using Florida-grown Sumatra seed. This tobacco was widely distributed among cigar manufacturers and pronounced nearly equal to wrappers imported from the island of Sumatra. The following year, in 1901, over 40 acres was grown in tents, the growers more or less strictly complying with the instructions of the Government experts. This tobacco was force cured, carefully assorted, prepared for market, and sold by auction at Hartford under the indirect supervision of the Secretary of Agriculture. The best grades sold for over $2 per pound, all grades bringing an average price of about $1.50 per pound. The estimated cost

of production was 50 cents per pound, netting a profit of $500 per acre.

When this somewhat surprising result was given publicity, a speculative boom was inaugurated. Inexperienced, and sometimes unprincipled, promoters issued alluring prospectuses after the manner of their kind, solicited capital from the unwary, bought unsuitable lands regardless of cost, and paid unearned dividends from stock subscriptions, with the inevitable sequence that much money was lost and a promising industry temporarily discredited.

Under the incentive of a misleading delusion nearly 800 acres of tobacco, mainly of the Sumatra type, was grown under cloth in 1902, and about the same acreage in 1903. Reckless and inexperienced growers were heedless of expert advice and apt to be careless in indispensible details.

The seasons of both 1902 and 1903 were wet and cold, unfavorable alike for indoor and outdoor-grown tobacco. Tent grown especially was of inferior quality and unsaleable at remunerative prices. Quite naturally the faint-hearted and inexperienced abandoned a business found unprofitable. Nevertheless a few veteran growers retained confidence in the new industry and energetically continued experimental work. The tent-covered acreage was larely reduced, and growers avoided mistakes of former years. Seed was more carefully selected, better methods of cultivation, handling, and curing were introduced.

Experts detailed by Doctor Galloway, of the Bureau of Plant Industry, and Professor Whitney, of the Bureau of Soils, have developed both native and hybrid types, which hopefully give promise not only of superior quality, but also of a larger percentage of wrappers, an important matter in the Connecticut Valley, where filler tobacco is always sold at a loss. These experiments are closely watched by intelligent and enterprising farmers, and are believed to forecast more prosperous conditions for the tobacco industry.

As an illustration of the confidence representative Connecticut tobacco growers have in new methods of culture recommended by the Department of Agriculture, I quote pertinent extracts from a letter received from Mr. Joseph C. Mitchelson, a well-known gentleman of wide experience as a practical tobacco grower, upon lands his family have owned for more than two centuries. Mr. Mitchelson was also for many years a manufacturer and dealer, exceptionally and thoroughly familiar with the tobacco industry in all its varied phases. Under date of January 15, 1906, Mr. Mitchelson writes in part as follows:

Predicting from my own experience and from what the Government has taught us, we shall see within a few years a great revolution in the methods of growing and curing wrapper tobacco. As an indication that I am right in this conclusion, I can say that we have sold our shade grown raised in 1905, about 21 acres, for over $1,100 per acre. We are so well satisfied with the price obtained that we propose next year to raise not less than 50 acres under cloth.

* * * * * * *

We picked the leaves in the field from a part of our outside tobacco and secured three times as many perfect wrappers as from plants in the same field cut and cured in the old way—on the stalk.

* * * * * * *

All perfect leaves should be picked and cured independent from the stalk. Green leaves hung in a bunch on the stalk are apt to pole-burn, bottom leaves become overripe and are lost if not picked, while top leaves are not fully ripened, center leaves become discolored and stained, the air not circulating as freely as when picked and hung separately. There is over 95 per cent of water in green leaves, and this moisture should pass away as soon as possible.

* * * * * * *

The crop of 1905 was one of the finest ever raised in New England, but it was injured in harvesting, and great loss was sustained from hanging in the old-fashioned way and curing on the stalk.

* * * * * * *

If the Government experts are permitted to continue their experiments and go among our farmers explaining improved methods of handling and curing, the crop of next year should be largely improved in quality and increased in value.

Mr. Marcus L. Floyd, formerly connected with the Department of Agriculture, but more recently engaged in growing tobacco in Connecticut, writes in a recent letter:

After a long struggle it seems we are now about to produce tobacco in the Connecticut Valley which will meet the requirements of manufacturers for wrapping high-priced cigars.

* * * * * * *

I think that the experience of the last two years in tent growing is very satisfactory. In 1904 we produced 10 acres of tobacco grown under cloth from Cuban seed, which brought us over $1,000 per acre, with a net profit of about $500 per acre. This tobacco was sold to manufacturers, and the purchasers report that the quality was satisfactory.

* * * * * * *

Our 1905 crop was even more successful. We grew 9 acres 48 rods of broad leaf in tent. This acreage produced 14,147 pounds, weighed after forced curing was completed. This tobacco was sold for 75 cents per pound, through price, bringing $10,610.25 less a 2 per cent discount for cash, and netting $10,398.05.

* * * * * * *

We have also grown 10 acres of Cuban in tent. The bottom or sand leaves, always inferior, I have sold for export to Germany, at 75 cents per pound, and the remainder is engaged for a much higher price, three customers bidding.

* * * * * * *

The scientists from the Department of Agriculture have certainly obtained some surprising results from their experimental work in the tobacco fields of Connecticut, and I believe that still other important problems remain to be worked out along the lines designated by Secretary Wilson.

* * * * * * *

The CHAIRMAN. The Chair will have to recognize the gentleman from Connecticut [Mr. LILLEY] next in opposition, unless the gentleman from South Carolina [Mr. ELLERBE] is in opposition.

Mr. LILLEY of Connecticut. I will detain this House but a very short time. Mr. Chairman, I have no desire to make a speech for home consumption and simply wish to answer the challenge of a great many gentlemen who have said there were no farmers opposed to the distribution of seed and only seed dealers were opposed to it. I have a number of letters here, and I will just read briefly from some of them. One is from the Cloverdale Farm, Litchfield, Conn.

Mr. SHACKLEFORD. Before the gentleman begins I would like to ask him one question.

Mr. LILLEY of Connecticut. All right.

Mr. SHACKLEFORD. All of those letters are on printed letter heads, are they not?

Mr. LILLEY of Connecticut. No.

Mr. SHACKLEFORD. A great majority of them, are they not?

Mr. LILLEY of Connecticut. I see a majority——

Mr. SHACKLEFORD. They are from the kind of farmers that farm the people?

Mr. LILLEY of Connecticut. I find that a majority of them are not on printed letter heads. These are not the spike-toed farmers that the gentleman from Mississippi referred to. We do not grow them in New England. The letter is as follows.

Mr. SHACKLEFORD. Are you supplying your people seed to grow wooden nutmegs?

Mr. LILLEY of Connecticut. The only market we now have for wooden nutmegs is from the gentleman's State, Missouri. [Applause.]

Seeds received. I hope Congress will find time this session to abolish free distribution.

Here is one from the Hautboy Hill farm:

As long as Congress sees fit to send out seed I shall be glad to get my share, but I believe it to be unjust. On the same principle appropriations should be made to furnish us with agricultural implements and improved live stock.

Here is another:

You are a good fellow, LILLEY, and my chickens appear to like your seed, but the whole damned business is of no benefit to agriculture.

[Applause.]

Mr. HUMPHREYS of Mississippi. Is that from a farmer?

Mr. LILLEY of Connecticut. Yes, sir.

Mr. HUMPHREYS of Mississippi. It is on a printed letter head, I believe.

Mr. LILLEY of Connecticut. No, sir.

Mr. HUMPHREYS of Mississippi. Turn it over and see if it is not.

Mr. LILLEY of Connecticut. No, sir; it is on my own letter head stating that I had sent him a package of the seed.

Here is another:

I am sure your constituents almost to a man are opposed to the garden-seed nuisance. Please send me an Ayrshire bull and $25,000 in cash.

Mr. MANN. Why should that man be opposed to 5 cents' worth of seeds?

Mr. LILLEY of Connecticut. I sent him the cash, but did not have the bull.

Here is another letter:

We received your seed all right, but do not appreciate them.

And another:

That every one of our Congressmen may do all in their power to prevent any appropriation for free-seed distribution is the earnest wish of your farmer constituents.

Here is a postscript that I will read:

All honor to Congressman HENRY for his position in this matter.

[Applause.]

Mr. JOHNSON. I would like to ask the gentleman a question.

Mr. LILLEY of Connecticut. Go ahead.

Mr. JOHNSON. Do most of the farmers up in your district use typewriters to write their letters down here?

Mr. LILLEY of Connecticut. I have not read a typewritten letter yet.

Mr. LILLEY of Connecticut (reading)—

I think that a purposeless system of gratuity that burdens our post-office ought to be discontinued—and there you have my opinion, as a farmer.

Mr. LIVINGSTON. Who signs that?

Mr. LILLEY of Connecticut (reading)—

If the Government has any more seeds to send me I should prefer their value in cash or postage-stamps, which would be cheaper for the Post-Office Department.

Mr. GAINES of Tennessee. What sort of seeds did you send him? Did you send him the right sort for your climate?

Mr. LILLEY of Connecticut. I sent his frank with 12,000 others to the Agricultural Department.

Mr. TALBOTT. How many requests did you get of that kind?

Mr. LILLEY of Connecticut. I do not know.

Mr. TALBOTT. What percentage of the 12,000 did you receive responses to like that?

Mr. LILLEY of Connecticut. I do not know.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY of Connecticut. The time of my colleague has been taken from him by interruptions, and I ask unanimous consent that his time may be extended.

Mr. GAINES of Tennessee. I ask that the time of the gentleman may be extended for ten minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from Connecticut be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LILLEY of Connecticut. I do not think I shall use that much time.

Mr. GAINES of Tennessee. Now, will the gentleman tell the committee what kind of seed would suit that country where you raise ice?

The CHAIRMAN. Does the gentleman yield to the gentleman from Tennessee?

Mr. LILLEY of Connecticut. I do.

Mr. GAINES of Tennessee. I really would like to know what kind of vegetables you raise there?

Mr. LILLEY of Connecticut. All kinds of vegetables.

Mr. GAINES of Tennessee. Will you give me all yours next time? I will send them to Republicans in my district if you will do so.

Mr. HENRY of Connecticut. There will be no "next time."

Mr. MANN. I understood the gentleman to say that one of the replies which he read was written upon a letter which he sent to his constituent informing him that he had sent him a package of seeds.

Mr. LILLEY of Connecticut. Well, yes, sir.

Mr. MANN. I understand that he said that he wrote that to every one.

Mr. LILLEY of Connecticut. Yes; to every one.

Mr. MANN. How many letters did the gentleman receive protesting against the distribution of seeds?

Mr. LILLEY of Connecticut. Well, I can not tell you; I received a great many.

Mr. MANN. Has the gentleman produced all of them?

Mr. LILLEY of Connecticut. No, sir.

Mr. MANN. The gentleman has produced a dozen or so that have been written to him in reply to 12,000 letters.

Mr. LILLEY of Connecticut. Let me say in regard to that I have ten letters—I have twenty letters—of disapproval to one that has approved the sending out of seeds.

Mr. MANN. Well, I know, but that would not answer the question. If the gentleman would only answer how many of the 12,000 he wrote to protested or expressed disapproval that would be a matter of some information.

Mr. LILLEY of Connecticut. I should say that the ratio would be about twenty to one of those that disapproved against those who approved.

Mr. JAMES. What is the character of letter you sent?

Mr. LILLEY of Connecticut. Just a line saying that I had sent them the seed.

Mr. JAMES. I would like you to read that letter.

Mr. LILLEY of Connecticut (reading)—

It may therefore seem a little bit ungracious of me to write advocating the discontinuance in large measure of the governmental practice.

Mr. JAMES. I would like to hear the whole of it.

Mr. LILLEY of Connecticut. That will be something that is not directly pertinent.

I have been remembered by you on frequent occasions in the way of garden seeds and perhaps other things "not tied down" at Washington.

Mr. JAMES. What I ask for is the letter that you sent to your constituents with the seeds.

Mr. LILLEY of Connecticut (reading)—

That the Government seeds I am sending you under another cover may grow and flourish is the earnest wish of——

Mr. MANN. A good letter.

Mr. JAMES. You hope they will flourish?

Mr. LILLEY of Connecticut. I did not express any opinion.

Mr. JAMES. You did not insinuate that they would not?

Mr. LILLEY of Connecticut. I said just what I have read to you, sir. [Reading:]

It may therefore seem a little bit ungracious for me to write advocating the discontinuance in large measure of this governmental practice. There is, I think, a growing sentiment against the gratuitous distribution of common seeds by the Department of Agriculture. What the Department can do in the way of introducing new seeds and plants, thereby enlarging the variety of the product of the farm and the garden, is in the right direction.

I do not want to take the time of the House reading all these letters.

Will you kindly use your influence against the free distribution of common garden seeds? My reasons for opposing it are as follows: First, the law creating the Department of Agriculture does not authorize the free distribution of common garden seed. Second, it is class legislation, and therefore pernicious in itself. Third, it is a waste of public money, as more than half of the seed distributed is never sown. Fourth, it overburdens the mail service, and is one cause for the deficit in postal revenues.

Mr. GAINES of Tennessee. Will my friend yield for a moment?

Mr. LILLEY of Connecticut. Certainly.

Mr. GAINES of Tennessee. Your constituents, it seems, do not want this seed. Now, will you let me show you here, as best I can, a whole armful of letters calling for seed, letters sent to me after I had sent out mine, all the seed allotted me? These letters are from black and white, old and young, the lame, the halt, Republicans and Democrats, and not a single protest from any man, woman, or child has come to me from my district.

Mr. SIMS. How many hundreds of them are there?

Mr. GAINES of Tennessee. I do not know how many there are. These came after all my quota of seeds had been sent out. Now, will my friend let me read just one paragraph, a few lines?

Mr. LILLEY of Connecticut. Not at present.

Mr. WADSWORTH. Why, what is that printed matter which the gentleman is holding with the letters? It is a copy of the CONGRESSIONAL RECORD and a copy of the agricultural appropriation bill.

Mr. GAINES of Tennessee. Oh, no; come here, sir, and look at these letters. Here they are. [Exhibiting a large number of letters.]

Mr. LILLEY of Connecticut. I can not yield further now. If I have time I will later.

Here is a letter from the good old town of Litchfield:

I am obliged for your kindness in sending me the seeds, although I would very cheerfully go without the seeds if the law which authorizes their distribution could be abolished.

I thank you for package of seeds and accompanying letter. Of course as long as Congress sees fit to appropriate money for this purpose, it becomes your duty—disagreeable I have no doubt—to distribute them, and I am gratified, of course, that you should remember me. I can not avoid however, expressing the hope that you will do what you can to prevent any further appropriations for this purpose. There being no more reason, of course, why the Government should supply me with seeds than with coal or hen's eggs.

I dislike to seem to "look a gift horse in the mouth," but I am sure you will not accuse me of either ingratitude or impertinence.

We hope you will exert your influence to support the action of the Agricultural Committee in cutting out the free distribution of seed. We will not elaborate upon the subject, as we believe your good judgment after giving the matter slight consideration will convince you that this free seed distribution is a mighty bad piece of business, as well as bad politics, and an outrageously foolish expenditure of a vast sum of public money.

While I would not appear ungrateful and fully appreciate the courtesy on your part, allow me to say that past experience has taught me to say that "Government seeds" are so *unreliable*, both as to purity and vitality, as to be worthless. My observation leads me to believe that they are seldom trusted by any who wish a successful garden. I believe that you will best serve the country and its agricultural interests by using your influence and vote against the continuing of this custom, and I am strongly of the opinion that this is the conviction of most of your constituents.

Why don't you stop the seed-distribution nonsense, or at least enter a protest against it? It is my honest conviction that 99 per cent of the people who are the recipients of Government seeds from their Congressman smile at the simplicity of the graft, as beneficial only to those who sell the seed to the Government.

Mr. HUMPHREYS of Mississippi. Do you believe that next to the last letter is a correct statement of the quality of the seeds that are being sent out?

Mr. LILLEY of Connecticut. I certainly do. I have had that complaint from a vast number of people.

Mr. HUMPHREYS of Mississippi. It is your judgment, is it, that the seeds that the Department send out are untrustworthy and impure and inferior seeds?

Mr. LILLEY of Connecticut. I don't know that they all are, but I know that a great many are.

Mr. HUMPHREYS of Mississippi. Do you think a large per cent of them are?

Mr. LILLEY of Connecticut. I can not tell you what per cent.

Mr. HUMPHREYS of Mississippi. Do you believe it is a large per cent?

Mr. LILLEY of Connecticut. I have no idea what per cent. I believe that they are the commonest kind of common garden seed.

Mr. POWERS. Will the gentleman from Connecticut permit a question?

Mr. LILLEY of Connecticut. Yes.

Mr. POWERS. I understand the gentleman from Connecticut to believe that the Agricultural Department sends out worthless seeds.

Mr. LILLEY of Connecticut. No, sir; I believe the Agricultural Department sends out the best seeds that it can get under the circumstances. The Agricultural Department is laboring under difficulties in providing the seeds for Congressmen to send out. They must get immense quantities of seed, and they can not always get them from reliable sources. They have to do the best they can and get them where they can.

Mr. POWERS. Has the Secretary of Agriculture ever stated to any committee that he has difficulty in getting seeds to send out?

Mr. LILLEY of Connecticut. People connected with the Agricultural Department have told me that they were obliged to take seed from quarters where they had rather not take them, but they were obliged to from the fact that they couldn't get as many as they wanted to from other sources.

Mr. POWERS. Has anything of that kind been reported by the Secretary of Agriculture to the committee?

Mr. LILLEY of Connecticut. I do not know.

Mr. POWERS. I want to say to the gentleman that I have sent these seeds out for a great many years to the farmers, not to men who are not farmers. If the seeds are worthless, how does it happen that the seed trust called a meeting at the New Willard in order to protest against it? I should think that it would cure itself.

Mr. LILLEY of Connecticut. I think the gentleman from Maine is assuming a good deal in assuming that there is a seed trust. I do not know anything about that. I do know that the Government gets its seed very largely from the seed trust, if there is such a thing, the same source that retail dealers obtain them.

Mr. HUMPHREYS of Mississippi. The gentleman said that they were the commonest sort of common seeds. Is that the sort of seed that these men raise?

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. LILLEY of Connecticut. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman speaks about these being bad, rotten seed, so to speak. Here is what the Department says. I read from the hearing:

Mr. CANDLER. Then there is nothing sent out but fresh seed, and those have been thoroughly tested and found to be true to their type?
Mr. GALLOWAY. Yes; and good in vitality.
Mr. CANDLER. So that they ought to be the very best seed that are sent out.
Mr. GALLOWAY. Under the old practices, before the Department got its own seed, it was the custom to run in poor seed.

Mr. LILLEY of Connecticut. Is the gentleman asking me a question?

Mr. GAINES of Tennessee. Yes; I am showing you that the seeds are all fresh.

Mr. LILLEY of Connecticut. I have not said that the seeds were rotten.

Mr. GAINES of Tennessee. No; that is my own word. I wanted to emphasize the gentleman's position. Now, on page 233 of the hearings this colloquy occurred:

Mr. CANDLER. All of them are tested?
Mr. GALLOWAY. All of them are tested.
Mr. CANDLER. Every one when they come in?
Mr. GALLOWAY. When they come in.
Mr. SCOTT. Is it possible to require 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 seed of a certain variety, and we know pretty well the men who can furnish that seed at different places in the Pacific coast region. We send each of those men a blank form and ask him to submit a proposal for that seed. They come in at a certain time, and unless there is some special reason we will give it to the man whose figures are the lowest, considering freight rates. Very frequently a bid on lettuce seed from, say, Chicago, although it might be a lower bid, would cost us more than if the bid came from some other section, on account of freight rates. We have to consider those things.
Mr. FIELD. Doctor, the common impression is that dealers, such as Landreth and others, destroy all the old stock, so that each year they offer to the public fresh seed. Is that true?
Mr. GALLOWAY. That is one of the fairy stories that go out.
Mr. CANDLER. Landreth does claim he destroys all the seed left over.
Mr. GALLOWAY. I can not speak for any particular firm, but it is the 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 seed—that is, polishing devices that make old seed look bright. There are certain devices that will rub the dust off. There are certain cases where, if they do not want seed to grow very well (where we get imported seed), they run them over hot plates to destroy some of the 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.

Now, over on another page he states that the Department has already procured the seed for the next year, and we are asked to give the money now to pay for them. So you see that when you buy seeds they are "tested" by the Department. These seeds that are grown under Farmer Wilson's Department are the very best kind. These seeds that they send out over the country are the best seeds that can be had, and Doctor Galloway so states. Of course, seed that is grown South might not grow well in Connecticut.

Mr. WADSWORTH. Mr. Chairman, a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. WADSWORTH. I want to know who has the floor, the gentleman from Tennessee or the gentleman from Connecticut?

Mr. GAINES of Tennessee. We are working both sides of the aisle. I am for the people, and the gentleman from Connecticut is against them. [Laughter.] I am for the farmer, and my farmer friend is not.

Mr. LILLEY of Connecticut. I am as much for the farmer as the gentleman from Tennessee.

Mr. GAINES of Tennessee. Oh, no.

Mr. LILLEY of Connecticut. It depends upon the point of view. [Laughter.]

Mr. Chairman, I am opposed to an appropriation for the free distribution of these ordinary garden seed, because I do not believe that it is any more a part of the function of this Government to distribute an article of no better quality than can be obtained at the nearest grocery than any other article that can be obtained at the same store. There is no more reason why we should distribute these common garden seeds, and no more excuse for such a distribution, than there would be in distributing postage stamps or pocketknives.

I am against graft in this form, as well as in every other form. I am against this appropriation, as I am against all such appropriations, because it is not good business, and regret that there is not more unanimity among the Members of this House to conduct the affairs of this country on thoroughly up-to-date business principles. I don't believe any Member of this House has any right to vote to spend the people's money any differently than he would spend his own money, if it were his own private enterprise that he was conducting instead of the affairs of this great nation.

Mr. ELLERBE. Mr. Chairman, I want to say that I shall not ask that my time be extended beyond five minutes. Although one of Mr. WILLIAMS's Congressional "kids," I beg pardon of the House for saying that I am greatly surprised at the amount of levity displayed in the discussion of this serious question. [Laughter.]

Now, Mr. Chairman, this question is serious to me, because I believe that wrapped up in this are principles or policies that will seriously affect the welfare of the people of this country. Let me say that I was born on a farm, and every honest dollar that I ever made in my life I made out of the ground. [Laughter.]

I want to say seriously this, that there is one thing that the farming classes of this country are beginning to realize, and that is that one of the greatest problems concerning the country today is the question of seed breeding. I have taken on the same soil on my plantation, with the same fertilizer, planted the same day, cultivated the same day, gathered the same day, and out of six varieties of cotton I have known as much as 800 pounds of seed cotton different per acre. Why? Because of the seed that is planted; and I was surprised when I heard the

gentleman from Texas oppose this bill, because the very principle embedded here is what is going to give relief to the people of the boll-weevil section of Texas. [Applause.]

What is the Department doing to-day? It went to North Carolina and took a lot of king cotton seed raised there, sent it down to Texas, and it was found that the cotton would open from ten to twenty days earlier than the ordinary cotton. Gentlemen, in my district there are three counties which are affected with what we call "wilt." You plant the cotton, it comes up, and it soon wilts. We have used all kinds of fertilizers. We can not do anything with it, but I came here and I have found that they have what they call a "wilt-resisting cotton seed." I have sent those seed into my district, and if these seed are wilt-resistant, then we have saved those people and those farmers down there.

I stand here and I tell you that I advocate this free-seed distribution not because I can send Tom Jones in my district 25 cents' worth of seed, but because I am able to send him a little strawberry plant of good shipping qualities, and he may be able to ship those berries and have them keep well, and instead of making a thousand dollars an acre, as we have done in my country, he may be able to send such a berry of such keeping qualities that he makes $2,000 an acre. [Applause.] I want to say that the same thing that is true of cotton seed and strawberry plants is also true of these garden seeds, and I favor this because it does not provide simply for testing the purity of the seed, but here are the words that strike me: "Seeds suited to the different localities." I want to live to see the day when not only $200,000, but $1,000,000 shall be given to the Secretary of Agriculture, who shall gather around him a class of experts who shall scour the world and select the finest seeds and the finest plants and send them to those localities where they will do the most good, and I tell you, my friends, you would be astonished if you knew what vast good would come from such a plan as that. [Applause.]

I desire to say, in conclusion, that thousands and thousands of farmers plant the same seed year after year. I have brought from an adjacent county in my own district cotton seed, the same seed grown on sandy soil for three or four years, and put it into a stiff clay soil, and it would show a difference of from three to six hundred pounds an acre. I want to say the time has come when we owe it to the people to do a great deal more of this kind of work. They have not the facilities, they have not the means, they have not the training to carry on this work of experimentation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JAMES. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

Mr. ELLERBE. No; I promised to confine myself to five minutes, and I shall do so.

Mr. SLAYDEN. Extend your remarks in the RECORD.

Mr. ELLERBE. No; I shall not extend in the RECORD. I do not want to. I am not talking for the RECORD. I believe in what I am saying. I believe this is a great work, and I believe when you knock this out, when you stop this great work, as I said, of scouring the country for plants and vegetables that are adapted to different localities, you are turning back the wheels of progress, and I believe that some day the farmers will realize your mistake and will rise up in their might and rectify the great wrong that you may do here to-day. [Applause.]

Mr. WADSWORTH. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. HAY and Mr. LAMB) there were—ayes 79, noes 85.

Mr. WADSWORTH. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. WADSWORTH and Mr. LAMB were appointed tellers.

The committee again divided; and the tellers reported—ayes 87, noes 78.

So the motion was agreed to.

Accordingly the committee 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, and had directed him to report that it had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5530. An act authorizing the procuring of additional land for the enlargement of the site for the public building at Kalamazoo, Mich.—to the Committee on Public Buildings and Grounds.

S. 5773. An act to provide a site and buildings for the Departments of State, Justice, and Commerce and Labor—to the Committee on Public Buildings and Grounds.

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. R. 16954. An act providing for the reappraisement of certain suburban lots in the town site of Port Angeles, Wash.; and

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.

PERSONAL REQUESTS.

By unanimous consent, leave of absence was granted to Mr. LONGWORTH, for one week, on account of important business.

By unanimous consent, Mr. FIELD was granted leave of absence, indefinitely, on account of important business.

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

The motion was agreed to; and accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned to meet to-morrow at 12 o'clock noon.

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. ROBERTS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 12846) to reorganize and increase the efficiency of the Hospital Corps of the Navy of the United States, and to define its duties and regulate its pay, reported the same without amendment, accompanied by a report (No. 3699); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the Senate (S. 685) for the erection of a monument to the memory of John Paul Jones, reported the same without amendment, accompanied by a report (No. 3700); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 4370) to appropriate the sum of $40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the Mayflower compact, reported the same with amendment, accompanied by a report (No. 3701); 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. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11260) granting an increase of pension to James H. Van Camp, reported the same with amendment, accompanied by a report (No. 3643); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16492) granting an increase of pension to John M. Logan, reported the same with amendment, accompanied by a report (No. 3644); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14678) granting a pension to James A. Boggs, reported the same with amendment, accompanied by a report (No. 3645); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16998) granting an increase of pension to Elijah Curtis, reported the same with amendment, accompanied by a report (No. 3646); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16662) grant-

ing an increase of pension to Van Buren Beam, reported the same without amendment, accompanied by a report (No. 3647); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17170) granting an increase of pension to Jackson D. Turley, reported the same with amendment, accompanied by a report (No. 3648); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 612) granting an increase of pension to George H. Kohler, reported the same with amendment, accompanied by a report (No. 3649); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18486) granting an increase of pension to William F. Walker, reported the same with amendment, accompanied by a report (No. 3650); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1438) granting an increase of pension to Oliver T. Smith, reported the same with amendment, accompanied by a report (No. 3651); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7147) granting an increase of pension to Bronson Rothrock, reported the same with amendment, accompanied by a report (No. 3652); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3243) granting an increase of pension to John H. Anderson, reported the same with amendment, accompanied by a report (No. 3653); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2092) granting an increase of pension to Franklin M. Hill, reported the same with amendment, accompanied by a report (No. 3654); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3222) granting an increase of pension to George Merrill, reported the same with amendment, accompanied by a report (No. 3655); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6878) granting a pension to Lucy Brown, reported the same with amendment, accompanied by a report (No. 3656); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7535) grantng an increase of pension to John S. Moore, reported the same with amendment, accompanied by a report (No. 3657); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6774) granting an increase of pension to John Platt, reported the same with amendment, accompanied by a report (No. 3658); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6205) granting an increase of pension to Lucy E. Engler, reported the same with amendment, accompanied by a report (No. 3659); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6190) granting an increase of pension to John J. Schneller, reported the same with amendment, accompanied by a report (No. 3660); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4956) granting an increase of pension to James C. Bryant, reported the same with amendment, accompanied by a report (No. 3661); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3588) granting an increase of pension to William H. Riggin, reported the same with amendment, accompanied by a report (No. 3662); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9609) granting an increase of pension to Jesse M. Auchmutz, reported the same with amendment, accompanied by a report (No. 3663); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8736) granting an increase of pension to Lowell Mason Maxham, reported the same with amendment, accompanied by a report (No. 3664); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13698) granting an increase of pension to Samuel Kelly, reported the same with amendment, accompanied by a report (No. 3665); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7836) granting a pension to Alexander G. Patton, reported the same with amendment, accompanied by a report (No. 3666); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13594) granting an increase of pension to Jonathan Snook, reported the same with amendment, accompanied by a report (No. 3667); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10865) granting an increase of pension to Alexander Caldwell, reported the same with amendment, accompanied by a report (No. 3668); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13149) granting an increase of pension to Ida L. Martin, reported the same with amendment, accompanied by a report (No. 3669); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11152) granting an increase of pension to Theodore S. Currier, reported the same without amendment, accompanied by a report (No. 3670); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11161) granting an increase of pension to Michael Aaron, reported the same without amendment, accompanied by a report (No. 3671); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13824) granting an increase of pension to Noah Myers, reported the same with amendment, accompanied by a report (No. 3672); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13993) granting an increase of pension to Joseph Watson, reported the same with amendment, accompanied by a report (No. 3673); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6422) granting a pension to Anthony Van Slyke, reported the same with amendment, accompanied by a report (No. 3674); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17210) granting an increase of pension to Daniel Vertner, reported the same with amendment, accompanied by a report (No. 3675); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16918) granting a pension to Matilda J. Williams, reported the same without amendment, accompanied by a report (No. 3676); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16109) granting an increase of pension to Jacob Cline, reported the same with amendment, accompanied by a report (No. 3677); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15104) granting an increase of pension to Thoma E. Owens, reported the same with amendment, accompanied by a report (No. 3678); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 9844) granting an increase of pension to John J. Erick, reported the same with amendment, accompanied by a report (No. 3679); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6208) granting an increase of pension to William D. Connor, reported the same with amendment, accompanied by a report (No. 3680); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15056) granting an increase of pension to James Ramsey, reported the same without amendment, accompanied by a report (No. 3681); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16915) granting an increase of pension to Orange Bugbee, reported the same with amendment, accompanied by a report (No. 3682); which said bill and report were referred to the Private Calendar.

Mr. GUDGER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18356) granting an increase of pension to W. A. Custer, reported the same with amendment, accompanied by a report (No. 3683); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18524) granting an increase of pension to Julius Rector, reported the same with amendment, accompanied by a report (No. 3684); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18560) granting an increase of pension to John Hamilton, reported the same with amendment, accompanied by a report (No. 3685); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18249) granting an increase of pension to Hiram G. Hunt, reported the same with amendment, accompanied by a report (No. 3686); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18052) granting a pension to John Lewis Bernard Breighner, reported the same with amendment, accompanied by a report (No. 3687); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17340) granting a pension to Julia Walz, reported the same with amendment, accompanied by a report (No. 3688); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17590) granting an increase of pension to Jacob Woodruff, reported the same with amendment, accompanied by a report (No. 3689); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18039) granting an increase of pension to John W. Stephens, reported the same with amendment, accompanied by a report (No. 3690); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18239) granting an increase of pension to Bryant Brown, reported the same with amendment, accompanied by a report (No. 3691); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17772) granting a pension to John W. Henry, reported the same with amendment, accompanied by a report (No. 3692); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18561) granting an increase of pension to Jonathan Skeans, reported the same with amendment, accompanied by a report (No. 3693); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17637) granting an increase of pension to Gardiner K. Haskell, reported the same with amendment, accompanied by a report (No. 3694); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18367) granting an increase of pension to John Wilkinson, reported the same with amendment, accompanied by a report (No. 3695); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17938) granting an increase of pension to Clarissa L. Downing, reported the same with amendment, accompanied by a report (No. 3696); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17872) granting an increase of pension to A. D. Metcalfe, reported the same with amendment, accompanied by a report (No. 3697); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14661) granting an increase of pension to John B. Bussell, reported the same without amendment, accompanied by a report (No. 3698); which said bill and report were referred to the Private Calendar.

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. CAMPBELL of Kansas: A bill (H. R. 18801) to protect legitimate competition—to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: A bill (H. R. 18802) providing for the construction and erection of rural free-delivery mail boxes—to the Committee on the Post-Office and Post-Roads.

By Mr. SPARKMAN: A bill (H. R. 18803) to extend the provisions of the existing bounty land laws to the officers and enlisted men, and the officers and men of the boat companies, of the Florida Seminole Indian war—to the Committee on the Public Lands.

By Mr. AMES: A bill (H. R. 18804) to regulate the business of insurance within the District of Columbia—to the Committee on the Judiciary.

By Mr. SLEMP: A bill (H. R. 18805) providing for the use of $2,000,000 of the money that would otherwise become a part of the reclamation fund for the drainage of certain lands in Virginia, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. FLACK: A bill (H. R. 18806) authorizing and empowering the Secretary of War to convey to The Delaware and Hudson Company and its subsidiary companies certain lands and premises within the United States military reservations at Plattsburg and Rouses Point, in the county of Clinton and State of New York, for railroad purposes in exchange for the conveyances to the United States by The Delaware and Hudson Company and its subsidiary companies of certain lands, hereditaments, rights of way, and franchises within the said United States military reservation at Plattsburg—to the Committee on Military Affairs.

By Mr. McGUIRE: A bill (H. R. 18807) permitting citizens of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole nations to alienate their allotments—to the Committee on Indian Affairs.

By Mr. HAMILTON: A bill (H. R. 18808) permitting the construction of a ship canal between Lakes Michigan and Superior, via Whitefish River, Mud Lake, and Au Train River and Lake, in the State of Michigan—to the Committee on Rivers and Harbors.

By Mr. DIXON of Montana: A bill (H. R. 18809) to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont.—to the Committee on Interstate and Foreign Commerce.

By Mr. DAWSON: A joint resolution (H. J. Res. 150) granting Government employees pay for Labor Day—to the Committee on Appropriations.

By Mr. HEARST: A joint resolution (H. J. Res. 151) authorizing the Secretary of War to provide additional relief for earthquake and fire sufferers in California, and appropriating $2,500,000 in addition to sums already appropriated for the relief of the sufferers of said disaster—to the Committee on Appropriations.

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. 18810) for the relief of Samuel Ritchey—to the Committee on War Claims.

Also, a bill (H. R. 18811) granting an increase of pension to Samuel Ritchey—to the Committee on Invalid Pensions.

By Mr. BOWIE: A bill (H. R. 18812) granting a pension to Julius S. Cuendet—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 18813) granting an increase of pension to Sarah A. Dawson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18814) granting an increase of pension to Francis G. Knapp—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 18815) granting an increase of pension to Silas W. Spencer—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 18816) granting an increase of pension to Harriet Wetherby—to the Committee on Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 18817) granting an increase of pension to George W. Wolfe—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 18818) granting a pension to John Considine—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 18819) granting an increase of pension to Henry Chase—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18820) granting an honorable discharge to Trovillo May—to the Committee on Military Affairs.

By Mr. FINLEY: A bill (H. R. 18821) granting an increase of pension to Eliza Jane Witherspoon—to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 18822) granting an increase of pension to Sophia S. Parker—to the Committee on Pensions.

By Mr. FULKERSON: A bill (H. R. 18823) granting a pension to Mary E. Mumm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18824) granting a pension to James W. Rupe—to the Committee on Pensions.

Also, a bill (H. R. 18825) granting a pension to Benjamin F. Moler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18826) granting an increase of pension to Albert E. Ingraham—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 18827) granting a pension to Delia H. Honey—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 18828) granting a pension to Sarah Hice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18829) granting an increase of pension to William Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18830) granting an increase of pension to Andrew J. Fillmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18831) granting an increase of pension to James R. Wilson—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 18832) granting a pension to Ella M. Yaw—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: A bill (H. R. 18833) granting an increase of pension to Henry Horton—to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 18834) granting an increase of pension to Edwin W. Rand—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 18835) granting an increase of pension to William O. Harrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18836) granting an increase of pension to John N. Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18837) granting an increase of pension to John Gittons—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 18838) granting an increase of pension to Fannie Huntt Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18839) granting an increase of pension to Henry W. Alspach—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 18840) for the benefit of John W. Kirby, late sheriff of Gallatin County, Ky.—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 18841) granting an increase of pension to Stephen Townsend—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 18842) granting an increase of pension to William A. Baugher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18843) granting an increase of pension to John L. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18844) granting an increase of pension to Henry Lafferty—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 18845) granting a pension to Elza Lawrence—to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 18846) granting a pension to Maggie D. Brainard—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 18113) granting an increase of pension to Louisa M. Sees, and it was referred to the Committee on 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. ACHESON: Petition of R. T. Taylor, for forest reservations in the White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. ADAMS of Pennsylvania: Petition of the National Business League of Chicago, against the anti-injunction bills (S. 2829 and H. R. 9328)—to the Committee on the Judiciary.

Also, petition of the Civic Club of Philadelphia, for an appropriation to investigate the industrial condition of women in the United States—to the Committee on Appropriations.

Also, petition of the Civic Club of Philadelphia, Pa., for forest reservations in the White Mountains and in the Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. ADAMSON: Petition of the Eagle and Phenix Mills, for bill S. 4953, relative to Federal forest reservations—to the Committee on Agriculture.

Also, petition of Newman Council, No. 22, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. AIKEN: Paper to accompany bill for relief of Ella Donnald—to the Committee on Pensions.

By Mr. ALEXANDER: Petition of Council No. 50, Junior Order United American Mechanics, of Buffalo, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ALLEN of New Jersey: Petition of the Frankfort (Ky.) Business Men's Club, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sitka Chamber of Commerce, against removal of capital from Sitka—to the Committee on the Territories.

By Mr. BABCOCK: Petition of citizens of Richland Center, Wis., for the Hepburn-Dolliver bill (H. R. 3159)—to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of the Caddo Commercial Club, against amendments to the pure-food bill calculated to impair its efficiency—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Business League of Chicago, against the anti-injunction bills—to the Committee on the Judiciary.

Also, petition of Mr. E. D. Graesel et al., for preservation of timber in Minnesota (the Morris law)—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, for forest reservations in the White Mountains and the southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Mrs. E. D. Graesel et al., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of J. M. Cooper et al., for an appropriation to purchase the right of way and build a road from Lebanon, Ky., to the national cemetery—to the Committee on Military Affairs.

Also, petition of the Sitka Chamber of Commerce, against removal of the capital of Alaska from Sitka—to the Committee on the Territories.

Also, petition of the National Business League of Chicago, against the anti-injunction bills—to the Committee on the Judiciary.

By BENNETT of Kentucky: Paper to accompany bill for relief of Samuel Ritchey—to the Committee on War Claims.

Also, paper to accompany bill for relief of William Wright and Israel T. Osborn—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: Petition of J. M. Cooper et al., for an appropriation to acquire rights of way and build a road from Lebanon, Ky., to the national cemetery—to the Committee on Military Affairs.

Also, petition of the Sitka Chamber of Commerce, against removal of the capital of Alaska from Sitka—to the Committee on the Territories.

Also, petition of the Caddo Commercial Club, for a provision in the Indian appropriation bill to benefit the Five Civilized Tribes of Indians—to the Committee on Indian Affairs.

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

By Mr. BURKE of South Dakota: Petition of the Western South Dakota Stock Growers' Association, for speedy laws for the classification of public lands west of the Missouri River to meet the best interests of grazers and actual settlers thereon—to the Committee on the Public Lands.

Also, petition of the Western South Dakota Stock Growers' Association, for the bill extending the time from twenty-eight to thirty-six hours for keeping live stock in cars in transit—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Paper to accompany bill for relief of Edward R. Cunningham—to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio: Petition of 45 citizens of Cleveland, Ohio, against sale of intoxicating liquors in any Government building, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. DAWES: Petition of citizens of Ohio, for the ship-subsidy bill (S. 529)—to the Committee on the Merchant Marine and Fisheries.

By Mr. DOVENER: Paper to accompany bill for relief of Thornton Cartwright—to the Committee on Military Affairs.

By Mr. DUNWELL: Petition of the National Business League of Chicago, Ill., against the anti-injunction bills (S. 2829 and H. R. 9328)—to the Committee on the Judiciary.

Also, petition of the Sitka Chamber of Commerce, against removal of the capital of Alaska from Sitka to Juneau—to the Committee on the Territories.

Also, petition of the Caddo Commercial Club, to attach to the Indian appropriation bill an amendment to properly correct the Five Tribe (Indian) bill—to the Committee on Indian Affairs.

Also, petition of the International Federation of Sunday Rest Association of America, for Sunday closing of the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of J. M. Cooper et al., favoring an appropriation for purchase of the right of way and construction of a road from Lebanon, Ky., to the Lebanon National Cemetery—to the Committee on Military Affairs.

By Mr. ESCH: Petition of the National Business League of Chicago, against the anti-injunction bills (S. 2829 and H. R. 9328, 4445, and 329)—to the Committee on the Judiciary.

By Mr. FINLEY: Paper to accompany bill for relief of Eliza Jane Witherspoon—to the Committee on Pensions.

By Mr. FLACK: Petition of the Patrons of Industry, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOYD: Paper to accompany bills for relief of Thomas B. Hall, D. Holman, Thomas J. Hamilton, Samuel Minnick, William I. Smith, Hiram N. Henry, Edward C. Lane, and Joseph M. Yarnell—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Sitka Chamber of Commerce, against removal of the capital of Alaska from Sitka—to the Committee on the Territories.

Also, petition of the Frankfort (Ky.) Business Men's Club, against any amendments to the pure-food bill calculated to impair its integrity—to the Committee on Interstate and Foreign Commerce.

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

By Mr. GRAHAM: Petition of the Sitka Chamber of Commerce against removal of the capital of Alaska from Sitka—to the Committee on the Territories.

Also, petition of the National Business League of Chicago, against the anti-injunction bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. H. Hays et al., of Allegheny, for Sunday closing of the Jamestown exposition—to the Select Committee on Industrial Arts and Expositions.

Also, petition of J. M. Cooper et al., for an appropriation to purchase the right of way and to build a road from Lebanon, Ky., to the national cemetery—to the Committee on Military Affairs.

Also, petition of the Caddo Commercial Club, against amendments to the pure-food bill calculated to impair its efficiency—to the Committee on Interstate and Foreign Commerce.

Also, petition of Western Pennsylvania Branch of the Consumers' League, for regulation of child labor in the District of Columbia, etc.—to the Committee on the District of Columbia.

Also, petition of the Hukill-Hunta Company, for two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Paper to accompany bill for relief of Maggie D. Brainard—to the Committee on Invalid Pensions.

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

Also, petition of the National Business League of Chicago, against the anti-injunction bills (S. 2829 and H. R. 9328, etc.)—to the Committee on the Judiciary.

By Mr. HAMILTON: Resolution of A. C. Van Raalte Post, No. 262, Department of Michigan, Grand Army of the Republic; citizens of Cedar Springs, Mich., and soldiers of Van Buren County, Mich., to accompany bill for additional relief of soldiers who were prisoners of war—to the Committee on Invalid Pensions.

By Mr. HOGG: Petition of the Business Men's Association of Pueblo, Colo., against bill H. R. 4429, for consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HUFF: Petition of the Frankfort (Ky.) Business Men's Club, for bill S. 88 (the pure-food bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of 300 citizens of Greensburg, Pa., against sale of intoxicating liquors in all Government buildings and parks—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Washington Camp, No. 627, Patriotic Order Sons of America, of Salina, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bills for relief of James R. Wilson, Sarah Hice, William Fox, and Andrew J. Fillmore—to the Committee on Invalid Pensions.

By Mr. KINKAID: Petition of citizens of Crawford, Nebr., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LINDSAY: Petition of J. M. Cooper et al., for an appropriation to purchase the right of way and build a road from Lebanon, Ky., to the national cemetery—to the Committee on Military Affairs.

Also, petition of the National Business League, against the anti-injunction bill—to the Committee on the Judiciary.

By Mr. LILLEY of Pennsylvania: Petition of the State Federation of Pennsylvania Women, for reservation of timber lands in Minnesota (the Morris law)—to the Committee on Agriculture.

By Mr. MAHON: Paper to accompany bill for relief of Maria Martin—to the Committee on War Claims.

By Mr. MARTIN: Petition of the Western South Dakota Stock Growers' Association, for speedy laws for the classification of the public lands west of the Missouri River to meet the best interests of the grazers and actual settlers thereon—to the Committee on the Public Lands.

Also, petition of the Western South Dakota Stock Growers' Association, for the bill extending the time from twenty-eight to thirty-six hours for keeping live stock in cars in transit—to the Committee on Interstate and Foreign Commerce.

By Mr. OLMSTED: Petition of ladies of Middletown, Pa., for preservation of forest reservations in Minnesota—to the Committee on Agriculture.

Also, petition of ladies of Middletown, Pa., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Harrisburg Lodge, No. 383, Brotherhood of Railway Trainmen, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: Petition of the National Business League, against bills S. 2829 and H. R. 9328, 4445, and 328, relative to anti-injunction—to the Committee on the Judiciary.

By Mr. SPERRY: Petition of citizens of New Haven, Conn., for bill H. R. 4549, relative to consolidation of third and fourth-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLIVAN of New York: Petition of the National Business League of Chicago, against the anti-injunction bills (S. 2829 and H. R. 9328, 4445, and 329)—to the Committee on the Judiciary.

By Mr. WEEMS: Paper to accompany bill for relief of David McMath—to the Committee on Invalid Pensions.

By Mr. WHARTON: Petition of the executive committee of the National Business League, Chicago, against bills S. 2829 and H. R. 9328 (the anti-injunction bills)—to the Committee on the Judiciary.

By Mr. WOOD of New Jersey: Petition of New Jersey Chapter of the American Institute of Architects, for bill H. R. 17630, relative to beautifying architecturally Government buildings—to the Committee on the Library.

SENATE.

TUESDAY, *May 1, 1906.*

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 15334. An act to authorize the construction of dams and power stations on the Coosa River, at Lock 2, Alabama;

H. J. Res. 145. Joint resolution for the appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers; and

H. J. Res. 149. Joint resolution extending the thanks of Congress to Gen. Horace Porter.

PETITIONS AND MEMORIALS.

Mr. KEAN presented a petition of the Home Missionary Society of the Central Presbyterian Church of Orange, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Adopted Daughter Lodge, No. 3, Brotherhood of Locomotive Firemen, of Jersey City, 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 petitions of the Woman's Home Missionary Society of the Emery Methodist Episcopal Church, of Jersey City, and of sundry citizens of Westfield, Newark, and Plainfield, all in the State of New Jersey, praying that the direction of the Alaskan schools may remain with the United States Bureau of Education; which were referred to the Committee on Territories.

Mr. NELSON presented a petition of the Minnesota State convention, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Local Union No. 186, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Minneapolis, Minn., and a petition of sundry citizens of Red Wing, Minn., 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 the Society for Political Study of New York City, N. Y., praying for the enactment of legislation to establish a children's bureau in the Department of the Interior; which was referred to the Committee on Education and Labor.

Mr. BEVERIDGE presented petitions of Local Union No. 373, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Vincennes; of the N. P. Bowsher Company, of South Bend, and of Local Union No. 63, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Elkhart, all in the State of Indiana, 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 the Local Council of Women of Union City, Ind., and a petition of Rathbone Sisters, National Council of Women, of Union City, Ind., 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 presented a petition of the congregation of the Presbyterian Church of Hanover, Ind., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Lake Mohonk Indian conference, of Indiana, praying for the enactment of legislation to aid education in the Territories and the insular possessions of the United States; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of Local Division No. 81, Amalgamated Association of Street and Electric Railway Employees of America, of Muncie; of Local Division No. 394, Amalgamated Association of Street and Railway Employees of America, of Tipton, and of Black Diamond Local Union No. 2412, United Mine Workers of America, of Linton, all in the State of Indiana, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. PENROSE presented a petition of the Woman's Club of New Brighton, Pa., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. McENERY, from the Committee on Private Land Claims, to whom was referred the bill (S. 5531) for the relief of Francisco Krebs, reported it with an amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 4946) for the relief of certain naval officers and their legal representatives, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 8973) to amend section 5200, Revised Statutes of the United States, relating to national banks, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 15266) to amend existing laws relating to the fortification of pure sweet wines, reported it without amendment, and submitted a report thereon.

THE ZEBULON MONTGOMERY PIKE MONUMENT ASSOCIATION.

Mr. TELLER. From the Committee on Finance I report back with an amendment the bill (H. R. 13783) to grant souvenir medallions for the Zebulon Montgomery Pike Monument Association. It is purely a local matter, and I ask that the bill may be put on its passage. The amendment is as to the date. The bill has the favorable report of the Department.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Finance was, in section 2, on page 2, line 14, to strike out "May" and insert "August," so as to read:

That the material from which said proposed medallions are to be made shall be furnished by the Secretary of the Treasury on or before the 1st day of August, 1906.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. BURKETT introduced a bill (S. 5966) granting an increase of pension to C. C. Davis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 5967) to acquire certain land in Washington Heights for a public park and site for the McClellan statue; which was read twice by its title, and referred to the Committee on the District of Columbia.

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

A bill (S. 5968) granting a pension to Louisa Thompson;

A bill (S. 5969) granting an increase of pension to Franklin Burdick; and

A bill (S. 5970) granting an increase of pension to Julia A. Horton.

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

A bill (S. 5971) relative to the fees of attorneys in cases before the Spanish Treaty Claims Commission; and

A bill (S. 5972) relative to appeals from the Spanish Treaty Claims Commission.

Mr. CLAY introduced a bill (S. 5973) for the relief of Wellborn Echols; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FLINT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 5974) for the restoration and repair of the United States post-office building at San Francisco, Cal., damaged by earthquake and fire;

A bill (S. 5975) for restoring and repairing the building occupied by the United States mint at San Francisco, Cal., damaged by earthquake and fire;

A bill (S. 5976) for restoring and repairing the warehouse occupied by the United States appraisers at San Francisco, Cal., damaged by earthquake and fire;

A bill (S. 5977) for the restoration and repair of the United