WASHINGTON.

William L. Lemon to be postmaster at North Yakima, in the county of Yakima and State of Washington, in place of William L. Lemon. Incumbent's commission expires June 27, 1906.

Fred W. Miller to be postmaster at Oakesdale, in the county of Whitman and State of Washington, in place of Fred W. Miller. Incumbent's commission expires June 7, 1906.

William W. Ward to be postmaster at Dayton, in the county of Columbia and State of Washington, in place of William W. Ward. Incumbent's commission expires June 30, 1906.

WEST VIRGINIA.

Carrie Newton to be postmaster at Benwood, in the county of Marshall and State of West Virginia, in place of Carrie Newton. Incumbent's commission expires June 30, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 7, 1906.

APPOINTMENT IN THE ARMY.

Col. John McClellan, Artillery Corps, to be brigadier-general from June 1, 1906.

PROMOTION IN THE NAVY.

Capt. John J. Hunker to be a rear-admiral in the Navy from the 6th day of June, 1906 (subject to the examinations required by law).

REGISTER OF THE LAND OFFICE.

John Thomas, of Prairie View, Kans., to be register of the land office at Colby, Kans.

RECEIVER OF PUBLIC MONEYS.

Frank A. Twichell, of Seattle, Wash., to be receiver of public moneys at Seattle, Wash.

POSTMASTERS.

MASSACHUSETTS.

Frank H. Fales to be postmaster at South Framingham, in the county of Middlesex and State of Massachusetts.

MICHIGAN.

William H. Arthur to be postmaster at Marshall, in the county of Calhoun and State of Michigan.

MISSISSIPPI.

Annette Simpson to be postmaster at Pass Christian, in the county of Harrison and State of Mississippi.

MISSOURI.

Willis E. Flanders to be postmaster at Paris, in the county of Monroe and State of Missouri.

NEW YORK.

W. E. Hughes to be postmaster at Fulton, in the county of Oswego and State of New York.

NORTH CAROLINA.

Alexander L. McCaskill to be postmaster at Fayetteville, in the county of Cumberland and State of North Carolina.

Hugh Paul to be postmaster at Washington, in the county of Beaufort and State of North Carolina.

NORTH DAKOTA.

Henry W. Ellingson to be postmaster at Rugby, in the county of Pierce and State of North Dakota.

OHIO.

Augustus J. Eminger to be postmaster at Miamisburg, in the county of Montgomery and State of Ohio.

Albert W. McCune to be postmaster at Bradford, in the county of Miami and State of Ohio.

PENNSYLVANIA.

Samuel J. Matthews to be postmaster at Olyphant, in the county of Lackawanna and State of Pennsylvania.

TEXAS.

Hiram T. Andrews to be postmaster at Wolfe City, in the county of Hunt and State of Texas.

John T. Cunningham to be postmaster at Graham, in the county of Young and State of Texas.

John T. Dawes to be postmaster at Crockett, in the county of Houston and State of Texas.

Harry E. Downs to be postmaster at Batson, in the county of Hardin and State of Texas.

M. J. Lee to be postmaster at Kirbyville, in the county of Jasper and State of Texas.

VIRGINIA.

Floyd L. Harless to be postmaster at Christiansburg, in the county of Montgomery and State of Virginia.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 7, 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, on motion of Mr. PAYNE, was approved.

REVISION OF THE LAWS.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That a joint special committee be appointed, consisting of five Senators to be appointed by the Vice-President, and five Members of the House of Representatives to be appointed by the Speaker, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the statutory revision commission heretofore authorized to revise and codify the laws of the United States; and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary clerical assistance, to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

The SPEAKER. Is there objection?

Mr. LIVINGSTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman what is the necessity for this, when the codification commission have made a full and complete report and the matter is now on the Calendar of the House?

Mr. MOON of Pennsylvania. The gentleman will bear in mind that the only report that is before the House, the only completed bill that has been reported, is the one involving the criminal code. The great mass of the substantive law which was committed to this commission to revise and codify has not yet been reported to this House. The House will fully understand that this work is a very large one, and that before it can be enacted into law it must pass both the House and the Senate.

Immediately upon our appointment, at the present session of Congress, in obedience to a resolution of our committee I entered into correspondence with the Senate committee in order to bring about joint action. Owing to the fact that the chairman of that committee was absent and ill, it was impossible for us to get any joint action. Our committee have proceeded earnestly and industriously during this entire session of Congress——

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. MOON of Pennsylvania. Yes.

Mr. HENRY of Texas. Does this resolution provide for a continuation of the present commission that was appointed to revise the laws, or for the abolishment of that commission?

Mr. MOON of Pennsylvania. I want to say that it does not in itself have any effect upon that commission; but I want also to say to the gentlemen of the House that our Committee on the Revision of the Laws this morning, by resolution, authorized me, as chairman of that committee, to introduce a bill into the present Congress abolishing that commission. The object of this looks to the consummation of the work, which will bring to a conclusion the duties of that commission.

Mr. HENRY of Texas. Why not put a provision in this resolution abolishing that commission if we are to appoint another commission now to take the place of that one?

Mr. MOON of Pennsylvania. You are not appointing another commission; you are appointing a joint committee of the two Houses, which simply represents the revision committee of the Senate and the revision committee of this House. This is not a new commission.

Mr. LIVINGSTON. Then let this resolution stand until you abolish that commission.

Mr. MOON of Pennsylvania. Our thought with regard to that was this: We discussed that very earnestly this morning. We believed it to be wise to submit that matter to the joint committee contemplated in this resolution and that we ought to consult with the committee to be appointed by the Senate before we definitely take that action. This committee is as anxious as any individual Members of this Congress can be to accomplish that purpose.

Mr. HENRY of Texas. Is it the purpose of this commission to take the code already prepared by the commission that has been at work for about ten years, or to go over all of the work again and get up a new revision?

Mr. MOON of Pennsylvania. Let me say to the gentleman that this is not to be a commission; it is only a joint committee of the two Houses, the object being to facilitate the work that

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must be done by the respective committees of the two Houses. Now, we propose, of course, to take the work of the commission, to go over it, and to embody it in the form of bills to be presented and passed by Congress.

Mr. HENRY of Texas. This is a commission to revise the criminal and civil statutes, is it not?

Mr. MOON of Pennsylvania. The existing commission is a commission employed by Congress——

Mr. HENRY of Texas. I understand, but is it not your purpose to have this committee that you provide for revise both the civil and criminal laws?

Mr. MOON of Pennsylvania. The purpose is to consider the work of the commission.

Mr. HENRY of Texas. To revise the revision, in other words?

Mr. MOON of Pennsylvania. To put the work of the commission into bills that will be submitted to this House and to the Senate for the purpose of being enacted into law.

Mr. LIVINGSTON. And with the right to revise and change?

Mr. MOON of Pennsylvania. No; we do not give to this commission——

Mr. LIVINGSTON. Then why do you have a committee, if you have no right to revise and change?

Mr. MOON of Pennsylvania. I think the gentleman will understand that all this work goes back before the committee. I want to say that the existing commission has interpreted its powers very broadly and that it has included a great deal of new law in their report that this committee do not feel they have a right to recommend.

Mr. LIVINGSTON. Why not let the two Houses of Congress handle this work?

Mr. MOON of Pennsylvania. I think the gentleman will understand that it would be utterly impracticable to do that.

Mr. SHERLEY. Mr. Speaker, if I may be allowed to make a statement, perhaps I can simplify this somewhat.

The SPEAKER. Is there objection? The Chair hears none.

Mr. DE ARMOND. Mr. Speaker, I should like to know a little more about this before we pass the objections made.

Mr. MOON of Pennsylvania. I yield to the gentleman from Kentucky.

Mr. SHERLEY. I desire to say to the House that at the last——

Mr. LIVINGSTON. I have not withdrawn my reservation of the right to object yet.

Mr. SHERLEY. I desire to say to the House that at the last session of Congress, in the closing days of that Congress, there was passed, on my motion, a resolution authorizing the Commission to report finally at this session of Congress. I then said to the House that I was in favor of the abolition of this Commission, and that I would do what I could to bring its labors to a close. I want to say to the House now that this resolution looks to the carrying out of the pledge I then made upon the floor. The purpose of this resolution is to appoint a committee consisting of five Senators and five Representatives, who will work during the recess of Congress——

Mr. LIVINGSTON. Then why not appoint these ten men from the two committees, five from the Senate committee and five from the House committee?

Mr. SHERLEY. This leaves it optional with the Speaker of the House and with the President of the Senate to appoint any five members of the respective bodies. I have no doubt there will be appointed men from the two Committees on the Revision of the Laws.

Mr. HENRY of Texas. How were the statutes revised heretofore? Has this course ever been adopted for revising the laws heretofore?

Mr. SHERLEY. As I understand it, there has always been cooperation between the committee of the House and the committee of the Senate. The gentleman will understand that in regard to the judicial code, for instance, there is a change made that is fundamental. Now, it is possible that the House committee and the House might act along certain lines that might not at all meet with the concurrence of the Senate; and this being work of a technical character, it seemed to the members of the Committee on the Revision of the Laws of the House that by getting the two committees together and having them consult together the result of their labors could be brought into the respective Houses with some fair chance of getting final legislation during the short session.

Mr. HENRY of Texas. Is there not a Committee on the Revision of the Laws in the Senate as well as in the House?

Mr. SHERLEY. There is; but the Committee on the Revision of the Laws of the Senate would not begin its labors until after the House had acted.

Mr. SMITH of Kentucky. Will the gentleman yield for a question?

Mr. SHERLEY. If the gentleman will permit me a moment now. In the short session that is coming it would be practically impossible for this House to consider independently the report of its committee and then have it go over to the Senate as entirely new matter and be considered by them in time to pass before final adjournment. With the idea of facilitating action, it was thought that if the two Houses had their two committees work together the result of their joint labor might produce a bill that could be put through within the short session by both bodies, and so the labors of the committees would not come to naught. Now I yield to the gentleman.

Mr. LIVINGSTON. Why not put it through at this session?

Mr. SMITH of Kentucky. The gentleman has substantially answered the question that I wanted to ask. It seems to me that with only a short session of this Congress remaining we can not expect committees in both Houses to act upon this great mass of reports that have come in from this revisory Commission. So by the adoption of this resolution you get the two committees at work together during the vacation, and by the time Congress meets for the short session it can be reported to one House or the other, I take it to this House, acted upon promptly and sent to the Senate.

Mr. SHERLEY. That was the idea involved; and I want to say to the gentleman from Missouri, because when the matter was up last year he interrogated me in regard to the life of this Commission, that there was upon my motion to-day adopted in the Committee on the Revision of the Laws a resolution instructing the chairman of that committee to introduce a bill at this session abolishing the Commission on the 1st of October of this year.

Mr. DE ARMOND. Why not attach that to this resolution and abolish it on the adoption of this resolution?

Mr. SHERLEY. In the judgment of the committee, it is thought advisable to put through this resolution, and then in the draft of that bill to make a proper provision in regard to having some man who had been familiar with all the Commission's work, subject to the orders of the joint committee of the House and Senate. I can assure the gentleman from Missouri that a bill will be introduced and will be favorably reported at once by the committee and brought upon the floor for the abolition of that Commission.

Mr. DE ARMOND. But that is as far as the assurance can go.

Mr. MANN. What about the appropriation for the Commission?

Mr. SHERLEY. The appropriation is a continuing one and would go on forever without some action of Congress.

Mr. MANN. We make appropriations for it every year.

Mr. SHERLEY. The gentleman is mistaken. In the act creating the Commission it was provided that the payment should be made out of the funds in the Treasury from year to year. It will require affirmative action to abolish the Commission.

Mr. MANN. I think we have been making appropriations for the Commission ever since I have been in the House.

Mr. SHERLEY. The gentleman is mistaken.

Mr. DE ARMOND. The Commission is paid through the Attorney-General's department. The assurance which the gentleman from Kentucky gives, goes to the favorable reporting of the bill, and necessarily it can go no further. Why, if this Commission is to be abolished, not abolish it by the resolution providing for the joint committee?

Mr. LIVINGSTON. That is what ought to be done.

Mr. DE ARMOND. I do not think the two pieces of legislation ought to be separated.

Mr. SHERLEY. I will suggest to the gentleman from Missouri that it is doubtful whether by such a resolution you can repeal the act creating this Commission. It ought to be done by a bill properly drawn and passed.

Mr. DE ARMOND. A joint resolution would do it.

Mr. HOAR. If the gentleman will permit me, I want to suggest that the joint special committee which will be appointed may desire to have the right to consider what should be done with the records, and make suggestions as to what should be done with reference to reports on the work of the Commission and as to their need of its services and the time of their termination.

Mr. DE ARMOND. That is very well, but Congress ought to be done with the Commission.

Mr. LACEY. If the gentleman will allow me to suggest, we are framing legislation every day that will go into this revision, and this Commission can put that into proper shape to

be enacted in the report of the joint committee. There is a great deal of that work to be done yet.

Mr. DE ARMOND. I can not take that view of it. In view of the fact that they have been eight or ten years at work and have not done more than three respectable lawyers could do in six months with a proper clerical assistance, it seems to me that it does not have much fruitfulness in it as to what is to be in the future. The Commission ought to have been abolished long ago.

Mr. SHERLEY. I want to say to the gentleman from Missouri that he is no more desirous of bringing about that result than I am. I am ready to do all I can, and if the gentleman will bear with us he will see results in a few days in that regard.

Mr. DE ARMOND. I do not think so. I think it will take all the push and power behind this resolution, with all the power and influence to get rid of that Commission, which is practically a useless thing and has been for years and years, and it is likely to continue a useless and expensive Commission for years and years to come.

The SPEAKER. Is there objection?

Mr. DE ARMOND. I object, Mr. Speaker, unless the propositions are coupled together.

PRINTING DIGEST AND MANUAL.

Mr. CHARLES B. LANDIS. Mr. Speaker, I present the following privileged House resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That there be printed 2,000 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Fifty-ninth Congress, the same to be bound and distributed under the direction of the Speaker and the Clerk of the House.

The question was taken; and the resolution was agreed to.

PRINTING FOR SPECIAL COMMITTEE INVESTIGATING GOVERNMENT HOSPITAL FOR THE INSANE.

Mr. CHARLES B. LANDIS. Mr. Speaker, I also present the following privileged House resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the special committee appointed to investigate the management of the Government Hospital for the Insane be authorized to have such printing done as may be necessary for the transaction of its business.

The question was taken; and the resolution was agreed to.

PRINTING FOR COMMITTEE ON IRRIGATION OF ARID LANDS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I also present the following privileged House resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Committee on Irrigation of Arid Lands be authorized to have such printing and binding done as may be necessary in the transaction of its business.

The question was taken; and the resolution was agreed to.

JOINT RESOLUTION SUPPLYING DEFICIENCIES IN APPROPRIATIONS FOR ASSISTANT JANITORS AND CUSTODIANS OF PUBLIC BUILDINGS.

Mr. TAWNEY. Mr. Speaker, I am directed by the Committee on Appropriations to submit the following joint resolution and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Minnesota reports the following joint resolution from the Committee on Appropriations, which the Clerk will report.

The Clerk read as follows:

Joint resolution to supply a deficiency in the appropriation for assistant custodians and janitors of public buildings.

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $45,000 to supply a deficiency in the appropriation for pay of assistant custodians and janitors, including all personal services in connection with the care of public buildings under control of the Treasury Department outside of the District of Columbia exclusive of marine hospitals, mints, branch mints, and assay offices, for the fiscal year ending June 30, 1906.

Mr. TAWNEY. I ask unanimous consent for its immediate consideration, Mr. Speaker.

Mr. FITZGERALD. Mr. Speaker, I object to the receiving of this report. I make the point of order that it is not a report from the Committee on Appropriations.

The SPEAKER. The Chair overrules the point of order.

Mr. TAWNEY. Mr. Speaker, I want to say to the gentleman from New York this matter came to the committee's attention this morning, and more than a majority of the committee were present, and the gentlemen present, including the gentleman from Georgia, who is the ranking member of the minority of the subcommittee which has charge of deficiency appropriations. I also spoke to the gentleman from Massachusetts, and was looking for the gentleman from New York. Had I known the necessity of this, I would have called a meeting of the committee, but a majority of the committee were there and considered it and authorized the chairman to report it to the House.

Mr. FITZGERALD. I object, Mr. Speaker.

The SPEAKER. The Chair understood the gentleman from Minnesota to report the resolution from the Committee on Appropriations.

Mr. TAWNEY. I have; by direction of the committee.

The SPEAKER. And the gentleman makes the point of order——

Mr. UNDERWOOD. I understand, Mr. Speaker, it is not the report of the committee, but it is the report——

The SPEAKER. It is a question of fact, and the Chair would ask the gentleman from Minnesota——

Mr. TAWNEY. I said the committee directed me to report it, a majority of the committee being present.

Mr. UNDERWOOD. Was the committee called together to consider this matter?

Mr. TAWNEY. It was; but not formally called together.

Mr. UNDERWOOD. I make the point of order, if the committee was not formally called together——

The SPEAKER. But a majority of the committee were there, and directed the gentleman to report the bill.

Mr. UNDERWOOD. Informally, Mr. Speaker.

The SPEAKER. Was a majority present?

Mr. TAWNEY. A majority was present.

The SPEAKER. The Chair overrules the point of order.

Mr. UNDERWOOD. Mr. Speaker, I desire to appeal from the ruling of the Chair, and I wish to say this——

Mr. TAWNEY. Mr. Speaker, I move to lay the appeal upon the table.

The question was taken; and the Chair announced that the ayes seemed to have it.

Upon a division (demanded by Mr. UNDERWOOD) there were—ayes 150, noes 43.

So the appeal was laid upon the table.

Mr. UNDERWOOD. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Alabama demands the regular order.

Mr. TAWNEY. 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 sundry civil appropriation bill.

ORDER OF BUSINESS.

Mr. TAWNEY. I withhold my motion to go into Committee of the Whole.

Mr. FOSS. Mr. Speaker, I call up the naval appropriation bill on the Speaker's table, and ask unanimous consent——

Mr. UNDERWOOD. I demanded the regular order, and I insist upon it.

The SPEAKER. The gentleman demands the regular order.

Mr. TAWNEY. Mr. Speaker, I will modify my motion. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of appropriation bills reported from that committee.

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. FITZGERALD. I make the point of order that there is a motion pending to proceed with the consideration of the sundry civil appropriation bill.

The SPEAKER. The gentleman modifies his motion.

Mr. TAWNEY. I modified my motion.

The question was taken; and the motion was agreed to.

URGENT DEFICIENCY.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WATSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. TAWNEY. I call up for consideration the joint resolution which was sent to the Clerk's desk a few moments ago and has been reported.

The CHAIRMAN. The gentleman from Minnesota calls up the joint resolution reported by the Committee on Appropriations, which the Clerk will report.

The joint resolution was again reported.

Mr. TAWNEY. Mr. Chairman, about two months ago the Secretary of the Treasury informed the Committee on Appropriations that there would be a deficiency in the current ap-

propriations for assistant janitors and custodians of Government buildings throughout the United States. At that time it was understood that this deficiency would be carried in the general deficiency appropriation bill. The Secretary of the Treasury this morning informed the committee that the appropriation will be exhausted in about seven days from to-day, and that unless this deficiency appropriation can be obtained at once, by the 15th day of this month the elevators in the Government buildings outside the District of Columbia will cease to run, and that the Government buildings will have to be closed, so far as the service of the elevators is concerned; and that is the necessity for getting prompt action in respect to the appropriation for this deficiency. I now yield to the gentleman from Georgia.

Mr. LIVINGSTON. Mr. Chairman, while in the Treasury building yesterday the Treasury officials brought this deficiency to my notice. It involves every public building, north and south, east and west in the janitor and elevator service, and with only seven days to get an appropriation through the House and the Senate and thus become available, it should be taken up this morning. As to the committee meeting, to which my friend objected, I did not know that he was not present, and I am not responsible for his absence. Gentlemen of the House, this appropriation must be made to keep the courts of the country going, and to do so, it must be made available by the 15th of this month or the janitor service and the elevator service of the buildings will stop, public business will stop.

Mr. CLAYTON. Is there any reason on earth why this should not pass now?

Mr. LIVINGSTON. None.

Mr. CLAYTON. Well, then, let us vote upon it.

Mr. GOULDEN. Why was it omitted from the sundry civil bill?

Mr. LIVINGSTON. It does not belong there. It ordinarily would have been provided for in the general deficiency bill, and we thought we would have plenty of time to do that, but we now know that it would be too late to make the appropriation, and hence this resolution. That is all there is to it.

Mr. UNDERWOOD. Mr. Chairman, I merely wish to say this with reference to this matter——

Mr. TAWNEY. How much time does the gentleman want?

Mr. LIVINGSTON. I yielded him a moment.

Mr. TAWNEY. I yielded to you.

Mr. UNDERWOOD. Five minutes.

Mr. TAWNEY. All right.

Mr. UNDERWOOD. Mr. Chairman, I wish to say with reference to this resolution that it may be all right, so far as I know, and it may be all wrong. I protested against the ruling of the Speaker a few minutes ago and attempted to get the floor to explain to the House why I did not believe the Speaker's ruling on this proposition was right. The Speaker recognized the gentleman from Minnesota instead of myself, and of course I had no opportunity to say what I intended to say. Now, I merely desire to put this into the RECORD. There is no protection to the individual Member of this House, if you will allow the chairman of a committee and the Speaker of the House of Representatives to call together such members of a committee as they desire to report a resolution to this House without notification or a committee meeting.

Mr. LIVINGSTON. Now, I want to correct the gentleman. I know of my own personal knowledge that the chairman of the committee did not do this. He did not select members, as the gentleman has indicated.

Mr. UNDERWOOD. I did not say that he did in this instance; but if he can call together at his beck and call a majority of the committee without giving notice of a committee meeting, why, then the object of committees is entirely abolished. If a gentleman is a member of a committee that would object to legislation, you can pass it through the House and through the committee without ever giving notice to him whatever. The rules of this House contemplate that when a committee passes on legislation that committee should be called together and notice given, and I say when the Speaker recognizes a gentleman to call up a resolution here as a report of a committee that has not been passed on by a committee regularly called together and notified to come together he violates the rules of this House.

Mr. LIVINGSTON. But the gentleman's own committee has done that very thing.

Mr. UNDERWOOD. Oh, they did it by unanimous consent.

Mr. SULLIVAN of Massachusetts rose.

Mr. TAWNEY. Mr. Chairman, I yield to the gentleman from Massachusetts for three minutes.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I agree with my colleague on the committee from New York, and with the gentleman from Alabama [Mr. UNDERWOOD], that as a matter of practice and of sound policy all matters should be called first to the attention of committees regularly called together; but there are times when we can afford to make a slight sacrifice of principle in order to accomplish some practical result, and in this case no harm will result if we do that. I think that the chairman of the committee proceeded in a practical way to do a necessary thing, and I wish to say, further, that while I am not usually sparing in my criticisms of my political opponents, I would be lacking in common decency if I did not say now that the chairman of the Committee on Appropriations has been eminently fair in his treatment of the minority members of that committee. That committee has not always had the reputation of treating the minority members fairly, but it is justly achieving that reputation this year. I am informed that in past years objectionable portions of hearings have been excluded upon the ipse dixit of the chairmen of committees. No such practice is tolerated by the chairman of the Appropriations Committee. The utmost freedom in the expression of opinion and action is granted to the members of the minority. In fact, I can see no distinction whatever in the chairman's treatment of the members of that committee upon the grounds of politics. Therefore, while the criticism is a just one that committee meetings ought to be held, in this particular case nothing will result that is harmful by this slight concession of principle. A majority of the members of the committee were present. Some who were not present at the majority meeting were consulted later. All of the members of the committee who know the facts are aware that it is a just appropriation and that action ought to be taken now, and that it ought not to be delayed because of a useless sticking for principle upon a trifling occasion. I trust, therefore, that the action of the chairman of the Committee on Appropriations will be sustained by the House.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield to me?

Mr. TAWNEY. How much time does the gentleman desire?

Mr. FITZGERALD. Five minutes.

Mr. TAWNEY. I yield to the gentleman for five minutes.

Mr. FITZGERALD. Mr. Chairman, there are times when occasions arise that would justify informal meetings of the committee for the purpose of reporting an emergency appropriation. The deficiency that this appropriation is to make up, however, is not a sudden or an emergent appropriation. It grows out of a palpable violation of the law by a Department of the Government. Last year there was a certain amount of money appropriation for janitor and custodian service in the Treasury Department. It was $45,000 less than the estimate submitted by the Department to Congress. When the urgent deficiency bill was up the Department requested that this $45,000 be given in order to do the work that it had contemplated, but that Congress had refused to approve, and the committee refused to incorporate the item in that bill, and very severely criticised those who were responsible for the failure to comply with the law which was enacted to prevent deficiencies in the service. As soon as those criticisms were made in the House officials in the Treasury Department singled out courthouses and customs-houses and public buildings in the districts of members upon the Committee on Appropriations and cut off the janitor service, in order apparently to show that if Members of Congress dared criticise these men in their violations of the law that they would show, by making trouble at home for them, that it was a dangerous thing to do. Since early in the year it has been known that $45,000 would be required in order to carry out this service in accordance with the estimate of the Department, and not until yesterday did my distinguished colleague from Georgia on the committee learn from the Department that this money would be needed, although he was one of the members of the committee who refused to grant this appropriation in the urgent deficiency bill. Mr. Chairman, I am not any more oversensitive as to my rights as a member of the committee than other members are. Resolutions providing moneys for the relief of the San Francisco sufferers were reported and passed here without objection or criticism, although there was no meeting of the committee. This is the third measure reported in the nature of an appropriation bill that should come up in the ordinary way that was never considered, and was reported without notice to the members of the Committee on Appropriations.

So far as I am concerned, I will pursue the same practice in the future. I am present here most of the time, and I am easily accessible to those whose duty it is to give notice of these meetings. I am fairly faithful in my attendance upon the committee, and at the meetings of the House, and so long as I am a member of the committee I propose that matters such as this shall not be passed upon informally, without some effort made

at least to make the facts public. This resolution is necessary, because the members of this Administration violated the law. They flaunted an act of Congress in the face of Congress. They expended money, or proposed to expend money, not in accordance with what Congress had determined, but in accordance with the decision of the chief clerk of the Department to expend what he thought was necessary. Against that practice the committee, led by the chairman, protested, and I believe this resolution should not be passed without a similar protest being registered. And if possible, I believe that in some way those responsible for this deficiency should be punished as they deserve. It was a clear violation of a provision put on an appropriation bill to prevent deficiencies. Some method ought to be devised to punish those who violate the law. To the bill itself I have no objection. The money is required to carry on the public business. To the manner in which the bill comes before the House I do object, and I shall continue to express my disapproval with the practice at each recurrence of it.

Mr. TAWNEY. I yield five minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. I do not know by what authority the statement is made by my colleague on the committee from New York [Mr. FITZGERALD] that the Treasury Department discriminated against Members of the House or the Committee on Appropriations who were opposed to making the necessary appropriations for janitors and custodians in these public buildings for the current year, but I understand that his main complaint now is that the Treasury Department did not apply the rule to Members who did not belong to the committee. He thinks that members of the committee ought to have been allowed to vote against the necessary appropriation and the Government still take care of the janitors and custodians in their court-houses and other public places, and for that reason he says he is opposed to making this appropriation now.

But I rose, Mr. Chairman, to say that this is an emergency appropriation. On the 15th of this month all over the country these janitors and custodians will have to be discharged and the public business crippled unless this action is promptly taken. It happened this morning that, information coming to the chairman of the committee, he gathered together and talked to as many of the members of the committee, of both political parties, as he could find, and as none of them suggested an objection, but all he saw of the committee united in assenting to the proposition and that the chairman should make the report at once, he therefore properly made it.

I wish to say that I myself am opposed to informal meetings without all members being notified, in all ordinary cases. I do not want a committee meeting when I am not present or am not notified to be present, but such emergencies as this have arisen all along through the history of Congress, and they are likely to arise again, and no censure can apply to our chairman in this case.

Mr. GAINES of Tennessee. I should like to ask the gentleman from Minnesota a question.

Mr. TAWNEY. I yield for a question.

Mr. GAINES of Tennessee. Did you get the information about this deficiency this morning?

Mr. TAWNEY. Yes.

Mr. GAINES of Tennessee. Never got it before?

Mr. TAWNEY. Why, we knew two months ago that there would be a deficiency, but we did not know that the current appropriation would be exhausted inside of seven or eight days from now. We intended to carry it on the general deficiency appropriation bill, but the fact that this appropriation will be completely exhausted before the general deficiency bill or the sundry civil bill can become a law makes it absolutely necessary that this emergency appropriation should be made now, in order to continue the service after the 15th of June.

Mr. GAINES of Tennessee. If the gentleman will indulge me in another inquiry—I happened to be out of the Chamber when the gentleman first took the floor to explain this—is this the deficiency that caused the stoppage of the elevators in about forty of the custom-houses throughout the country?

Mr. TAWNEY. I will answer the gentleman, and also at the same time answer the criticism of the gentleman from New York [Mr. FITZGERALD] on this subject.

Mr. GAINES of Tennessee. I should like to have the gentleman answer my question first.

Mr. TAWNEY. Mr. Chairman, this deficiency was presented to the Committee on Appropriations during the consideration of the urgent deficiency appropriation bill. It appeared, however, that, although the Department had apportioned this appropriation at the beginning of this fiscal year, that apportionment had not been waived in accordance with the law, and there was therefore no reason assigned for the deficiency. The antideficiency law had not been complied with, and for that reason the committee refused to grant the appropriation at that time. Therefore, when the matter was again brought to the attention of the committee, the Department was informed that if they would waive the apportionment and give the committee the reasons for the waiver and the reasons assigned were satisfactory to the committee, the item would then be carried in the general deficiency appropriation bill. At that time it was expected the general deficiency bill would become a law before the 15th of June. Now, that can not be; and the fact that this appropriation will be exhausted before the general deficiency bill can pass it will necessitate shutting down all the elevators and the discontinuance of this service unless the appropriation is made at once.

Mr. GAINES of Tennessee. The gentleman has not pointedly answered my question. Has this deficiency anything to do with stopping the elevators in forty of the custom-houses and post-offices of the United States, which the gentleman knows I brought to his attention sixty or ninety days ago?

Mr. TAWNEY. Yes.

Mr. GAINES of Tennessee. Has this deficiency anything to do with that?

Mr. TAWNEY. It has.

Mr. KEIFER. It brings about the same result.

Mr. GAINES of Tennessee. My good friend will remember that I conferred with him several times, and he informed me that he went down to the Treasury Department and used some rather warm language there, and he stated to me that he found they had the money, and he started the elevators in about a week, and I was very much obliged to him.

Mr. TAWNEY. Yes; they have a sufficient amount to continue the service until the 15th of June, and then there will be a deficiency of $45,000, or that additional amount will be necessary to continue the service until July 1. Now, upon our promise, in the event of their compliance with the antideficiency law, to carry the $45,000 deficiency in the general deficiency bill, the service was again reestablished and the elevators put in operation. But the appropriation necessary for that purpose, we were advised, will be exhausted by the 15th of June, or within seven days, and the same condition will exist that existed last spring, unless the Department can get the money.

Mr. GAINES of Tennessee. The gentleman went down and found that they did have the money to run the elevators, and that the elevators should not be stopped. Now the gentleman comes in and says that there is a deficiency, which the gentleman is now trying to cover.

Mr. TAWNEY. If the gentleman from Tennessee will pardon me, I do not think I made any statement that would justify him in reaching a conclusion of that kind. I said they had sufficient money to keep this service going until the 15th of June.

Mr. GAINES of Tennessee. You made them start the elevators.

Mr. TAWNEY. They did start the elevators on the promise of the members of the committee that if they would comply with the antideficiency law we would carry the item of $45,000 to continue the service from the 15th of June to the 1st of July.

Mr. PADGETT. Will the gentleman yield for a question?

Mr. TAWNEY. I yield to the gentleman from Tennessee.

Mr. PADGETT. If the Department had money sufficient to carry the work on until June 15, why did they stop it back in April?

Mr. TAWNEY. The reason for stopping it was this: They did not stop the entire service, but they had to reduce the expenditure in order to make the appropriation last until the 1st of July.

Mr. PADGETT. Why did they stop it in some places and continue it in others?

Mr. TAWNEY. That is a matter the gentleman will have to go to the Treasury Department to find out. I do not know what rule they followed in discontinuing the service in one part of the country and not in another. Nevertheless it was necessary for them to do that if they were going to be limited until the 1st of July with the amount of the current appropriation.

Mr. PADGETT. Does not the gentleman think it would have been better and more just and fair to have continued the service up until the exhaustion of the appropriation, and only close it down after the exhaustion of the appropriation?

Mr. TAWNEY. That the law would absolutely forbid. They could not use the money for the purpose of making a deficiency.

Mr. PADGETT. They could run the service up to the exhaustion of the fund and stop.

Mr. TAWNEY. No; the law expressly forbids that. The antideficiency law prohibits that. The gentleman will recall, if he stops to think a moment, that during the consideration of

the urgent deficiency bill there was considerable criticism, not only of this Department, but of all Departments, because they had not complied with the antideficiency law. In this particular case the appropriation had been apportioned, but the apportionment had not been waived, and the Department informed us that there would be a deficiency of $45,000 in this appropriation. We declined to encourage them in the nonobservance of the antideficiency law by refusing to give them that deficiency appropriation. Of course, there was some feeling created, doubtless, between the House and the Department in consequence of that fact. But after the bill had passed and the service had been dispensed with in certain places the Department conceded then that they had neglected to waive the apportionment and said they would waive it, and asked if the matter would be carried in the general deficiency bill, and we informed them that it would and the service was again restored.

Mr. PADGETT. The antideficiency law does not prohibit the use of all the money that has been appropriated for a specific purpose. It only prohibits the creation of a debt beyond the appropriation, and under the appropriation that was made the service could have been continued until June the 15th.

Mr. TAWNEY. The gentleman either has not read the antideficiency law carefully or he is in error in regard to its construction.

Mr. PADGETT. If they run the service up to June the 15th and then stop, there would be no deficiency. There would be a lack of service, but they would only have used the money appropriated. Why did they stop in some districts and continue in other districts the service during the month of April when there was money enough to carry it up to the 15th of June?

Mr. TAWNEY. I can only repeat the statement I made to the gentleman a moment ago—that that is a question that he will have to address to the Secretary of the Treasury.

Mr. PADGETT. I will ask the gentleman if it does not occur to him that there was some favoritism and some disposition to visit punishment upon certain Members?

Mr. TAWNEY. Certain members of the Appropriation Committee?

Mr. PADGETT. Yes; and others.

Mr. TAWNEY. I do not know as to others, but I will say to the gentleman that if there was any favoritism of that kind it was not limited to one party in the committee, because members of both parties on the committee suffered alike.

Mr. PADGETT. I am not putting it on a party basis. I am calling attention to the fact that the departmental officer is proposing to punish Members of Congress for the exercise of his official function.

Mr. TAWNEY. I will say in reply to that and in justification of the Department, that the Department submitted to the Committee on Appropriations a list of all buildings in which this service was in whole or in part dispensed with in consequence of the necessity of making the current appropriation last until the end of the fiscal year.

Mr. GAINES of Tennessee. Has the gentleman that list?

Mr. TAWNEY. That statement is on file in the Committee on Appropriations, and it covers some 200 or 300 cases.

Mr. GAINES of Tennessee. Will the gentleman put that statement in the RECORD?

Mr. TAWNEY. I do not know that I will put it in the RECORD, but I will give it to the gentleman in order that he can see where the places are where the service was diminished or entirely suspended.

Mr. GAINES of Tennessee. I would be very glad to get it.

Mr. TAWNEY. It is a lengthy statement and would be of no special benefit if it was placed in the RECORD.

Mr. GAINES of Tennessee. The gentleman will recollect that I called for the places and the gentleman at that time said that he hadn't got it, and I haven't got it yet. I would like to say——

Mr. TAWNEY. Oh, let the gentleman go to the committee room and ask the clerk.

Mr. GAINES of Tennessee. Well, if the gentleman will give me authority to go in there and get the information I will be dead sure to get it and dead sure to publish it, if the gentleman will let me. I am a sure shot when you give me a chance. [Laughter.]

Mr. TAWNEY. I now yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, our very genial and smiling friend from New York [Mr. FITZGERALD] would apparently put the Treasury officials at a point "between the devil and the deep sea." At one time he complains because they expend more money than is appropriated, and when, in good accord with his complaint, they properly cut off a portion of the appropriation in his district, in the largest post-office territory in the United States—the only place where they can afford to do with less janitor and elevator service—he comes in and complains of that action.

Mr. FITZGERALD. Oh, Mr. Chairman, I did not complain because they cut off the janitor and elevator service in my district. In fact, I never heard of it until I read the report.

Mr. MANN. But the gentleman a moment ago was complaining about it. He said the Department cut off the janitor and elevator service in the districts represented by members of the committee. Where else would they commence to cut off the service than in the gentleman's district? Would they cut off the one janitor at Buncotown or at some little place in the country and not cut them off in New York?

Mr. FITZGERALD. But they cut them off at Buncotown, and that is why the members of the committee who happened to have both those towns in their district come here. [Laughter.]

Mr. MANN. They cut them off in Buncotown, which the gentleman represents here so ably on the floor of the House. They did precisely what the gentleman wanted them to do, and when they did it he complained. The only way to do is to make the appropriation and restore the service. The gentleman has no license to complain in one minute that they do a certain thing, and then when they fail to do it, to complain of that in the next minute.

Mr. FITZGERALD. Oh, I have a right to complain if they violate the law.

Mr. MANN. Oh, I give the gentleman the right to complain about anything. He is like myself. [Laughter.]

Mr. GAINES of Tennessee. It seems to me there has been a disobedience of the law by somebody somewhere in some Department. Is there to be a prosecution under this criminal statute that we enacted last year?

Mr. MANN. In the first place, Mr. Chairman, I would state to the gentleman from Tennessee that we enacted no criminal statute, and in the next place there has been no disobedience of the law.

Mr. GAINES of Tennessee. But I so understood.

Mr. TAWNEY. Mr. Chairman, I move that the joint resolution be laid aside with a favorable recommendation.

Mr. UNDERWOOD. Mr. Chairman, I would like to know if this joint resolution has not to be read under the five-minute rule? It carries an appropriation.

The CHAIRMAN. If the demand is made, it has to be.

Mr. UNDERWOOD. Then I make the demand.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Joint resolution to supply a deficiency in the appropriation for assistant custodians and janitors of public buildings.

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $45,000, to supply a deficiency in the appropriation for pay of assistant custodians and janitors, including all personal services in connection with the care of public buildings under control of the Treasury Department outside of the District of Columbia, exclusive of marine hospitals, mints, branch mints, and assay offices, for the fiscal year ending June 30, 1906.

Mr. GAINES of Tennessee rose.

Mr. TAWNEY. Mr. Chairman, I move that the resolution be laid aside with a favorable recommendation.

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. GAINES of Tennessee. I rise to ask for a minute or two in which to ask a question.

Mr. TAWNEY. Mr. Chairman, I will yield to the gentleman for a minute.

Mr. GAINES of Tennessee. Mr. Chairman, my good friend from Chicago [Mr. MANN] tells us that we did not pass the statute which, I believe, the gentleman from Minnesota [Mr. TAWNEY] reported, which we all agreed to—it was subject to a point of order—a statute to punish officials who exceeded appropriations in executing public work. Now, here is a case, and yet my good friend from Chicago for the first time, as far as I know, and certainly the first time I have ever heard of it, tells us that it is not a statute under which we can punish an offender. Is that the kind of a statute my good friend from Chicago and my good friend from Minnesota [Mr. TAWNEY] brought in here for the purpose of punishing offenders and which we all voted for as a criminal statute?

Mr. MANN. But the gentleman from Tennessee is talking about the bill that we passed this year, which has nothing to do with this appropriation.

Mr. GAINES of Tennessee. Is there not some law against this now?

Mr. MANN. No criminal law.

Mr. GAINES of Tennessee. I think the gentleman is mistaken about that.

Mr. MANN. That is what the gentleman endeavored to cor-

rect in the bill that passed this year. The gentleman from Tennessee has not made the distinction between the two years.

Mr. GAINES of Tennessee. I thank the gentleman for the information. Now, I know my friend well enough to know that next year he will join the Democrats in punishing offenders——

Mr. MANN. But next year the Democrats will not be in power.

Mr. GAINES of Tennessee. Oh, yes, we will. We are going to have William J. Bryan President of the United States before a great while. [Applause on the Democratic side.]

Mr. MANN. I want to say to my friend it is just as likely Mr. Bryan will be President at the next session of Congress as at the next Congress.

Mr. GAINES of Tennessee. Mr. Chairman, I enjoy to the extreme President Roosevelt's stealing Democratic thunder and putting it in the shape of law that William J. Bryan and the Democrats have always stood for, and so we stand to-day with you rejoicing that for one time in a century we find the Republican party one time in a few things trying to do right. [Laughter and applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota, that the resolution be laid aside with a favorable recommendation.

The question was taken; and the motion was agreed to.

Mr. TAWNEY. Mr. Chairman, I now call up the sundry civil bill, and move that we proceed with its consideration.

The question was taken; and the motion was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 5357. An act permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn.; and

S. 2418. An act to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 2969. An act to authorize the Attorney-General and certain other officers of the Department of Justice and special assistants and counsel to begin and conduct legal proceedings in any courts of the United States and before any commission or commissioner or quasi judicial body created under the laws of the United States.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4806) to regulate the landing, delivery, cure, and sale of sponges, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. LODGE, and Mr. BACON as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4862) allowing settlers with permanent improvements on the town sites of Heyburn and Rupert, in Idaho, to buy lots on which said improvements are located at an appraised price for cash, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ANKENY, Mr. CARTER, and Mr. DUBOIS as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

San Francisco, Cal., custom-house: For continuation of building under present limit, $500,000.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee how it is so much money is given to San Francisco as contradistinguished from other cities or public buildings? I am a friend of San Francisco and of the earthquake sufferers. I want to help them and have and will continue. I have introduced a bill, Mr. Chairman, to allow a rebate on all kinds of imported structural materials used by these earthquake sufferers of California in restoring their homes and buildings. For a century or more Congress has allowed rebates on imports for persons, companies, expositions, etc. This rebate is a giving back to the earthquake sufferer the tariff tax he has paid on imported house and all material actually used.

Mr. TAWNEY. I will say for the information of the gentleman from Tennessee that the size of the appropriation must necessarily vary with the size of buildings. I do not know whether the gentleman from Tennessee ever considered that or not.

Mr. GAINES of Tennessee. I am very glad to know the scales are falling from my friend's eyes in that respect.

Mr. TAWNEY. That is the fact, and this $900,000 is within the limit of cost of the construction of the building at San Francisco.

Mr. GAINES of Tennessee. Then that is all right, and I'm for it. Now, Mr. Chairman, by way of continuing my remarks, I want to state that a few days after this earthquake at San Francisco I introduced a bill based upon a statute which Andrew Jackson, as President, approved twice, and one subsequently enacted by Congress for the relief of the Chicago sufferers; and I received, Mr. Chairman, rather to my surprise, several letters from people in San Francisco thanking me for the interest I manifested in the matter.

Among those letters, Mr. Chairman, is one from J. J. Moore & Co. and one from C. D. Bunker & Co. One of these letters states that there is now a combination being formed in the city of San Francisco for the purpose of putting up the prices "to the serious detriment of property owners and home builders."

They pray, Mr. Chairman, in substance, for the rebate relief set forth in my bill, which has no limit as to time. They say the one-year limitation set forth in the resolution introduced by the gentleman from Illinois [Mr. MADDEN] is too short a time. They beg, Mr. Chairman, to be relieved from the denials, the punishment, and oppression not only of this local combination, but from the steel trust and the lumber trust and various other trusts that make cement and other building material, including sewer material.

But the point I wish, Mr. Chairman, just briefly to allude to is this: It has gone to the people of California, says Mr. Bunker—and I want the leader of the Democratic side [Mr. WILLIAMS] to hear publicly what I said to him privately, and which, I may add, he has positively denied—that the Democrats, writes Mr. Bunker, were objecting to the passage of a bill giving this relief, or words to that effect. The gentleman from Mississippi [Mr. WILLIAMS], the leader of this side of the House, denied the charge, and I now repeat that so far as my humble efforts are concerned, that I shall vote for such a measure as the one I have introduced or, indeed, the ones which have been introduced by Republicans and be glad to do so, and so will the balance of the Democrats.

The President is a Republican. The Republicans control the Senate, the Republicans control the House; and I so wrote to Bunker & Co. and others, and that the Republicans, even over the protest of the Democrats, if it were possible for them to protest, could put this or that measure through Congress, not only to relieve the sufferers in California, but they can pass other bills to aid the millions of people of this country that want homes and buildings, including the Government of the United States, which is spending millions to erect post-offices and public buildings throughout this country. But the Republicans fail to do anything.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask a few minutes more—say five minutes.

The CHAIRMAN. The gentleman asks to be allowed to continue for five minutes. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Now, Mr. Chairman, we are shipping——

Mr. TAWNEY. Is the gentleman confining himself to this subject——

Mr. GAINES of Tennessee. Why, of course.

Mr. TAWNEY (continuing). The custom-house at San Francisco?

Mr. GAINES of Tennessee. We are going to build it with structural material, and that is what I am talking about. The gentleman does not want to shut me off?

Mr. TAWNEY. I do not know that I do. I do not think it is possible to do so.

Mr. GAINES of Tennessee. The man never lived in this world, and will never live, who can shut my mouth in my efforts to free the American people from the robber tariff and

tariff trusts. [Laughter and applause.] Now, sir, I was born in dear old Tennessee, not very far from the sacred tomb of Andrew Jackson, who approved the very kind of a bill that I have introduced in this House to aid these sufferers. [Applause.]

Mr. Chairman, this is not all. In looking over the press reports I have here I find that there were about eighty churches that have been demolished in San Francisco; and, my heavens, you will not reduce the tariff to aid in rebuilding God's churches, and yet the platform of the Republican party is: "In the beginning the Republican party created the heavens and the earth." You will not take care of your own—if it costs you anything. You will not lift the robber tariff even from the mudsills that are to hold up God's church back in the land of flowers and gold, though you worship the golden calf. [Laughter and applause.]

Why, Mr. Chairman, we are selling and delivering material in England for the purpose of fencing in or out "rabbits." That is a fact—the press states. You are selling it there cheaper to fence in or out "rabbits" than you do to protect the Republicans and the Democrats, their wives, their daughters, their sons, their homes, and houses. Ah, Mr. Chairman, we passed a law, similar to the Andrew Jackson statute, for the benefit of railroad building in the Philippine Islands. Yes; you cheapen railroad material to build railroads for the yellow-bellied Filipinos; yet, Mr. Chairman, when it comes to the restoration of the homes of the exalted and the poor and of God's churches, in grief-stricken California the Republican party "stands pat."

Unfortunately, Mr. Chairman, the delegation, so far as I know, from that great and glorious old State, that is peopled largely by sons from Tennessee, that State that was annexed to this country by a Tennessee President, sent able Representatives here to "stand pat." I have heard no speeches from them in this House so far, when their homes and firesides, in a Republican State, with a Republican constituency, are seized in the jaws of a local monopoly in connection with the ungodly steel trust, which is punishing the American people everywhere by monopolistic and oppressive prices.

Ah, Mr. Chairman, I had sincerely hoped, that I would not have cause to be called to speak thus to-day, but I do so because the people of Tennessee love Californians and justice is being denied her people. Californians took care of the immortal First Tennessee Regiment when they went to the Philippine Islands, and when they returned, and that good old woman, Mrs. Townsend, now dead and gone, spent fifteen or twenty thousand dollars of her money to take care of them when they were hungry, weary, and worn, away from home. We love the Californians, and if the great lawmakers from that State in this House and in the nation do not want to crush the steel trust, the lumber trust, the cement trust, and every other sort of an outlaw that wants to oppress these people, there will always be found one from Tennessee who will not put party above home, put party above constituency, put party, Mr. Chairman, on top of a bleeding, oppressed, and defenseless people who are crying for bread and you give them a stone. [Loud applause.]

The Clerk read as follows:

Sherman, Tex., post-office and court-house: For continuation of building under present limit, $40,000.

Mr. BRUNDIDGE. Mr. Chairman——

Mr. TAWNEY. On yesterday the gentleman from Arkansas stated that he desired thirty minutes of time on a certain provision of this bill. At that time I informed him that when we were in Committee of the Whole if he desired that time I would consent that he should have it. I am informed that it is necessary for him to leave, and I ask unanimous consent that he may proceed for thirty minutes at this time if he desires it.

The CHAIRMAN. The gentleman from Minnesota asks that the gentleman from Arkansas may be permitted to proceed for thirty minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BRUNDIDGE. Mr. Chairman, during the time allotted to me in which to discuss this bill I wish to confine myself to the discussion of one single item in it. That item will be found on page 94, where provision is made for the appropriation of $25,000 to defray the traveling expenses of the President for the next fiscal year, together with his invited guests.

My objections to this item are several. In the first place, I object to it because it is an indirect attempt to raise the salary of the President of the United States. If the present salary of the Chief Executive of this Government is inadequate, if it is insufficient, then I undoubtedly would favor a proper increase in that salary, but it ought to be done openly and frankly by an act of Congress, passed through this House, that would apply not only to the present President of the United States, but to all future Executives as well. This appropriation, if made, comes in contravention of existing law. It applies to the present Executive alone. It may not apply to the next. It may never apply to any other. It is the manner in which this salary is sought to be raised that first challenges my objection. I do not believe that Congress ought to be asked to do that indirectly which it has not the manhood and courage to do directly, openly, and aboveboard, and for that reason, Mr. Chairman, in the first place, I am opposed to this item in the bill, and hope the same will be stricken out.

Then, again, I say to the House frankly that I am aware of no duty devolving upon the Chief Executive, I am aware of not a single official act that the President of the United States has to perform the performance of which calls him beyond the seat of government or requires any travel whatever on his part. I do not believe that this appropriation ought to be made for the purpose of saying to the President of the United States that it is the opinion and judgment of Congress that you ought to absent yourself from the seat of government as much as possible and encourage trip after trip to be taken, when his services possibly are needed here in Washington at the seat of government to look after governmental affairs and to properly discharge the duties of his office, and for this additional reason I am opposed to it.

Again, it is a new departure. No Congress has ever yet appropriated money from the public Treasury to pay the traveling expenses of the Chief Executive, nor have they ever thought of doing such a thing, and, in my candid judgment, the suggestion for this new departure comes from the Chief Executive or the White House, either directly or indirectly. Mr. Chairman, for that reason I am strongly opposed to the appropriation. I believe if necessity for legislation exists, which the President of the United States sees and recognizes, he should send his message to the entire Congress, pointing out the necessity of the legislation and the wisdom of the same, and not by making suggestions to a few Members of this House or a few members of the Senate, by sending for a few favored pets from the House or Senate and carrying them through the back room of the White House into some secret chamber, there to formulate and shape national legislation, such as the President may desire enacted or defeat such as he may be opposed to.

Mr. Chairman, the country has recently witnessed at least one striking instance of the evil effects of this character of legislation attempted upon the part of the President of the United States. I refer to the pending railroad rate bill, the history of which is entirely familiar to the country. I hope that the time will speedily come when no President of the United States will dare to speak to a Member of Congress or a United States Senator in secret or private about what kind of legislation he thinks this body should enact. Let his messages come in an open and frank manner; let them come to the whole American Congress, and through them to the American people, for by no other way and no other means can this Government be maintained upon the principles and policies upon which it was originally established by our forefathers, and upon which every patriotic citizen desires it should remain forever. Then, again, we can not separate ourselves from the fact, we can not blind ourselves to the truth, that the majority of the trips taken by Presidents over the country have not been wholly devoid of political significance. I see no good nor valid reason why Congress should appropriate money to defray the campaign expenses of the President of the United States, and if we are going to do so then why not pay the expenses of every other man who may be running for office? This is a new departure also, the hurtful effects of which will sooner or later dawn upon every man in this House, regardless of his political convictions. It may be well to look and see what this bill really carries for the support of the President and the Executive Mansion of this Government. It is true his salary is only $50,000, but of the sum total this is an insignificant amount. The legislative bill passed by this House carries the following appropriations:

For the President's salary, $50,000; for a secretary to the President and other employees in the Executive Office, $66,340; for contingent expenses to the President, $20,000.

The amounts carried in this bill in addition to those I have just mentioned are as follows:

Ordinary care of the Executive Mansion, $35,000; extraordinary repairs of the Executive Mansion, $35,000.

It is a little singular, Mr. Chairman—in fact, to the ordinary citizen it would be considered almost strange—that the amount required for the ordinary repairs and the amount required for the extraordinary repairs were alike this year—$35,000—exactly the same to the fraction of a cent. And yet that is the amount appropriated.

For fuel to the Executive Mansion, $6,000; care of the conservatory and greenhouse, $9,000; repairs to the greenhouse, $3,000; improvements and maintenance of the Executive Mansion, $4,000; traveling expenses of the President, $25,000.

Making the sum total of $253,340 that will be appropriated by this Congress to maintain the President and the Executive Mansion of this Government if this bill is enacted into law.

Mr. Chairman, in view of the fact that the sum of $253,340 is asked to be appropriated by this Congress to support the President and maintain the Executive Mansion, a comparison of these items with the expenses for the same purpose in former years may not be wholly uninteresting to the Members of this House. Let us take, for instance, 1901, the last year of President McKinley's Administration. Compare these items with the appropriations for that year. The salary, of course, was the same—$50,000—but for a private secretary and other employees of the Executive Mansion he was allowed $48,500, as against $66,340 in the present bill. For contingent expenses President McKinley, in 1901, was given by Congress $12,000, as against $20,000 carried by the present bill. For care of the White House and refurnishing of the same, Congress appropriated $20,000, against $35,000 in the present bill. For extraordinary repairs, nothing was given; for fuel to the Executive Mansion, $3,000 was appropriated, or one-half the sum that is carried in the present bill. That may be accounted for, Mr. Chairman, and doubtless can be, by the assurance, which we all feel, that under the present management of the White House they are running under a double head of steam just now, and require twice as much fuel as they have ever required before. [Laughter on the Democratic side.]

For care of the conservatory and greenhouses, $2,000 was allotted to President McKinley, as against $9,000 carried by the present bill. Thus it will be seen that, all told, the expenses of the President and the White House for 1901, the last year of President McKinley's Administration, amounted to $147,000, or $106,000 less than the items carried in this bill as the expenses of the present occupant of the White House.

But, Mr. Chairman, let us make one other comparison. Turn, if you please, to 1897, the last year of Grover Cleveland's occupancy of the White House as President of this country, and compare the expenses of that year, and we find: For the President's salary, $50,000; for secretary to the President and employees of the Executive Mansion, $35,200; for contingent expenses, $8,000; for ordinary care and refurnishing of the Executive Mansion, $20,000; fuel for the Executive Mansion, $3,000; care of conservatory and greenhouses, $2,000; traveling expenses of the President, nothing; repairs to greenhouses, $4,000; improvements of Executive Mansion and grounds, $13,000, making the sum total of $135,200, a difference of $118,140 in favor of the Administration of Grover Cleveland. The expenses of the President and the White House were that much less than this House is to-day asked to appropriate to maintain the present occupant. This is not to be wondered at, nor is it in the least surprising, for I recall no instance where a comparison has ever been made between the public money expended by a Democratic Administration and that of a Republican one, but what the advantage always has been, and always will be, found to be in favor of the Democrats. [Applause on the Democratic side.]

I shall here attach a statement giving the expenditures in detail for the different years:

	1897.[a]	1901.[b]	1906.[c]
President's salary	$50,000	$50,000	$50,000
Secretary and other employees in Executive Office	35,200	48,500	66,340
Contingent expenses	8,000	12,000	20,000
Ordinary care and refurnishing Executive Mansion	20,000	20,000	35,000
Extraordinary repairs of Executive Mansion			35,000
Fuel for Executive Mansion	3,000	3,000	6,000
Care of conservatory and greenhouses	2,000	2,000	9,000
Repairs to greenhouses	4,000	5,000	3,000
Improvements and maintenance of Executive Grounds and Mansion	13,000	12,000	4,000
Traveling expenses of President and invited guests			25,000
Total	135,200	152,500	253,340

[a] Cleveland. [b] McKinley. [c] Roosevelt.

Mr. Chairman, this is not all. There is a belief, well founded and consistent, that the Army appropriation bill that recently passed this House carries with it an addition to the $263,340 here appropriated, which is to be used by the Chief Executive of this Government. What it is, how much it is, where it is, how it is appropriated, no man can obtain the direct and positive information; and yet the belief is so general and well founded that I find no man who will challenge the fact that it exists and is made year after year. I am forced to the conclusion that it would prove highly interesting to the country to know just what this is and what it is used for.

But this is not all. In addition to this, we appropriate for forty policemen, whose sole and only duty it is to guard the White House, the White House grounds, and the Chief Executive. This will add an expense of $40,000 per annum, bringing the grand total of expenditures that we are called upon to make to maintain the present Chief Executive and the White House up to more than $300,000 for this year, and how much more no mortal man can tell, though it must be considerable.

I am not prepared to say that forty policemen to guard the President and the White House are too many or too few. I confess I do not know. It seems to me, however, that it would be the part of wisdom and economy to station a section of the Army about that magnificent building to guard the present occupant and let at least some of these policemen devote their attention to protecting the innocent women and children of the city of Washington, who are being assaulted night after night.

But, Mr. Chairman, in this I may be entirely wrong, for I recall the fact that recently at the White House they made one very important, brave, and gallant arrest. By the aid of a negro these gentlemen succeeded in ejecting from the White House an inoffensive, quiet, peaceable American lady. They carried her out with force, like a criminal. They carried her out in a manner that has ever been and ever will remain an outrageous insult to the American people, American manhood, and American womanhood alike. [Applause on the Democratic side.] In my candid judgment, it was disgraceful in the extreme, and may the scene never be witnessed again—an innocent, nonoffending woman, whose only offense had been a desire to see the great chief of the United States, in the Executive Mansion of this Government, on purely a matter of business, thus treated. And, Mr. Chairman, when these gallant heroes and brave warriors had succeeded, with much danger, no doubt, to their personal safety and security, in expelling this defenseless character from this magnificent mansion, it seems to me that ordinary decency and ordinary propriety would have suggested that there the matter stop, at least in so far as they were concerned. Such was not the case, however, for we find this same set, this same lot of policemen, passing throughout the city of Washington, going into the different department stores, questioning employees. We find them writing letters into other cities and other States in order to discover and unearth some evidence of the fact that there was some stain or some blot on the character of this woman whom they had so unceremoniously and cowardly ejected from the White House of the Government. [Applause on the Democratic side.]

Mr. Chairman, this, in my judgment, was the greater crime of the two. It is repulsive to decency, to honor and integrity alike. But, Mr. Chairman, this is not all. If these forty gentlemen ought to be retained there and are necessary, I have no objection; but we learn that this gallant gentleman, the brave and fearless employee who gave the order that this lady should be thus arrested and ejected from the White House, finds his reward by being appointed by the Chief Executive of this Government to one of the highest offices in the gift of the President. He is made postmaster of the great city of Washington; and thus again we are confronted with the great truth that bravery has its own reward. [Laughter.] I do not know Barnes, and I do not want to know him; but, in my candid judgment, his appointment as postmaster of the great city of Washington is an insult but little less, if any, than the ejection of Mrs. Morris from the White House in the first instance, and the womanhood and manhood of Washington ought to rise up and with one acclaim protest against the outrage.

But we are told further, in addition to the $25,000 to defray the expenses of the President and his invited guests—and I suppose they will all be Republican spellbinders out to save the country in the coming campaign—in addition to that this committee was asked to incorporate an item of $50,000 to build a new stable for the present occupant of the White House in which to stable his high-stepping and magnificent steeds. It developed and was shown that he has, all told, five carriage horses and five saddle horses. His Secretary has four carriage horses, the Executive Mansion one carriage horse, making in all fifteen in number, to say nothing of those that the other employees have. Of this number we are told that while they keep the carriage horses in the present White House stables, it has been discovered that on account of its low location, on account of the dampness that arises early in the morning and settles late in the evening over that particular locality, that the present incumbent of the White House has discovered that it is entirely too unhealthy for him to keep his saddle horses in it,

and he stables them elsewhere. Just where he stables them, just what the Government pays for the stabling, nobody knows. Nobody has ever been able to ascertain, but let us hope, Mr. Chairman, that they are at least housed on some magnificent height in the city of Washington where the cool and refreshing air brings joy and health to those magnificent steppers, and that the surrounding scenery is the most sublime and magnificent, for they are the strenuous steeds of a most strenuous Executive. [Laughter.]

Just how much longer this tomfoolery is to be indulged in the average citizen of this country would like to know. The vicinity of the location of the present White House stables is found to be healthy enough for a large number of innocent women and children and honest men of this country to live in, and there they have lived day after day, month after month, and year after year without murmur or complaint; but the location is entirely too unhealthy for five of the President's saddle horses that he desires to stable in a more healthy locality, and asks Congress to appropriate $50,000 to build him a new stable. And we will do it—that is, our friends on the other side will do it. They may defer it this year, but, in my candid judgment, as certain as fate, next year you will find it in the appropriation bill, because this gentleman has got a way of having his own way, and our friends over there on the other side invariably yield.

Now, I suppose it is true, Mr. Chairman, that if this appropriation of $25,000 is made, some part of it may be used by the present incumbent of the White House in traveling to different parts of the United States and redelivering the celebrated lecture, two or three times already delivered, upon the subject of the muck rake. As for myself, and I believe also I may speak for a large portion of the people of this Government, we have heard already quite enough of this muck-rake nonsense and are disgusted with it. No wonder, in view of present appropriations and present expenditures—no wonder that the President should hold up to public ridicule magazines and newspapers of this country and public men and private citizens who dare to criticise. Mr. Chairman, I entertain the hope and the belief that the time will never come in the history of the politics of this Government when any man occupying a position of public trust and public office will rise so high and become so great that all, from the humblest citizen and most obscure newspaper to the largest and greatest, may not justly and properly criticise his official conduct and actions when criticism is needed, for herein lies our greatest safety. In my judgment, to make this appropriation is not only a departure, but it is unwise, un-American, and undemocratic. How any man occupying a seat upon this side of the Chamber, calling himself a Democrat, can vote for the enactment of this provision into law and for this expenditure of public money I confess, Mr. Chairman, I am unable to understand. I sought to place upon the files of this House my dissenting views from this appropriation. Although they were prepared and filed within less than two hours after the filing of the report by the chairman of this committee I was informed that I was too late, that I would have to obtain unanimous consent from the House or else my views could not be published.

I recall no other case, I recall no other instance, where any man who desired to file either a minority report or dissenting views—and filed them on the same day the majority report was made—where he was denied the right which justly belonged to him to have the same printed and printed along with the majority report. But it seems that some power unknown to me, some gentleman of high authority likewise unknown to me, has made the objection and that the public printing of the same was refused until I should obtain from this House unanimous consent. Mr. Chairman, at that time I respectfully declined and do yet to ask the House to give me the privilege to do what every other gentleman has always had the right to do without request, and what I believe I had the right to do, unanimous consent or no unanimous consent. It but emphasizes the fact that power in the hands of a small person, whoever he may be, is a dangerous thing indeed. How long this kind of thing is to continue, how far it is to reach I am unable to say. I am unable to predict. But I say to you, Mr. Chairman, that I read in the signs of the times and in the public press one hopeful indication. The people of the country are getting tired of the feeling of expectancy and excitement. They never know what is going to happen from one day to the other, and at last the so-called "business interests" of this country, and the conservative, liberty-loving manhood of this Government, are turning to William J. Bryan as the conservative, safe candidate for President of the United states in 1908. [Applause on the Democratic side.] I believe that it means a Democratic victory.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

San Francisco, Cal., custom-house: For continuation of building under present limit, $500,000.

Mr. WILLIAMS. Mr. Chairman, the clause just read, the appropriation for the San Francisco custom-house, as known to everybody, is being put in at this time partly, at any rate, for the purpose of helping those who have suffered by the earthquake and fire there. I want to make a few remarks concerning what has been partially discussed, as I am informed, in the House this morning by the gentleman from Tennessee [Mr. GAINES]. I had been appointed as one of the committee to attend the funeral of Senator GORMAN, and was not at the time in the Chamber. I see from a newspaper clipping, which the gentleman from Tennessee [Mr. GAINES] has shown to me, that there has been an effort made in San Francisco to throw the blame of what lack of energy there has been in the House in relation to the drawback bill for the relief of San Francisco upon the minority and its so-called "obstructive tactics." I notice from this extract that somebody reports from here that the reason why the Republican party does not pass the bill which was intended to give a rebate of duties upon building material brought for the purpose of rebuilding San Francisco, as was done in the case of Portland and Chicago, was because there would be obstruction upon the Democratic side. I want now to say what the House already knows and what probably the country has not noticed, that even when I was denying unanimous consent for any sort of legislation, I always made an exception of the appeals for the relief of San Francisco upon the ground that that was a totally exceptional thing of an emergency character, something that must be done at once. It is untrue, Mr. Chairman, that either I, or this side, have ever been disposed to delay in the slightest degree any legislation for the benefit of these people. We were ready and we are ready now to vote at any time that the Republican Committee on Ways and Means will bring the bill to the House, and I am ready upon the committee to vote for a bill giving a rebate of duties on importations of materials brought into this country for rebuilding San Francisco.

I want to call the attention of the House to the fact that this is no new legislation. It was done in the case of Boston and it was done in the case of Chicago; but when Baltimore, a southern city, burned down, I introduced a bill asking that the same measure of relief be accorded to Baltimore. That was voted down in the committee and was never permitted to be reported to this House—for what good reason I was ever, and am now, unable to ascertain. Why Boston and Chicago should be put upon one footing and Baltimore upon another I have not yet learned——

Mr. KAHN. Will the gentleman yield for a question?

Mr. WILLIAMS. But notwithstanding that fact, I am ready now to forget what has been denied Baltimore, to "return good for evil," and do for San Francisco what gentlemen would not do for Baltimore. Now I yield to the gentleman.

Mr. KAHN. The gentleman certainly does not mean to state to the House that relief was given to Boston?

Mr. WILLIAMS. Why, I have always understood that to be true.

Mr. KAHN. That was not true; it was denied to Boston.

Mr. WILLIAMS. It was given to Chicago.

Mr. KAHN. And also to Portland, Me., in 1866.

Mr. WILLIAMS. And Portland, Me., in 1866. Mr. Chairman, I do not know whether my recollection is correct or whether that of the gentleman from California [Mr. KAHN] is correct. I have never looked up the act to find whether there was such an act, but I have always understood that like legislation was had for Boston; but whether it was or whether it was not, it was had for Chicago, it was had for Portland, and it was denied to Baltimore, although a bill was introduced and its passage was asked. Now, I do not know whether a bill was introduced for Boston or not. Now, Mr. Chairman, brick, cement, marble, glass—some of the ordinary window-glass bears by the way over 100 per cent tariff tax—lumber, nails, structural steel—all these that are now heavily tariff taxed, some, as I have said, over 100 per cent, are needed for the reconstruction of San Francisco, and I want the country to understand that the only obstruction in this House is the coterie of obstruction to everything else that touches the "System," as Tom Lawson would call it, the obstruction of stand-patism and the obstruction of stand-patters. [Applause on the Democratic side.] If gentlemen from California who represent the Republican party upon this floor are in earnest, let them prod up the members of the Republican party upon the Committee on Ways and Means. They will not have to

prod up the Democrats; we are ready for you now. [Applause on the Democratic side.]

Mr. Chairman, it is a curious thing. This House votes by unanimous consent millions of dollars out of the Treasury to aid the people of San Francisco with, perhaps, a doubtful right to do it, but everybody declined even to debate it. It was done; but when it comes to giving a small amount of money in the way of tariff-tax rebates gentlemen stand here and decline to do it. There must be a reason. It is not because of the amount of money. No; it is because they have a superstitious fear of touching the "System." You will give the money that has been paid into the Treasury, that belongs to the people, and you, perhaps, do right to give it, but when you come to take a dollar out of the pockets of the cohort of manufacturers who are protected by your system by permitting competition with them to give it to the sufferers you dare not do it. They are the men who mold your legislation. They are the men who get up your campaign fund. You will give millions of dollars of the people's money out of the Treasury, but when it comes to giving only hundreds of thousands of dollars in such a way that it might possibly be a diminution of the profits that go into the pockets of the manufacturers you do not make any serious effort to do it. You delay it; you refuse it. Why, some Republicans have become constitutional lawyers upon the question, as I understand. I understand it has been said that a drawback law of that sort would be unconstitutional; that it would violate the uniform-taxation clause of the Constitution of the United States. Mr. Chairman, there is no difference between giving money already collected and in the Treasury and giving money that might be collected that is not yet in the Treasury by passing a drawback law to return it after collection. And upon two occasions prior to this at least, and, as I still think, though possibly I may be mistaken, three occasions, you have made a precedent and no constitutional violation has been found by any court to exist. I did not know until a moment ago that anybody in the wide world dared to attempt to lay the blame of this delay or this nonfeasance, if there be blame attached, to the Democratic party or to me, but hereafter it will be certain that nobody will attempt it.

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Mississippi yield to the gentleman from Ohio?

Mr. WILLIAMS. I do.

Mr. GROSVENOR. Has anybody who is in anywise connected with the Committee on Ways and Means made any intimation of that character, so far as you know?

Mr. WILLIAMS. No. That is the reason I had not heard of it until this morning, when this San Francisco paper was handed me with this matter, which appears to have been written here in Washington.

Mr. GROSVENOR. I think the members of that committee would very cheerfully join in giving a certificate of good moral character to all the Democratic members upon that particular question. [Laughter.]

Mr. WILLIAMS. Ah, Mr. Chairman! "Praise from Sir Hubert is praise, indeed!" I am glad the gentleman continues right and is not going to permit his partisanship to make him attempt to get party advantage out of a statement that would not be true.

Mr. GAINES of Tennessee. Will my friend allow me to make a suggestion here?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS. I move to strike out the last two words.

Mr. TAWNEY. This matter is entirely foreign to the subject of the bill. Now, I do not want to object to the gentleman from Tennessee or the gentleman from Mississippi. The gentleman has already consumed ten minutes. I will ask him if he can conclude his remarks in five minutes?

Mr. WILLIAMS. I do not care to occupy any further time, except to answer the question of the gentleman.

Mr. TAWNEY. I shall not object.

Mr. GAINES of Tennessee. I want to state that I have letters here from California stating, or going to show——

Mr. TAWNEY. That is the same statement you made some time ago——

Mr. GAINES of Tennessee (continuing). That that statement has gone out——

Mr. TAWNEY. That is the same statement that you made a while ago.

Mr. GAINES of Tennessee (continuing). By which they believed the Democrats here are blocking the passage of the California relief proposition. I have telegrams and letters here asking us to obliterate party lines and pass this measure, and the Democrats stand here ready to-day to do it; and we have not been blocking this proposition.

Mr. WILLIAMS. Am I recognized? Was there any objection?

The CHAIRMAN. If there be no objection, the gentleman from Mississippi will be recognized for five minutes. [After a pause.] The Chair hears none.

Mr. WILLIAMS. Now, one other thing that it may be well for me to add in this connection. Whether the country at large knows it or not, the Members of the House know and I want the country to know that there was one object, and one only, in what many people incorrectly called a filibuster that was operated on this side of the Chamber. In the first place, it was not a filibuster, because except upon the Lee bill, which stood on a different footing, there was no real filibuster. We merely resorted to our constitutional privilege under the rules to call for the yeas and nays, to refuse unanimous consent, and to have a quorum present. In doing that this House understood that our object was to coerce a report from the conference committee upon the statehood question. That report was finally—well, brought in. The report was made, and as soon as the report was made our object in pursuing that policy had been accomplished, and therefore we ceased to pursue the policy any further, and will not resume the policy unless it shall appear later on that the Speaker and the controlling element of this House is not going to permit the Members of the House of Representatives to have a vote upon the separate provisions of the conference report.

If it shall appear to the bitter end that this House is not to be permitted to express itself upon the several provisions of the statehood conference report; if it shall appear we are to be gagged by another rule, or if it shall appear that we are to be forced to swallow the conference report in gross, either to vote against it altogether or vote for it altogether, without an opportunity to amend it, without an opportunity being extended to the House to express its opinion upon the question whether or not Oklahoma and the Indian Territory should be admitted as one State, and Arizona and New Mexico left for the future to deal with, or else admitted separately; if that shall later appear, then we will resume the policy of demanding that every constitutional requirement shall be complied with before any legislation is carried on by this body until the Speaker's obstruction of the right of the House to handle itself shall cease. [Applause on the Democratic side.]

[From New York Sun of May 2, 1906.]

FEDERAL RELIEF OF CHICAGO AFTER THE FIRE.

The Chicago fire, in which 250 people lost their lives and 98,500 their homes, and property valued at $196,000,000 was destroyed, occurred on October 7, 8, and 9, 1871. On December 11, soon after Congress met, Representative H. C. Burchard, of Illinois, introduced a bill for the relief of sufferers by the fire, the wording of the bill passed by Congress for the relief of the people of Portland after the fire on July 4, 1866, being closely followed. In the Portland fire property valued at $10,000,000 was destroyed and one-fourth of the population lost their homes and were in want.

The Burchard bill was amended in the Senate, and as it passed that body it provided that "all goods, wares, and merchandise" sent "from places without the limits of the United States as gratuitous contributions" for the relief of Chicago should be admitted free of duty; that there should be a drawback of the import duties "on all materials imported to be and actually used in buildings erected on the site of buildings burned by said fire," provided that the materials should have been imported and used during the term of one year from and after the passage of the act; and that the collection of internal revenue taxes of sufferers by the fire who had resided, done business, or owned property in the burned district should be suspended "until after the close of the next regular session of Congress."

When the bill was returned to the House a stand was made by the lumber interests, and it was amended so as to provide that drawbacks should not be paid upon lumber imported for Chicago. The Senate accepted the amendment. A plausible argument for the exception of lumber from the operation of the law was made by Representative Omar D. Conger.

Mr. Thurman, of Ohio, declared that this argument was almost as old as the Constitution. "We have again and again," he said, "remitted duties on articles imported into the United States for specific purposes. I think we did remit duties upon all articles imported here for exhibition purposes at the national exposition." Mr. Sherman thought the bill might be a bad precedent, but he added: "It seems to me it does not come within the literal language of the Constitution. I regard it as simply a gratuity, a contribution by the people of the United States for the relief of the sufferers by fire at Chicago." Mr. Frelinghuysen, of New Jersey, saw no constitutional difficulty. "As I understand it," he said, "the Constitution requires that there shall be no unequal system of duties, that the system shall be uniform throughout the United States; not that Congress may not in a specific case, as a matter of charity, relieve the collection of duties. Surely Congress has just as good a right to omit to receive $1,000,000 or $500,000 of duties coming into the Treasury as to pay out that amount. It is a matter of charity, not affecting the Constitution, which requires that the general system shall be uniform throughout the nation."

Mr. KAHN. I move to strike out the last three words.

Mr. Chairman, the history of drawback legislation, so far as it relates to building material for the rehabilitation of com-

munities destroyed by fire, is exceedingly interesting. In 1866 the city of Portland, Me., was visited by a conflagration which consumed a great part of that city. The fire occurred on the 4th and 5th days of July of that year. When Congress convened in the following December a bill was promptly passed which allowed the citizens of that community to receive a drawback upon such building material as they should import for the reconstruction and the rehabilitation of their city. This drawback was to be allowed, I believe, for a period of one year from the 6th day of July, 1866. And I think the records show that only $22,000 was paid back to the people of that community in drawbacks. So that, after all, they did not derive any great advantage from the legislation. When the terrible catastrophe occurred in Chicago, in October, 1871, a bill of similar import was introduced in the Congress on the 5th of December, 1871. That bill finally passed and became a law on the 5th of April, 1872. By its terms the people of Chicago were to receive the benefits of the drawback for one year, except upon lumber. Lumber was especially excluded from the provisions of that bill, the reason being that at that time the great lumber tracts in Michigan had also been devastated by fire, and the lumbermen of that region were also in distress.

It was deemed unwise, in the face of their misfortune, to subject them to the harmful competition of Canadian lumbermen, and lumber was especially excepted from the Chicago relief bill. The entire amount of money that was repaid in the nature of drawbacks in the Chicago case amounted to $185,000. That was all the money that was given back in the nature of drawbacks during the entire year within which the law was in operation. And to secure that meager advantage, the Chicago bill was debated in this House and in the Senate off and on during the entire period from December 5, 1871, to March 29, 1872. Mr. Chairman, the debate upon the Chicago relief bill had scarcely passed into history when another fire devastated a great city of our Union. I refer to the city of Boston, Mass. The conflagration there occurred on the 9th and 10th of November, 1872. Again a bill was introduced in the Congress of the United States, having for its object the giving to the people of Boston the privileges of a drawback on building material to be used in the rebuilding of that historic old municipality. That bill passed the House of Representatives, but when it came up in the Senate serious objection was made. It was contended by lawyers of eminent distinction that the provisions of such a measure were decidedly unconstitutional. The question of constitutionality had not been raised in the cases of Portland and Chicago, or at any rate this was the first time that it was seriously considered. The bill was debated in that body for a number of hours, and finally, upon motion of Senator Thurman, of Ohio, the entire question was referred to the Committee on the Judiciary of the Senate.

In making the motion to refer, the distinguished Senator from Ohio—and he was a great constitutional lawyer—said:

Mr. President, this bill is one on which there is some danger of the heart running away with the head, and that may be said of all such bills. There is certainly a grave constitutional question involved in this bill. * * * I am quite sure that every Senator is disposed to exercise any constitutional power we possess to afford relief to the people of Boston. But there is a fundamental rule in regard to the Constitution, and that is, that where a power is doubtful the legislature ought to abstain from attempting the exercise of it. * * * Now, for one, I wish more light than I have upon this subject. Other Senators may have considered this question so fully that their minds are made up on the constitutional point. I confess that mine is not; and I should be very glad, therefore, before another precedent of this kind is set, that this subject should receive careful judicial consideration. Fires occur, calamities occur every year in the country, and as the settlements extend they will be more numerous. It will be very difficult to draw any line of distinction between a calamity by fire or by a tornado or by an earthquake or by a great flood. I do not see how any distinction can be drawn; and if Congress is to intervene with relief in every case in which any community, however large or however small, in the great extent of territory belonging to the United States shall be a sufferer, I do not know where will be the end of our benevolence, the example being once fully set. * * * Now, it does seem to me that before any more precedents are built up on this subject this matter should receive a careful legal consideration, and I hope, therefore, that the Senators who favor this bill will consent to the motion I am about to submit, and that is that the bill be referred to the Committee on the Judiciary for report.

Mr. Chairman, I do not think the gentleman from Mississippi [Mr. WILLIAMS] or the gentleman from Tennessee [Mr. GAINES] will question the ability or the Democracy of Senator Thurman. He himself was a member of that great committee to which the bill was thereupon referred. The full personnel of the committee was as follows: Senators George F. Edmunds, of Vermont; Roscoe Conkling, of New York; Matthew H. Carpenter, of Wisconsin; Frederick T. Frelinghuysen, of New Jersey; John Pool, of North Carolina; George G. Wright, of Iowa, and Allen G. Thurman, of Ohio. It was a committee of remarkably able men. True, two opinions upon this measure were subsequently filed in the Senate from that committee—a majority and a minority report. The majority report held that the bill in question was unquestionably unconstitutional; and as Senator Thurman did not sign the minority report, it is reasonable to suppose that his views were entirely in accord with the majority, which majority, as I have just stated, contended that such legislation was absolutely unconstitutional.

The two Senators from California at that time, one of them being a Democrat and the other a Republican, both voted to refer the matter to the Judiciary Committee. Let us see what Senator Casserly, the Democratic Senator from that State, had to say upon that occasion. I quote from his speech in the Senate, delivered on December 13, 1872. He said:

Being on my feet, I shall say a word or two as to the vote which I shall give on the pending motion of the Senator from Ohio [Mr. Thurman] to commit this bill to the Judiciary Committee.

I shall vote for the motion. I think it very desirable that in the obvious conflict of views which exists in this body among some of the ablest and most experienced Senators we should have the aid of the Judiciary Committee on arriving at a proper conclusion upon this bill. For myself, I ought to say in candor that I see no way of avoiding the constitutional objection which has been urged here, first, I believe, by the Senator from Wisconsin [Mr. Carpenter], and afterwards sustained by other Senators on each side of the Chamber.

The Senator from Massachusetts [Mr. Sumner] argued with great earnestness and much force of illustration that the bill is not a bill in conflict with the provisions of the Constitution; first, that all duties shall be uniform; and, next, that Congress shall give no preference by any regulation of revenue or commerce to the ports of one State over the ports of any other. I can not agree with him. * * *

The Senator from Massachusetts [Mr. Wilson] seeks to avoid the constitutional objection by striking out of his bill the name of the port of Boston. I apprehend this will hardly reach the difficulty. True, it does, in terms, make the bill a general bill entitling all articles to a drawback wherever imported if they are to be used, and are in fact used, in the construction of buildings upon the site of buildings burned in the fire of Boston. The effect remains the same, however. You still, in effect, give a preference to the port of Boston. The articles are to be used there to be entitled to a drawback. Of course no one will think of importing them at any other port. Boston will still have the preference forbidden by the Constitution. This will be extremely plain if you consider the bill as though it provided that the articles were to be sold in Boston—which is really the effect of it—and on that ground were entitled to a drawback. Could the constitutionality of such a bill be maintained? Why not? Because the import business would all go to that port in preference to ports in any other State. That would be the practical effect of such an act.

Mr. Chairman, Mr. Casserly was one of the great lawyers of the State of California. He was also an ardent Democrat. He held the bill in question to be unconstitutional, and, as I have already remarked, he voted to send it to the Committee on the Judiciary.

But there was no effort made at that time to consider the question in a narrow, partisan light, as is being attempted here. Let us recapitulate the vote upon the motion of the Senator from Ohio (Mr. Thurman) to refer the bill to the Committee on the Judiciary.

The vote stood as follows:

YEAS.—Messrs. Alcorn, Ames, Bayard, Buckingham, Cameron, Carpenter, Casserly, Chandler, Clayton, Cole, Conkling, Cooper, Corbett, Davis, Ferry of Connecticut, Frelinghuysen, Gilbert, Goldthwaite, Hamilton of Maryland, Harlan, Hitchcock, Howe, Johnston, Kelly, Machen, Morrill of Vermont, Morton, Norwood, Osborn, Pratt, Saulsbury, Stevenson, Tipton, West, and Windom—35.

NAYS.—Messrs. Anthony, Brownlow, Cragin, Edmunds, Fenton, Ferry of Michigan, Flanagan, Hamlin, Logan, Patterson, Pomeroy, Sumner, Trumbull, Vickers, and Wilson—15.

But the gentlemen on the other side of this Chamber will say, "Why, Senator Thurman is not recorded on this vote at all!" That is true. But the Senate was fully informed as to how he would have voted had he been present, for just prior to the roll call this announcement was made:

Mr. MORRILL of Maine. On this question I am paired with the Senator from Ohio [Mr. Thurman]. If he were present he would vote "yea," and I should vote "nay."

Now, I desire to call the fact to the attention of the Members of this House that nearly all of the Democratic Senators who voted upon that motion voted in favor of committing the bill to the Committee on the Judiciary.

But, Mr. Chairman, in committing that matter to the Committee on the Judiciary in the Senate at that time, Senator Thurman stated that it was not done with the object of burying the bill. On the contrary, it was presumed that it was giving the bill into the hands of its friends, because five of the seven members of that committee had been in the Senate when the Chicago bill was under consideration, and five of those seven members had voted in favor of the Chicago bill on the first vote, although after the reconsideration there were three members of the committee who voted against it, so that it was reasonable to suppose that the Judiciary Committee at least was not unfriendly to the project.

The bill was committed on December 13, 1872, and on January 20, 1873, the Committee on the Judiciary, by Senator Carpenter, of Wisconsin, a man concerning whose great ability as a constitutional lawyer I presume there will be no difference of opinion upon this floor, filed in the Senate a report, known as "Report No. 311, Forty-second Congress, third session." In

that report Mr. Carpenter and four of his colleagues hold that the bill is altogether unconstitutional on two grounds: First, that it contravenes section 8 of Article I of the Constitution, which reads:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and to provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

The committee held that in giving one community an advantage over another community in the shape of a drawback, it would be giving the community so favored an advantage never contemplated and expressly prohibited by the Constitution, in that it would prevent the law from being enforced uniformly throughout the United States.

Mr. WILLIAMS. May I ask the gentleman a question there?

Mr. KAHN. Yes.

Mr. WILLIAMS. Has there been any proposition to exempt from the payment of import duties goods imported into San Francisco? As I understand it, the proposition has been to collect the duties and then to pay the money back out of the Treasury.

Mr. KAHN. The bill in the Boston case is identical with this bill.

Mr. WILLIAMS. Yes; but in either case was there ever a proposition to relieve from the duty on imports the people of either Boston, Portland, Chicago, or San Francisco? If there had been, of course it would have been unconstitutional. Has not every bill contained a proposition, and does not the bill now for San Francisco contain a proposition, not to interfere with the levying or collection of the duties, but merely to pay back to the people there a sum of money fixed beforehand, to be equal to what they have paid?

Mr. KAHN. As I understand it——

Mr. WILLIAMS. And if that be true, what is the difference between that fact and the appropriating of $240,000, if it will amount to that?

Mr. KAHN. As I understand it, that very point was raised at the time the Boston bill was before the Senate; Senator Casserly, of California, argued it very fully, and it was held at that time——

Mr. GAINES of Tennessee. Mr. Chairman——

Mr. KAHN. I decline to yield just now. It was held at that time that you can not do indirectly that which you can not do directly; which, of course, is a principle of law that the gentleman will not dispute.

Now, in addition to that section of the Constitution, the committee also held that the bill was unconstitutional in this, that it contravened section 9 of the same article, which reads:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

The Senate at that time held that that was good law, and the precedent established in the case of Boston has never since been changed—it has been constantly maintained ever since.

Mr. WILLIAMS. Did the Senate pass upon the matter, or was it simply that committee?

Mr. KAHN. That committee brought in this report on January 20, 1873, and the Senate never thereafter considered the bill. After this report was filed the bill was allowed to rest on the files of the Senate. It never went any further.

Once more, in the case of Baltimore, a similar measure was introduced in this House, as I understand it.

Mr. GAINES of Tennessee. Before the gentleman leaves the Boston matter, did not the Boston bill release from duty all imports brought in at Charlestown, Mass., and Boston, Mass.? That is not the bill that is pending, and no such bill has ever been introduced anywhere for the benefit of San Francisco.

Mr. KAHN. I do not know whether the Boston relief bill contained that provision or not.

Mr. GAINES of Tennessee. It did.

Mr. HUMPHREYS of Mississippi. Was that report from the Senate committee unanimous?

Mr. GAINES of Tennessee. The Boston bill refers specifically to Charlestown Harbor and Boston Harbor. Now, we do not mention any harbor at all in this bill.

Mr. KAHN. As far as that goes, the committee passing upon the question at that time considered the very proposition of the gentleman from Tennessee, and held that it was unconstitutional. I commend him to the report of the debates in the Senate at that time, and also to a reading of the committee report. They will prove instructive to him.

Mr. GAINES of Tennessee. Was there not a dissenting report in that case?

Mr. KAHN. There was.

Mr. GAINES of Tennessee. By whom? Judge Edmunds and Senator Wright, two of the greatest lawyers we have ever had.

Mr. KAHN. Yes; but five of the committee held that it was unconstitutional. And they were Senators Carpenter, Thurman, Conkling, Frelinghuysen, and Pool. The gentleman from Tennessee will not deny that they also were among the greatest lawyers we have ever had. In the case of Baltimore no action was taken, it having been held that the Congress had established a precedent in the case of Boston. That precedent had not been deviated from for twenty years, and it was deemed not advisable to raise this constitutional question again. Therefore it was decided that nothing should be done, and nothing was done, and Baltimore never received any relief. And although many other cities have been stricken in various ways since the Boston case, the precedent established at that time has never since been departed from.

Immediately after the catastrophe that befell San Francisco on the 18th of last April I went to that city, and on my return here I found that a number of bills had been introduced granting drawbacks on building material to be used in San Francisco; and a number of its citizens wrote to me in regard to the matter. I made inquiries among my colleagues, and I soon learned that it was impossible to pass such a bill. I have learned, furthermore, through letters recently received by me, that one year's relief in San Francisco would be practically of no benefit to the people there. The catastrophe was so great, was so appalling, that a relief bill of this kind would practically afford no relief at all, because modern buildings are built largely of structural steel, and it takes almost a year to put up a single building of that character; and unless a bill could be passed exempting building materials from duty for three years, it would probably be of no use at all to the people of San Francisco. But aside from that, the members of the California delegation, individual members of that delegation, have been assured that the steel manufacturing companies of this country would give preference to orders from San Francisco over all others; that there would be no attempt made to raise the price of structural steel to be used by the people of San Francisco in the rehabilitation of their city. Again, take the case of cement. I have had a letter within the last three days on the subject, and I say to the gentleman from Tennessee that the only cement that has been increased in price at San Francisco is the foreign, imported cement. The cement which is manufactured in California is purchased there to-day at the same price it was sold for before the fire.

Mr. GAINES of Tennessee. Secretary Taft states that all cement from foreign countries is cheaper than the American cement, and he is trying to get the Government to make cement for the Panama Canal on the Isthmus in order to avoid the cement trust of this country, which the gentleman wants to turn San Francisco over to.

Mr. KAHN. I am not speaking about cement here; I am speaking about cement in San Francisco, and the cement manufacturers of California do not belong to any trust. I desire to inform the gentleman and Members of this House that the cement-manufacturing companies in the State of California are selling cement as cheaply to-day as they were selling it before the catastrophe that occurred in that State. The only cement that has enhanced in price there is the foreign imported cement. The cement-manufacturing companies of California do not propose to raise the price of their manufacture. They have given assurances to that effect, and I do not think that we need have any fear on that ground.

Mr. WILLIAMS. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. WILLIAMS. The gentleman has said that they had given assurances. Of what character are these assurances—anything that would financially hold them?

Mr. KAHN. I do not think the gentlemen who are interested in the manufacture of cement in California could make such assurances and then go back on them and continue to live in California. [Laughter and applause.]

Mr. WILLIAMS. I do not know whether they could live in California, but if the gentleman will pardon me it is ordinarily a trick of trade to keep reasonable until Congress adjourns when Congress could interfere with the exploitation of those people. I know nothing about the cement people of California; they may be the best people in the world; but the ordinary rule of business men in America is, I am sorry to say, to get as much as they can for any product, and the demand for cement will be enormously increased.

Mr. KAHN. I only want to say in reply to that that if any effort were made to increase the price beyond what it is to-day, and beyond what it is in other sections of the country, it will be only a matter of four or five months when Congress will reconvene, and I think I can safely say that the Republican majority on this floor would not consent to allow San Francisco to be mulcted in the price of cement or any other commodity

that enters into the construction of her buildings. [Applause.]

Now, I want to say, in conclusion, there is no need to hold out false promises to the people of California. The California delegation in this House has discussed this matter repeatedly. They are not chasing rainbows. They are making an earnest, serious effort to accomplish results for their stricken communities. They saw no chance for the passage of such a bill at this session, and so they wisely determined to concentrate their efforts in the direction of legislation that held out the promise of success. The people of San Francisco want to commence rebuilding the magnificent city by the Golden Gate; they want to reestablish and maintain her in her proud position as the Queen of the Pacific; the delegation from California in this House, learning of the constitutional objections that were being raised against a drawback bill, concluded that it were best to notify our citizens that such legislation is impossible. And, Mr. Chairman, the failure of the passage of this bill will not delay the rehabilitation of San Francisco; it will not retard her growth; for her citizens, undismayed and undaunted, will build a more substantial, a more beautiful, a more magnificent San Francisco than the old. [Loud applause.]

Mr. TAWNEY. Mr. Chairman, I understand the gentleman from Ohio [Mr. GROSVENOR] wishes to reply to the remarks made by the gentleman from Arkansas [Mr. BRUNDIDGE], respecting the item in the bill paying $25,000 for traveling expenses of the President.

Mr. GROSVENOR. That is the idea, along that line.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that I may be allowed to insert as a part of my remarks the report made in the Senate of the United States on January 20, 1873.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert as a part of his remarks the report referred to.

Mr. WILLIAMS. Mr. Chairman, reserving the right to object, I shall have no objection if the gentleman will put in at the same time the dissenting opinion by Senator Edmunds.

Mr. KAHN. I intended that in my original request.

The reports above referred to are as follows:

[Senate Report No. 311, Forty-second Congress, third session,]

IN THE SENATE OF THE UNITED STATES, *January 20, 1873.*

Mr Carpenter submitted the following report to accompany bill H. R. 2993.

The Committee on the Judiciary, to whom was referred the bill (H. R. 2993) entitled "An act for the relief of the sufferers by fire in Boston," which act is as follows:

"*Be it enacted, etc.*, That there shall be allowed and paid, under such regulations as the Secretary of the Treasury shall prescribe, on all materials, except lumber, imported into the port and district of Boston and Charlestown, to be used, and actually used, in the construction and completion of buildings erected on the site of buildings burned by the fire of November 9 and 10, 1872, a drawback of the import duties paid on the same; and such drawback shall be allowed on such goods so imported and so used as shall be in warehouse on the day this act goes into effect: *Provided*, That said materials shall have been imported and used during the term of one year from and after the passage of this act"—

respectfully submit the following report:

Your committee understand that this bill was referred to obtain their opinion in regard to its constitutionality; therefore only that question will be considered.

Whether the bill be constitutional or not depends upon the construction to be given to those provisions of the Constitution which relate to foreign commerce; and Boston, a great commercial metropolis, has an interest in the preservation of the integrity of the Constitution in this behalf far exceeding any benefit which might be derived by its citizens from the provisions of this bill.

The Constitution should be so construed as to give effect to the intention of its framers as evidenced by its language; and where its language is doubtful that intention may be ascertained by consulting the circumstances under which the Constitution was adopted, the evils which were found to exist under the previous confederation of States, and the objects intended to be secured by the "more perfect union" which the Constitution was designed to establish. It is well known that the interests of commerce formed one of the principal motives for adopting the Constitution. Thirteen or thirty-seven independent States, with thirteen or thirty-seven variant tariffs and conflicting commercial systems, would be disastrous to the commercial interests of our people. To avoid this, and to consolidate the States into one nation for the purposes of trade and commerce, was a great inducement to the adoption of the Constitution. And of all the ends secured by that instrument none is more prominent and none is guarded with greater solicitude than this, that all the States shall enjoy equal privileges of commerce. The Constitution protects inland States against exactions of States on the seaboard, and every seaboard State is protected against combinations of several States. Article I, section 8, provides:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

That is, all that may be done by Congress, in the way of providing by taxes and duties for paying the debts and providing for the common defense and general welfare of the United States, is subject to this limitation and qualification that "all duties, imposts, and excises shall be uniform throughout the United States."

To provide for the common defense and general welfare comprehends the whole duty of a national government, and if not even to secure this is it permitted by the Constitution to violate this rule of uniformity, it is clear that it may not be violated for temporary objects or to accomplish local purposes.

The Supreme Court of the United States, by Marshall, Chief Justice, has declared that the phrase "'throughout the United States' includes the District of Columbia and every spot and place subject to the jurisdiction of the United States."

Section 9 of the same article provides:

"No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another."

These provisions of the Constitution secure to every State all the advantages and subject it to all the burthens in regard to commercial regulations enjoyed and borne by other States of the Union. Speaking of the provision which requires uniformity in laying duties, Story (Comm. Const., section 957) says:

"It was to cut off all undue preferences of one State over another, in the regulation of subjects affecting their common interests. Unless duties, imposts, and excises were uniform, the grossest and most oppressive inequalities, vitally affecting the pursuits and employment of the people of different States, might exist. The agriculture, commerce, or manufactures of one State might be built up on the ruins of those of another; and a combination of a few States in Congress might secure a monopoly of certain branches of trade and business to themselves, to the injury, if not to the destruction, of their less-favored neighbors. The Constitution, throughout all its provisions, is an instrument of checks and restraints, as well as of powers. It does not rely on confidence in the General Government to preserve the interests of all the States. It is founded in a wholesome and strenuous jealousy, which, foreseeing the possibility of mischief, guards with solicitude against any exercise of power which may endanger the States, as far as it is practicable. If this provision as to uniformity of duties had been omitted, although the power might never have been abused to the injury of the feebler States of the Union (a presumption which history does not justify us in deeming quite safe or certain), yet it would of itself have been sufficient to demolish, in a practical sense, the value of most of the other restrictive clauses in the Constitution. New York and Pennsylvania might, by an easy combination with the Southern States, have destroyed the whole navigation of New England. A combination of a different character between the New England and the Western States might have borne down the agriculture of the South, and a combination of a yet different character might have struck at the vital interests of manufactures."

A construction of the Constitution which defeats its acknowledged purpose is a perversion of the Constitution; and any bill which would accomplish what the Constitution intended to prohibit is unconstitutional. The cunning with which a particular bill may be framed to avoid conflict with the Constitution, in language, will not rescue it from objection if the end it would accomplish be one which the Constitution forbids. This rule of constitutional construction has often been dedeclared by the Supreme Court. In Bronson *v.* Kinsie, (1 How., 311), the Supreme Court, by Taney, C. J., in construing that provision of the Constitution which declares that no State shall impair the obligation of a contract, say:

"Whatever belongs merely to the remedy may be altered according to the will of the State, provided the alteration does not impair the obligation of the contract. *But if that effect is produced*, it is immaterial whether it is done by acting on the remedy, or directly upon the contract itself. *In either case it is prohibited by the Constitution.*"

And again they say:

"And no one, we presume, would say that there is any substantial difference between a retrospective law declaring a particular contract or class of contracts to be abrogated and void, and one which took away all remedy to enforce them, or encumbered it with conditions *that render it useless or impracticable to pursue it.*"

The same principle is declared in Green *v.* Biddle (3 Wheat., 1), McCracken *v.* Hayward (2 How., 608), and in the Passenger cases (7 How., 283). Indeed, the principle is so obvious that it stands in no need of support by authority.

It is evident that a bill providing that imported articles shall pay a certain duty, but that the importer, on making proof to the satisfaction of the Secretary of the Treasury that he has paid the duties, shall receive from the Treasury an amount equal to the duties paid, is equivalent to declaring that such articles shall be admitted free of duty. The constitution of several of the States declares that the rule of taxation shall be uniform; that is, that taxation shall bear equally upon all persons in proportion to the taxable property they possess. Therefore, a law which should declare that a certain class of persons—for instance, all lawyers, all physicians, or all merchants—should *pay* taxes, but on *proof* of payment should be entitled to receive from the Treasury an amount equal to the amount of taxes paid by them, would be a palpable evasion of the Constitution, and such act would be void. A payment made under an existing provision of law that the amount paid shall be immediately refunded is not a payment in any proper sense. Duties paid under such a provision of law are not paid at all. A debtor who passes money to his creditor with the right hand and takes it back with the left makes no payment.

Bearing these views in mind, let us consider this bill. It provides that there shall be allowed and paid, upon all materials imported into the ports and district of Boston and Charlestown, to be used, and actually used, in the construction and completion of buildings erected on the site of buildings burned by the fire of November 9 and 10, 1872, a drawback of the import duties paid on the same, provided that said materials shall have been imported and used during the term of one year from and after the passage of the act. The fire "of November 9 and 10, 1872," means not all fires which occurred in the United States on those days, but the fire which on those days occurred in Boston. If this bill be constitutional for one year, it would be for ten years or for all time. The question, therefore, is whether Congress can provide that certain articles imported at the port of Boston and used in that city shall be free of duty, while the same articles imported at the port of New York and used in that city, or imported at any other port of the United States and used in any part of the United States, shall pay a prescribed duty. In other words, the question is whether such a law imposes uniform duties throughout the United States and gives no preference to the port of Boston over the ports of other States. Of all questions submitted for discussion, one to which the answer is self-evident is the most difficult to deal with. And your committee are at a loss to determine what argument can make the conflict between this bill and the Constitution more evident than appears upon their face.

In the first place, the Constitution declares—

"No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another."

If the bill under consideration shall become a law it will be a part of the commercial system of the United States, and it will then, in effect, be provided that all building materials imported into the United States, and used in the city of Boston, shall pay a certain duty; provided, how-

ever, that if such articles shall be imported at the port of Boston, and used in that city, they shall be free of duty. The Constitution, in providing that no preference shall be given to the ports of one State over those of another, means, of course, that no regulation of commerce or revenue shall be made which shall render it more advantageous to the importer to enter his goods at one port than at another. If this bill shall become a law a merchant in Boston, wishing to rebuild his store in the burnt district, can import his materials duty-free at the port of Boston; but if he enters such materials at the port of New York, and conveys them by rail to Boston, he must pay a prescribed duty. If it can be maintained that a regulation of commerce which declares that goods imported at a specified port shall pay no duty, but if imported elsewhere shall pay duty, does not make a preference in favor of the port of free entry, then this bill goes clear of that objection. If a statement of this proposition does not suggest its unsoundness, your committee despair of showing the unconstitutionality of this bill.

But as that part of the bill which gives preference to the ports of Boston and Charlestown might be stricken out in the Senate, your committee proceed to consider whether the bill would be constitutional should it be thus amended.

The other provision of the Constitution is that "All duties, imposts, and excises shall be uniform throughout the United States."

It is contended that if an article imported and entered at any port of the United States, but to be used for a certain purpose, be admitted free of duty, the rule of uniformity is not violated; and from this proposition it is argued that a law permitting building materials to be entered at any port of the United States free of duty, to be used in the city of Boston only, is constitutional. But it is believed by your committee that a slight examination of this conclusion will convince every one of its unsoundness.

Keeping in view the end which the Constitution intended to secure—that is, that all the States should be on an equal footing so far as duties, imposts, and excises are concerned—that the Constitution was intended to prevent the evil which would result to a particular State from the combination of other rival States, let us consider to what results the principle contended for leads.

If this bill be constitutional, then a similar bill in relation to any or all other imported articles would also be constitutional. If building materials, or other articles imported into the United States at any port, to be used in Boston, may be free of duty, then the provisions of the bill might be extended to articles to be used in the State of Massachusetts or all New England. And a law which should provide that all hides imported into the United States and manufactured into leather in New England, and all wool imported into the United States and manufactured into yarn or cloth in New England, should be exempted from duties otherwise imposed, would be constitutional. But what would be the practical result of such a law? Manifestly to give to New England the monopoly of woolen and leather manufacturers. It is contended that the rule of uniformity would not be violated by such a law, because a citizen of Wisconsin might import hides or wool at the port of Charleston, S. C., free of duty, provided he should transport the same to New England, and there manufacture them into leather or woolen cloth. But this is evidently sticking in the bark. Such a bill, if it conformed to the letter, would violate the spirit and defeat the purpose of the Constitution; for while the citizen of Wisconsin might enjoy the benefit of such a law by removing to New England, or conducting his business there, what would the State of Wisconsin say to a commercial reputation which should compel her citizens to transfer their capital and business to New England, or offer them a premium or inducement to do so? Or, to turn the point of this argument against New England, suppose Congress should pass a law that raw materials imported into the United States and manufactured in any part of the Union except New England, should be free of duties imposed as to New England, would not such discriminating law utterly ruin that flourishing manufacturing section? Could the tanners and shoemakers of Lynn pay any duty which Congress might choose to impose upon them, and still compete with other sections of the country paying no duties whatever? This would be the precise evil which Story says is prevented by this provision of the Constitution. Without this provision, he says:

"The agriculture, commerce, or manufactures of one State might be built up upon the ruins of those of another, and a combination of a few States in Congress might secure a monopoly of certain branches of trade and business to themselves to the injury, if not to the destruction, of their less-favored neighbors."

Chicago and St. Louis are rival cities. Suppose a bill to be passed by Congress providing that all building materials imported into the United States, and actually used in St. Louis, should be admitted for twenty-five years, or an indefinite time, free of duties imposed by law upon all building materials used in Chicago. Would not such a bill make a discrimination in favor of St. Louis most injurious to Chicago? Suppose a bill to pass Congress providing that all building materials or raw materials imported into the United States, and used or manufactured in the State of Pennsylvania, should be free of duties imposed upon all such materials imported into the United States, and used or manufactured in the State of New York. Is it not evident that the effect of such a law would be to give Philadelphia great advantages over New York? Or suppose a law to provide that all merchandise imported into the United States, provided it should be sold by retail, or in broken packages, in the State of Pennsylvania, should be free of duties imposed in all other cases. Would not such law destroy the commercial interests of New York? Certainly it would, if the duties generally imposed by law were high enough to present an inducement to the importer to pass by the port of New York and enter his goods at the free port of Philadelphia. Indeed it is too evident to require further illustration that, if Congress may pass this bill, it may pass a bill which, by its onerous duties and capricious exemptions, would divert commerce from one State to another at pleasure. And this is the very thing the Constitution was intended to prevent.

Your committee do not doubt that an act which should provide that materials imported and used to replace buildings destroyed by fire in any part of the United States; or a bill which should provide that hides and wool imported and manufactured into leather or cloth in any part of the United States, should be admitted free of duty; or on proof that the duties had been paid, the importer should be entitled to an equal amount from the Treasury, would be constitutional; would be constitutional, because it would be uniform in its operation and effect throughout the United States, and would give no preference to one State over another, nor tend to build up the manufacturing or commercial interests of one State at the expense of another. But, in the opinion of your committee, it can not be maintained that a commercial regulation is uniform throughout the United States which requires the citizens of the several States to remove their capital and business to a particular State to enjoy its benefits. When we consider that the States which formed the Union were rivals and jealous of each other; that one great motive to the formation of the Union and the adoption of the Constitution was to secure to all the States equal privileges and advantages in commerce and manufactures, and that two provisions were inserted in the Constitution to secure this end, your committee can not hesitate to declare that Congress has no power to pass this bill.

But it is said that the precedents support the bill. To this it may be answered, that the Constitution is an abiding and continuing command; and that nineteen violations of it will not justify the twentieth. It may be that unimportant bills have been passed by Congress which violate the principles of the Constitution in this respect; but it is believed that in all such cases, except one which will be hereafter particularly mentioned, the bills have passed without serious opposition, and, therefore, without full consideration. Instances may be found where Congress has authorized certain articles to be imported for particular colleges or charitable institutions free of duty; but in such cases the articles have been specified in the act, and the duty, which would otherwise have been collectible, was trifling. And it is believed that in none of these cases has the constitutional objection been urged or considered. It is a principle declared by all the courts that although a certain point was involved in the record, and in effect concluded by judgment, it is not to be regarded as a precedent in other cases, unless raised by counsel or expressly passed upon in the opinion of the court. This reasonable maxim of jurisprudence applies with full force to the bills above alluded to. That Congress has *inadvertently* passed one or many bills which conflict with a plain provision of the Constitution can afford no justification for the passage of another such bill against which the objection is raised, and brought clearly to the consideration and pressed upon the conscience of Congress.

A bill similar to the one under consideration was passed in the case of the fire at Portland; but it seems to have passed without consideration, certainly without discussion. The objection that it was unconstitutional was not raised by either House. A like bill was passed in the case of the Chicago fire, at the last session. This objection was made in the Senate. The bill was reported by the Committee on Finance, but was not considered by the Committee on the Judiciary; and it is fair to presume that the sympathy of Senators for the sufferers in that unparalleled calamity contributed more to the passage of the bill than the deliberate judgment of the Senate upon the constitutional question.

The occurrence of the Boston fire has brought the matter again to the consideration of Congress, and this is the first time your committee have been directed to consider the constitutionality of such a bill. The importance of the subject, and the fact that a calamity by fire can not be distinguished from one produced by a flood, a hurricane, an earthquake, or any other visitation outside of the ordinary course of things, and the fact that if Congress attempts to insure against one it must against all, not only justifies but calls for a reconsideration of the subject, and makes it necessary to determine the principles to be applied in all such cases. If, in view of all these considerations, Congress shall pass this bill, it is not perceived by your committee upon what ground Congress could refuse relief to individual sufferers. How many buildings must be destroyed to justify the interference of Congress? Must there be a thousand, or five hundred, or one hundred, or fifty, or five? Where is the line to be drawn? Must not Congress become the great almoner of the nation—a great insurance company for 40,000,000 of people?

An attempt is made to justify this bill upon the ground that it is substantially a drawback of duties; and it is said that drawbacks are as ancient as duties. To this two answers may be made; first, a drawback, as understood by all the commercial world, is a rebate of duties upon articles imported into, and subsequently exported in unbroken packages from a country. This is not a case of drawbacks; the provisions of the bill relate to articles to be used—that is, consumed—in this country.

In the second place, under our Constitution, drawbacks must be as uniform as duties. A law which should provide that all goods imported into, and exported in unbroken packages from, the State of New York should have a drawback of duties, without providing for such drawback in case of goods imported into and exported from the ports of other States, would make a preference in favor of the ports of the State of New York, and violate the rule requiring uniformity throughout the United States.

If it be said that the bill is in effect a mere appropriation of money out of the Treasury, and that Congress has a power of appropriation limited only by the fact that the appropriation must be made "to pay the debts and provide for the common defense and general welfare of the United States," the answer is plain. The bill does not provide for paying any debt or for anything necessary to the common defense. Nor is it an appropriation for the "general welfare." The bill is essentially a local measure. But, in the language of Story, "a power to lay taxes for the common defense and general welfare of the United States is not in common sense a general power. It is limited to those objects. It can not constitutionally transcend them. If the defense proposed by a tax be not the common defense of the United States, if the welfare be not general, but special or local, as contradistinguished from national, it is not within the scope of the Constitution." (1 Story's Com. on Con., sec. 922.)

It requires no argument to show that the power of appropriation is no broader than that of taxation; and therefore, as Congress can not lay taxes for a merely local purpose as contradistinguished from a national one by taxation, so it can not appropriate money for such local purpose.

Upon the best consideration they have been able to give to this subject, your committee are compelled to report that the bill under consideration violates both the provisions of the Constitution above quoted, and ought not to pass.

IN THE SENATE OF THE UNITED STATES, *January 20, 1873.*

Mr. Edmunds, from the Committee on the Judiciary, submitted the following as the views of the minority on the bill entitled "An act for the relief of the sufferers by fire in Boston:"

The purpose of referring this bill to the Committee on the Judiciary is understood to have been to obtain its views respecting the constitutionality of laws of this character. This question of constitutionality arises chiefly, and perhaps in a mere legal sense entirely, under the eighth section of the first article of the Constitution, the first clause of which reads as follows:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

Another clause gives Congress the power to regulate commerce with

foreign nations, and among the several States, and with the Indian tribes.

Another clause gives it the power to establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

One clause of section 9 declares that "no capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken."

Another clause declares that "no tax or duty shall be laid on articles exported from any State."

And still another declares that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another."

The power of laying duties, etc., conferred by the first clause above quoted, has been held to refer exclusively to the taxing power, and not to the power to regulate commerce. (Gibbons *v.* Ogden, 9 Wheat., 1.)

The chief question, then, is whether a bill which, for a particular purpose and in a particular emergency, is believed by Congress to be one promotive of the "general welfare of the United States," and which proposes in substance to remit the "duties, imposts, and excises" upon a particular class of property designed for particular use, and which the bill authorizes to be brought into any port of the United States, by any citizen of the United States, for that object, is in conflict with the provision that "all duties, imposts, and excises shall be uniform throughout the United States."

Literally, it would seem that no such objection could possibly be raised, unless the use to which the goods authorized to be imported everywhere by every citizen is to be taken as a controlling element in the question of uniformity. To hold this would seem also to require that in every case, in order to the uniformity, the duties on property imported should be imposed without variation as to rate or exception as to things.

Although little, if any, light is thrown upon the design of the framers of the Constitution in inserting this clause in its recorded discussions upon the subject, yet it seems manifest that the object was to prevent a majority of the States from oppressing some one or more of the other States by imposing heavier duties upon articles imported into them than upon those imported elsewhere. It could not have been thought necessary that the majority of the States should be deprived of the power to injure themselves by imposing in a particular State a lower rate of duty than that imposed in all the others. It must have been presumed that the States and their representatives would act for the protection of their own interests, and that combinations which might be formed would be formed against the few, rather than by the few against the many.

We come, then, to consider what is the true import of the phrase "all duties, imposts, and excises shall be uniform throughout the United States." This is a phrase of limitation, and, upon settled principles of interpretation, it ought not to be extended beyond the fair import of the words used. The uniformity here required must evidently be a uniformity in respect to the *objects* upon which duties are to be imposed and the *persons* by whom those duties are to be paid. To say that the phrase has a more extensive meaning than this would make it import that one single rate of duty should be imposed upon every article brought into the country, without exception and without any qualification derived from the obvious political necessities of the times. That no such construction has ever been contended for, and that the universal practice of the Government has been the reverse of it, is sufficient evidence to show that the meaning of the terms must be limited as we have stated.

If, then this uniformity applies only to the imposition upon the particular subject of the law imposing the duty and the class of persons who may bring it into the country, it would seem to follow inevitably that if all goods imported for a particular purpose bear the same rate of duty or bear none at all, and all citizens are given the right to import them for that purpose, the law is not infringed by the fact that it happens that the particular purpose which is made the test of importations of that character is one which must be exercised in a particular place or by a particular class of people. It was perfectly well known to the framers of the Constitution, as it is to us, that the varieties of climate, occupation, and industry in the country were so great that necessarily particular classes of objects which might be brought from abroad would be used exclusively in particular States or sections of the country, and that other particular classes would be used in other States or sections of the country. It was impossible then to look, so far as the uniformity of imposition was concerned, to the uses to which goods imported should be appropriated; and if the right to import particular things might be exercised by all citizens alike, and in all parts alike, the security designed by the Constitution was accomplished without undertaking to see to it that each State of the Union should consume or buy more or less of the things thus brought in.

If it be the judgment of Congress that the general welfare will be promoted by the free importation of goods to be used for a particular purpose, in a particular place, not *because* it is a particular place or in a particular State, but because the object to which they are to be devoted happens by accident to be one to be effectuated in some one State or place, there can be said to be no preference to that State or place as such, although the same goods and for the same purpose could not be used on that occasion in any other State or place. Its real spirit and essence in such a case is not to interfere with uniformity or to create a preference between States or ports, but it is to accomplish the general welfare by aiding a particular object or a special enterprise which must of necessity be located somewhere, and not everywhere, in the country.

While, as we have seen, therefore, such a law does not violate the letter of the Constitution, it is equally clear that it does not violate its spirit, which, as we have seen, was to prevent the oppression of a particular State for the benefit of the others, and not to prevent Congress, when the general welfare required it, from allowing all the citizens of the country to bring in goods in aid of some special object which happened to be attainable only by their use in a particular case.

It was seen evidently by the framers of the Constitution that this first clause of section 8 would not prevent Congress from indirectly giving the preference to a particular port even; and in order to exclude such an exercise of the power conferred by this clause it was provided in the next section that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." Were the construction of the first clause of section 8 by those who believed such bills to be unconstitutional the correct one, there would have been no necessity for the qualifying provision found in section 9.

The same word, "uniform," is used in the same section as applied to naturalization. And yet Congress in early days exercised without question the power of providing that, in a special instance and for a particular purpose, certain persons should be naturalized ipso facto, although at the same time, by the general laws of naturalization, all other aliens were subjected to a probation. Such was the act of March 26, 1804 (2 Stat., 292), which provided—

"That any alien, being a free white person, who was residing within the limits and under the jurisdiction of the United States at any time between the 18th day of June, 1798, and the 14th of April, 1802, and who has continued to reside within the same, may be admitted to become a citizen of the United States without a compliance with the first condition specified in the first section of the naturalization act."

And the second section of the same act provided—

"That when any alien who shall have complied with the first condition specified in the first section of such original act, and who shall have pursued the directions prescribed in the second section of said act, may die before he is actually naturalized, the widow and children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such upon taking the oaths prescribed by law."

The condition referred to was in the act of April 14, 1802, and required a declaration of intention to become a citizen, to be made three years at least before his admission as such.

A provision in the fourth section of the act of 1802, of a similar character, naturalizing by mere act of law certain alien children then in the United States, was carried into effect by the Supreme Court, without any doubt being suggested that by such special provisions for special cases the requirement of uniformity was not obeyed. (Campbell *v.* Gordon, 6 Cranch, 176.)

In these instances it will be perceived that Congress and the Supreme Court thought that uniformity was retained under the Constitution, if it existed in respect to the particular subject or thing embraced in the particular enactment, although in general, and as to all other persons and things, another provision existed.

A long series of acts of legislation upon the subject of duties, imposts, and excises, beginning with the early history of the Government, seems to us to involve precisely the same principles, and to give a practical construction to this clause of the Constitution in favor of the validity of such laws. The following are some of the instances of the kind:

In the duties act of 1790 (1 Stat., p. 177, sec. 70), it was provided that—

"No goods, wares, or merchandise of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States from any foreign port or place in any other manner than by sea, nor in any ship or vessel of less than 30 tons burden, *except within the district of Louisville, etc.*"

This instance would seem at first view to go so far even as to evade the prohibition against the preference to ports; but it was probably thought valid, on the ground that no particular port or ports were named, and as the design of the statute was not to accomplish such preferences, but only for particular reasons affecting the general welfare, to provide a special rule for a particular district.

The fishery drawbacks in the act of 1792, and other acts, seem to a certain degree to fall within the same principle.

The act of February 27, 1793 (1 Stat., 324), provided for the free admission of horses, cattle, sheep, swine, and other useful beasts imported for breed.

The act of March 7, 1794 (1 Stat., 342), proceeded specially upon the grounds we have before stated. The preamble recites that—

"Whereas the disastrous situation in the town of Cape Francois, in the island of Hispaniola, compelled sundry vessels belonging to citizens of the French Republic, in the month of June last, to take refuge within the ports of the United States;

"And whereas they are liable by law to the payment of foreign tonnage, which, considering the necessity of their case, ought equitably to be remitted to them."

And it then proceeded to enact such remission.

It would certainly be a very narrow line of argument to hold that Congress may constitutionally remit a particular duty due upon a vessel which has entered one of its ports, but may not declare in advance that if a particular vessel does enter the duty shall be remitted. If such a distinction were sound, it would follow that Congress might constitutionally remit all duties due from all citizens of a particular State for the mere reason that they were citizens of that State, which will scarcely be maintained.

The true test evidently is that, consistently with the letter of the Constitution, the validity of the law is to be tested by the real purpose and spirit of its enactment. If that purpose be to promote the general welfare by relieving distress or encouraging a particular enterprise, and not to aid classes of citizens because of their territorial location, the law must be valid.

The act of June 4, 1794 (1 Stat., 372), provided—

"That in all cases where the term allowed by law for the exportation of goods, wares, and merchandise, with the benefit of a drawback of the duties thereupon, shall have expired after the last day of January last past, and previous to the last day of July next, there shall be allowed further time for the exportation with the benefit aforesaid, until the last day of July next."

This provision, and all the others looking to the past instead of the future, would be much more objectionable than a bill such as that now proposed, for the reason that only the particular persons who had already imported goods could be benefited, instead of its giving an equal privilege to all citizens of the United States who might choose to import goods for the special purpose authorized by law.

Another act of June 4, 1794 (1 Stat., 373), directed the collector of the district of Pennsylvania to take a bond for the payment of duties accruing on teas imported in the ship *Argonaut* from China, payable on a particular day, thus making an exception from the general provisions upon that subject in favor of a particular ship and for a particular time.

The act of January 28, 1795 (1 Stat., 410), provided that—

"The duties on the tonnage of sundry shallops and small schooners lately employed to convey to Boston a number of French citizens, late inhabitants of St. Peter and Miquelon, from Halifax and Shelburne, in Nova Scotia, where they had been sent prisoners by the British during the present war, be, and the same are hereby, remitted."

Here was a specific instance of the remission of duties upon vessels on account of their particular occupation, although they had entered at one single port, which had thereby obtained the advantages to be derived from such entrance. But as the purpose of the act was not to prefer Boston to other ports, or these vessels to other vessels merely, but to show a patriotic appreciation of loyalty under circumstances of distress, its constitutional propriety was not questioned.

By the act of June 1, 1796 (1 Stat., 494), relief was provided for such owners of stills as should make it appear that within a particular period of time they had not been able to work their stills during that time by the destruction or the failure of fruit or grain, or any other unavoidable cause; and such distillers were given an election to pay, in lieu of the ordinary and general duty upon the yearly capacity of their stills, a monthly duty of 10 cents per gallon for the time their stills were actually employed.

By the act of February 19, 1803 (2 Stat., 201), relief was granted to sufferers by fire at Portsmouth, by extending the time for discharging their custom-house bonds.

By the act of March 19, 1804 (2 Stat., 272), the sufferers by the fire at Norfolk were permitted to cancel their bonds given for duties to the collector, and to substitute therefor new bonds, with further indulgence as to time of payment.

By the act of March 3, 1817 (3 Stat., 369), the Secretary of the Treasury was directed to remit to any person to whom a license upon a still had been granted before the 1st July, 1816, for a term extending beyond said day, who should prove to his satisfaction that he had discontinued the use of such still, such proportion of the duties thereon as should be just.

By the act of April 20, 1818 (3 Stat., 465), the Secretary of the Treasury was directed to remit all alien or discriminating duties, either upon tonnage or merchandise imported in respect of British vessels which have been entered in ports of the United States at any time between the 3d day of July and the 18th August, 1815.

By the act of 24th February, 1820 (3 Stat., 543), remission was made of "the duties which have accrued or may accrue to the United States upon the importation of a statue of George Washington, by order and for the use of the State of North Carolina."

By the act of 19th January, 1824 (4 Stat., 3), the Secretary of the Treasury was "authorized and required to refund to the distillers of spirituous liquors within the county of Berks, in the State of Pennsylvania, who, at any time since the 1st of January, 1814, have used the stills made according to" a certain improvement. This act, on its passage, was the subject of much discussion as to its propriety, but no question was made respecting its constitutionality. (See Annals of 18th Cong., vol. 1, p. 910.)

By the act of 26th May, 1824, the same relief was extended to all persons similarly situated. (4 Stat., 44.)

By the act of 19th March, 1836 (5 Stat., 6), which was entitled "An act for the relief of the sufferers by the fire in the city of New York," an extension of the time of payment upon duty bonds was given "to all persons who have suffered loss of property by the conflagration at that place on the 16th day of December last by the burning of their buildings or merchandise;" with a proviso that the benefits of the section should not be extended to any person whose loss by such fire was less than $1,000. And by the second section of the same act a similar extension was provided upon all other bonds given for duties at the port of New York prior to the fire, for a shorter period of time, excepting such bonds as had fallen due before the 17th day of December then last past.

By the act of July 7, 1838, it was directed that the duties should be remitted upon all goods, wares, and merchandise destroyed in unbroken and original packages by the great conflagration which took place in the city of New York on the 16th and 17th December, 1835. And by the same act it was further provided that certificates given by the collector and naval officer of that port to persons, showing how much money they had paid upon goods so destroyed, should be received instead of cash in the payment of duties upon goods to be imported. In this instance it will be perceived that, besides the ordinary relief given by remission, in the various cases above referred to, it was provided that while all the other citizens of the United States must pay their duties in coin, the particular sufferers by that fire might pay their duties by these certificates. This provision seems to come much nearer a want of uniformity than any of the others.

By the act of March 3, 1839, "for the relief of umbrella makers," a special remission and refunding of duties was provided to those who had imported umbrella stretchers within a certain period of time named.

The well-remembered act of July 27, 1866 (14 Stat., 304), "for the relief of sufferers by fire at Portland," provided that all gratuitous contributions to the sufferers should enter that port duty free, and also that on all materials actually used in buildings erected on the ground burned over a drawback of import duties should be paid, provided said material should have been imported at the port of Portland during the year ended July 5, 1867.

By joint resolution of 20th July, 1868 (15 Stat., 260), vessels of the United States touching at or near ports in Canada under certain circumstances were exempt from the payment of tonnage fees to the consuls of the United States, as required by the general laws applying to all other vessels; the reason for the exception being that those vessels made these ports on their voyages from one port of the United States to another, although the same reason would apply to a vessel sailing from New York to New Orleans and touching at Habana.

By joint resolution passed July 23, 1868 (15 Stat., 260), it was provided that—

"The statue representing the figure of Victory, intended to surmount the monument in memory of the Pennsylvania soldiers who fell in the Mexican war, now about being erected on the capitol grounds at Harrisburg, being in marble, cut in Italy, and which will soon be ready for shipment, shall be admitted free of duty."

By joint resolution passed March 3, 1869 (15 Stat., 349), the Secretary of the Treasury was directed to remit duties on a meridian circle imported for the observatory at Cambridge, Mass., and also upon one imported for the observatory of the Chicago University, at Chicago, Ill.

The instance of the bill for the relief of the sufferers by the Chicago fire is too familiar to need further reference.

At this present session of Congress an act has been passed providing that a certain distiller in Tennessee might carry on his business upon property of which he was not the owner, although all other distillers are required by general law to be the owners in fee of such property.

And a bill has also passed allowing the admission, free of duty, of certain articles to be used in the construction of a monument at Annapolis.

Other instances of a similar character to those above recited can no doubt be found, but enough have been named to show the uniform course of legislation bearing in a greater or less degree upon the true construction of the provision of the Constitution now brought into question. It appears to us that these acts of legislation, or most of them, can only be upheld upon the principle we have stated in the outset, and that they furnish a clear legislative exposition of the true scope and purpose of this constitutional requirement as understood from the foundation of the Government to this time, the essential idea being that the test of uniformity is answered by the application of the rule to the particular thing upon which the duty or impost is laid in the given case named in the law, without looking to the fact that its ultimate use or destination may happen to be one which indirectly or incidentally works a benefit to a particular town or a particular State.

So long as the manifest object of the law is not to confer an advantage or preference upon one State or place because it is such a State or place, but is to promote the general welfare by giving aid to a particular class of citizens who are in distress, and who must of necessity reside in some State and in some place, even if it could be maintained successfully (which does not seem to us to be true) that the Constitution, read without the light of experience and practice, does not permit such assistance to be rendered to citizens, the long and uniform practical construction which has been given to it in favor of bills of this character ought to be decisive upon this point. It is a familiar principle of interpretation that a contemporaneous construction of the Constitution and long practice and acquiescence therein are usually the conclusive guides to its meaning. (Stuart *v.* Laird, 1 Cranch, 299.)

In the report of the majority of the committee all distinction between the remission of duties in consequence of the character of the use of the thing imported, which in this case, and remissions in consequence of the place of such or any use, seems to be ignored, and the bill is treated entirely as if it were a bill declaring that "all goods used in Boston" should have a drawback. An argument directed against such a proposition has, we think, no application to the present case.

The majority of the committee appear also to be of opinion that the Constitution requires uniformity of effect throughout the United States in the imposition of duties, etc. The Constitution does not so declare. It declares that "all duties, imposts, and excises," not the effect or object of them, but the duties, etc., themselves, "shall be uniform," etc.

The test of uniformity, therefore, must in the legal aspect of the matter be applied to the act of importation and to the terms imposed upon that. The destined use of the goods is merely a descriptive means of identifying the class of things to which a special rate of duty or an entire remission of it is applied in the law.

In respect to the opinion of the majority of the committee that the precedents referred to are of little weight, for the reason that usually the constitutional question was not raised, it is enough to say that in all these instances the bills were special, and the question manifest upon the face and in the very nature of the subjects; so that the absence of discussion or dispute makes a stronger practical construction of the Constitution in favor of the power of Congress to pass such bills. It is true, as is claimed, that no number of violations of the Constitution can justify another; but it is also true that, in seeking for the true interpretation of that instrument, a particular signification, long imputed to it and acted upon without question for a great length of time, is of the utmost importance, not to justify its violation, but in order to know its true meaning. Such is the imperfection of language and such is the variety of mental constitution among men that any other rule would make the Constitution the most uncertain and changeable of laws; it would be held in one year and by one Congress to authorize acts which in the next year and by the next Congress it would be held to forbid.

As we have already suggested, the rule of uniformity may be answered by a law that infringes the clause of the Constitution forbidding preferences being given by any regulation of revenue to the ports of one State over those of another. In the bill before us we think that the provision in it requiring the importation in question to be made into the ports of Boston and Charleston only, does infringe the clause last referred to, and that the same ought to be stricken out.

GEORGE F. EDMUNDS.
GEORGE G. WRIGHT.

Mr. MANN. I think the gentleman has no right to put a condition upon a request for unanimous consent. The gentleman making the request has the right to determine what it shall be for himself.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent that I may continue not longer than fifteen minutes, and I probably shall not occupy more than ten.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he may proceed for fifteen minutes. Is there objection?

There was no objection.

Mr. GROSVENOR. Mr. Chairman, away back in the earlier and sometimes called the better days of the Republic there was a campaign waged in this country for President of the United States, the two leading candidates being William Henry Harrison and Martin Van Buren. I am going briefly into an incident or two of that campaign to show that while we may not be getting any better, while we may not be getting any lower down, we are certainly no worse in our use of doubtful weapons of political warfare than our ancestors. There was at that time a suspicion upon the minds of one of the elements in this country that Martin Van Buren had become indoctrinated with the ideas of monarchy and aristocracy and plutocracy and all kinds of ocracies that were inimical to the growth and perpetuity of our free institutions, and so severe was the criticism that thousands of men voted for Mr. Harrison with the belief that the election of Van Buren would turn over the Government to an alliance with Great Britain, which was to be ratified and cemented and promoted by the marriage of a member of the Van Buren household with a daughter of the kingly Government of Great Britain. At a great political meeting that was held in furtherance of the purposes of that campaign a great Whig orator was urged to a fearful point of mental excitement by attacks upon the White House and its administration. The old story of the gold plate, which was familiar to men of that day, was brought out, revarnished, and used for illustration, and finally, when the audience had become thoroughly hysterical,

he took a coin out of his pocket on which was a female figure and at the foot of the female figure was a liberty cap. That coin has pretty well gone out of circulation in the United States to-day. He declared, Mr. Chairman, with the greatest vehemence, that so far had Martin Van Buren progressed in his proposed alliance with Great Britain and the overthrow of the political institutions of our country that he had changed the coinage and had taken the liberty cap off the head of the female and placed it at her "dirty feet." [Laughter.] As a matter of course, Van Buren was defeated. I was only about 6 years old at that time. I did not hear that speech, but it has been repeated a thousand times in my hearing by those who did hear it—a hundred times; no, twenty times. [Laughter.] Well, Mr. Chairman, we have lived all these years; I have grown to be an old man; and here we have on the floor of the House an assault upon the White House because they want a clean horse stable and other reasonable facilities at the home of the President.

Mr. Chairman, here we are talking of the beef-packing industries of this country because there is an odor that comes up from them which is offensive to the nostrils of some of the polite young gentlemen who have been detailed for the inspection of those institutions, and at the same time we hear an assault upon the President's household. I do not suppose, as a matter of fact, that the President had anything in the world to do with the suggestion about the new horse stable—he may have had. If so, he was right about it. We assail the Administration because somebody has suggested that it would be wise to have a stable where these inspectors, in the moments of their retirement from the inspection of the beef-packing institutions, could go and admire the symmetry and beauty of horses without any further offense to their refined olfactories. This kind of warfare is a relic of antiquity. It is not indulged in nowadays, except as an experiment, a sort of mental acrobatic, gymnastic feature of attack. It can have no effect upon the American people; and I want to say this now, and I am glad to say it upon my own motion, that if I were to attempt by an illustrated lecture to impress upon the people of the Old World, the best of them, the most intelligent of them, the most highly educated—if I were attempting to impress upon them the absolute domination of plain, everyday, democratic living and plain democratic administration of a great government, if I wanted to place the highest object lesson that it is possible to place before a class of students upon that particular topic, I would take them to the White House, the home of the President, the home of his family, the home of the executive department of this Government, and show them the everyday life of the occupant, for the time being, of the Presidential chair [applause on the Republican side]—show them his incoming and outgoing, and I speak of him now as simply the type of the American President—show him in his daily walks among his fellow-citizens, a man, a simple American citizen without a single signification of greatness by reason of his high office, without any insignia of the idea of extravagance in living, in pomp or circumstances of place—the plain American administrator of the plain American Government. [Applause on the Republican side.] I would point to him as he meets his fellow-citizens, from the highest to the lowest, and discusses with them the passing events of the day, as he meets them upon the common ground of intelligence and interest as citizens.

I would point to his children attending the public schools; I would point to his traveling and commingling with his fellow-citizens throughout the country; I would take them to the White House, on those festal occasions when the American people are assembled there to meet the Chief Magistrate of the country and his family, and point out as illustrative of the highest development of true American publicity all that can be seen on an occasion like that. Whatever criticism can be made of our Government, it has not developed aristocracy and plutocracy. Whatever may be said about the accumulation of riches in the hands of some people and their attempt at display, nothing of the kind has ever come near the headquarters of the American Republic. No President of the United States has ever been unseemly in his airs and attitude in his official position [applause], and it has been and is to-day the wonder and surprise of the people of foreign nations that the American President to-day is a plain American citizen of to-day. Twenty-five thousand dollars for traveling expenses! It is a contemptible sum in amount for the purpose; a criticism of it is unjustifiable and unfortunate. The American President travels about the country. We criticised one President once because he had not traveled enough. We have one now who has covered more territory to which the Constitution goes ex propria vigore than any of his predecessors, and we are glad of that. It is one bright spot in our situation that our President knows something of all the dominion over which the flag flies. But somebody here in Congress has proposed to allow him $25,000, or to allow $25,000 to be expended in sending him about over the country to visit his fellow-citizens. Is it possible that there lives on earth a man who begrudges that appropriation? Is there a man who doubts its propriety? Is there a man who does not say amen to it? If there is I have yet to meet him. How many horses the President rides, that seems to be an issue. Well, some Presidents did not ride horses at all. They could not, if the horse was nervous and excitable. I like a President who can ride not only one horse, but half a dozen horses [applause]—not all at once, nor going different ways, but a President who likes a horse of high metal, to correspond with its rider; and I think the American people do not criticise, never have criticised, an American President for that. I knew one President, whom I have heard criticised because he never knew the difference between a poor horse and a good one, and was always being swindled by some horse sharper. I am glad to see a President reach that height of efficiency that he can not be cheated by a horse jockey; I think it is a great thing. [Applause.] So, Mr. Chairman, the people of this country do not condemn, but admire, the Administration of the White House. The American people do not condemn, but approve, of the expenditures of money for the White House. Go up there. I should like to take the gentleman from Arkansas [Mr. BRUNDIDGE] with me, and take a quiet walk through the White House. That is the home of the President. It has been the home of the President since the days of Washington. I hope it may be the home of the President until the dawn of eternity. [Applause.] It is the old White House of our ancestors. I believe in it; I do not want to see it changed to a palace somewhere. [Applause.] I want to see that plain, unadorned, dignified, but simple, house of the President, to which the people can come as they can now, through which they may wander and admire its symmetry and beauty and reflect upon its historical significance, and I deny that the American people will criticise the President of the Republican party or the Democratic party or any other party, who comes to the White House and lives in the light and under the example that has been set by the present and former Presidents of the United States. [Applause.]

The Clerk read as follows:

For Treasury building at Washington, D. C.: For repairs to Treasury, Butler, and Winder buildings, $18,000.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word for the purpose of making a statement. A few moments ago the gentleman from California [Mr. KAHN] rose to have the Senate report by Senator Carpenter and others made a part of the RECORD of to-morrow. At the same time I rose for the purpose of asking unanimous consent to have the minority report of Judge Edmunds and Judge Wright put in the RECORD AS PART OF MY REMARKS or of his, and it seems that some gentlemen have made objection to the position I took, saying I was trying to mold the speech of the gentleman from California. Nothing was more foreign to my thought. I am only too glad to have the valuable document in the RECORD, along with the very valuable opinion rendered by Judge Edmunds and Judge Wright, two of our great lawyers and great Senators.

Mr. PRINCE. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to talk for five minutes on matters other and different from those contained in the bill.

The CHAIRMAN. The gentleman asks unanimous consent that he may have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PRINCE. Mr. Chairman, I find on looking at the annual report of the Interstate Commerce Commission for the year 1905 that the number of persons on the pay rolls of the railways of the United States, as reported for June 30, 1904, was 1,296,121.

The House, Mr. Chairman and fellow-members of the committee, will be held responsible by the country for the legislation thus far enacted in depriving those men and their families of free transportation on the railways of this country. The Senate, in the bill passed by that body, provided for that. The House in its bill, H. R. 12987, did not refer to transportation of any kind for railway employees. The amendment prepared and passed by the Senate made provision for transportation for those employees. It would have remained in the bill if the House had not, by its action, forced the conferees of the Senate to abandon that amendment. The people may want to know why the Senate did not insist on this amendment. So that the condition stands before the country. The Senate put it in; the House has stricken it out, and we, my fellow-Members, will be

called to the bar of account for that by the people this fall when they vote.

What further have we done? There was a provision placed in the bill by the Senate, an amendment, including those engaged in shipping live stock and giving them transportation from the point going to and the point returning, where they were necessarily engaged in looking after their stock. The House insisted that that provision put in by the Senate go out, and it went out on account of the action of the House conferees; and we will be held responsible to the country for striking that out of the bill.

What further has been done? The same bill came from the other body with an amendment in it as follows:

The term "common carrier," as used in this act, shall include express companies and sleeping-car companies.

The House has refused thus far to include sleeping-car companies in the bill. What justification, my countrymen, can we give to our people when we go before them this fall and say we have included twelve express companies under the law and we refuse to include at the same time in the same law the only known monopoly in the United States that has no opposition of any kind or character, namely, the Pullman Palace Car Company? [Applause.] The people may be a little curious to know why the Senate receded from this amendment, and explanations may be in order.

Now, there is only one way to reach questions of this kind. There is no use talking about President Van Buren and whether his niece or nephew wanted to do something or other. That has long since passed. Let us meet the live issues. What have we to say to the country upon our action in this matter? For one, I voted against sending the bill to conference and insisted on holding in our hands the right to concur or nonconcur in this body. It was not a party question; never has been a party question in this House. Our friends upon this side of the House, as well as my side of the House, practically unanimously voted for this railway rate measure, sending it to the other body, and that other body practically unanimously voted for the amended measure and sent it back here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRINCE. I ask unanimous consent that I may have five minutes more.

There was no objection.

Mr. PRINCE. There is only one thing for this House to do, and that is when this conference report comes into this House vote it down. [Applause.] Then it is in our hands to do as we please with it. Then I would concur in the amendments, every one that the House conferees have concurred in, and in addition to them I would put sleeping cars under control of the common-carrier system in this country. Now, what have we? Here in the report of this Interstate Commerce Commission there is not a word with reference to the Pullman Palace Car Company, no control of any kind or character; no report made to the country or to the House, and we have this anomalous condition. A strong monopoly—not a trust, but a monopoly that our party and our people want controlled—left absolutely without control by this House, and thus far the House seems to concur in leaving or allowing this monopoly to do as it pleases. There are only two railroads in this country that I find have their own sleeping cars. One is the East Florida Coast Line, a short line, and the Great Northern. If this law is enacted and this company is left out, it can destroy the privilege and right of any railroad company operating any sleeping cars of its own. It can control them. It could get some one to go before the Commission and make complaint of any railroad company that has its own sleeping cars and fixes the rates on their own line, because they are common carriers; and you may blot them out if it appears that they are unequal or unjust; but you can not appear before the Commission, if the rate of this monopoly is too high, and have it brought before the law, because you have excluded it, and you see the position we are in when we go before our fellow-men this fall. I believe the next House will be Republican. We have much-needed legislation to pass now. We do want to pass proper meat-inspection laws. We do not want to be responsible for failure to pass a pure-food law before we adjourn. That is up to us, and a live issue. [Applause.]

Now, I am frank to say that the Pullman company makes no report to the Interstate Commerce Commission. It is not primarily amenable to the interstate law. It is possible that the Commission might regulate the rates of sleeping cars by holding railroads responsible for such charges, but this is by no means certain.

The matter should be definitely and clearly settled by placing sleeping cars under the interstate-commerce law, and parlor cars should likewise be included. And for one I give notice now that I shall vote against concurring in this conference report. I hope that something may be done, and if not here, then elsewhere, that this whole matter may be sent again to the conferees; and if they come in here leaving out the sleeping-car companies, if they come in here refusing to grant free transportation to railway officers, men, and employees and members of their families, if they come in here refusing to grant free transportation to stockmen necessarily in charge of stock in transit, I for one give notice that I will vote against concurring in such a conference report. I want to give notice in advance and state to the country and to my constituents my position before this matter comes up. I hope the House will insist upon its rights. I hope it will no longer hand over to conferees the prerogatives that it should exercise, but that it will hold itself responsible, as we will be held responsible to our people individually for our votes here in this House. When this conference report comes in, if it does not contain the provisions to which I have referred, I hope it will be voted down. [Loud applause.]

Mr. MANN. I move to strike out the last word, for the purpose of making an inquiry of the gentleman in charge of the bill. I am interested in having the House proceed with this bill, because the committee of which I am a member are desirous of getting the pure-food bill before the House for its consideration. The gentleman in charge of this bill [Mr. TAWNEY] gave notice that he would confine the debate to the items in the bill. If that be his purpose, very well. If that be not his purpose, I shall use such means as are in my power to attain that end.

Mr. TAWNEY. I say, Mr. Chairman, that it is my purpose from this time on to confine the debate to the provisions of the bill.

Mr. MANN. I have no criticism of what has been done.

Mr. TAWNEY. Several gentlemen spoke to me yesterday when we were endeavoring to close general debate, each of whom wanted five or ten minutes to-day under the five-minute rule, and in order to effect what I was endeavoring to accomplish I gave consent to those gentlemen that they should have the time they desired; but from this time on I trust I may be able to confine the debate to the provisions of the bill as they are reached.

Mr. WILLIAMS. Mr. Chairman, while we were in the House I understood the gentleman to say that there should be the fullest debate on the bill itself.

Mr. TAWNEY. Under the five-minute rule on the bill. I am now speaking about matters foreign to the provisions of the bill.

Mr. WILLIAMS. Then there will not be any objection upon the gentleman's part for extensions of time for matters contained in the bill?

Mr. TAWNEY. On matters relating to provisions of the bill there will be reasonable time.

Mr. HINSHAW. The gentleman from Illinois is a member of the Committee on Interstate and Foreign Commerce.

Mr. MANN. Yes.

Mr. HINSHAW. In view of some adverse editorial criticisms of the position of the pure-food bill, it seems that there are some statements being made throughout the country that it is the purpose of the so-called administration of the House, and perhaps of the Committee on Interstate and Foreign Commerce, not to consider the pure-food bill at this session of Congress. I have investigated the matter to some extent and I am convinced that that is incorrect. I want to ask the gentleman if it is not the purpose of the Committee on Interstate and Foreign Commerce, and, as far as he knows, of the officers of this House, to give consideration to that bill fully at this session of Congress?

Mr. MANN. Mr. Chairman, I do not wish to violate the very rule which I shall endeavor to enforce, but I will say that certainly, in my opinion, it is the intention of the House to consider and pass a pure-food bill, and I have no doubt it will become a law at this session of Congress.

Mr. HEPBURN. Mr. Chairman, if I may be permitted, I want to say a word about this matter. I have seen and heard of criticisms on the part of gentlemen for fear that the pure-food bill would not be considered. Some gentlemen who voted against the consideration of that bill the other day when I myself attempted to get consideration of it, or, rather, gentlemen who voted in favor of taking up another proposition that excluded it, have been quite busy in their comments since that time. It is no fault of the Committee on Interstate and Foreign Commerce that that matter has not yet been considered. That committee reported the bill many weeks since. This House elected to take up that very important matter, the naturalization bill, and spent days upon that, instead of the pure-food bill,

when the alternative was offered, and some of the same gentlemen who aided in that have been vociferous in their criticism of the Interstate and Foreign Commerce Committee for not getting the pure-food bill before the House.

Mr. BARTLETT. Mr. Chairman, if my friend from Minnesota will permit me to proceed just for a minute, when the House met this morning I was absent, discharging a duty that the House had imposed upon me as a member of the committee to attend the funeral of Senator GORMAN. My good friend from Nebraska [Mr. NORRIS] called attention to the fact that the RECORD of this morning was interpreted to disclose that he has been credited with some remarks that I made yesterday, and the gentleman was kind enough to have the matter cleared up. I am certainly glad he did it, because if I had been present and had thought that what I said had been accredited to my friend from Nebraska, I myself would have been the first person to see that he should not receive the credit of it. I am rather proud that I made the speech, and thank the gentleman for making the correction.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, at the uniform rate of $65 per month each during the period of actual employment, and $3 per day for each occasion of service at other times; compensation of volunteers at life-saving and lifeboat stations for actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed $10 for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; fuel for stations and houses of refuge; repairs and outfits for same; rebuilding and improvement of same, including use of additional land where necessary; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; commutation of quarters and purchase of fuel in kind for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service; for carrying out the provisions of sections 7 and 8 of the act approved May 4, 1882; for draft animals and their maintenance; for telephone lines and care of same; and contingent expenses, including freight, storage, rent, repairs to apparatus, labor, medals, stationery, newspapers for statistical purposes, advertising, and all other necessary expenses not included under any other head of life-saving stations on the coasts of the United States, $1,602,850.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of asking what is the necessity of putting in the words "including the old Chicago station?"

Mr. SMITH of Iowa. That is the language that has heretofore been employed in this bill. I am not advised of any reason for a change and consequently made no change.

The Clerk read as follows:

REVENUE-CUTTER SERVICE.

For expenses of the Revenue-Cutter Service: For pay and allowances of captains, lieutenants, engineer in chief, chief engineers, assistant engineers, and constructor, Revenue-Cutter Service, cadets, commissioned surgeon; two contract surgeons, two civilian instructors, one at $1,800 and one at $1,500, and pilots employed, and rations for the same; for pay of warrant and petty officers, ships' writers, buglers, seamen, oilers, firemen, coal heavers, water tenders, stewards, cooks, and boys, and for rations for the same; for fuel for vessels, and repairs and outfits for the same; ship chandlery and engineers' stores for the same; actual traveling expenses or mileage, in the discretion of the Secretary of the Treasury, for officers traveling on duty under orders from the Treasury Department; commutation of quarters; for maintenance of vessels in the protection of the seal fisheries in Bering Sea and the other waters of Alaska, and the enforcement of the provisions of law in Alaska; for maintenance of vessels in enforcing the provisions of the acts relating to the anchorage of vessels in the ports of New York and Chicago, approved May 16, 1888, February 6, 1893, and March 3, 1899; and an act relating to the anchorage and movement of vessels in St. Marys River, approved March 6, 1896; and an act relating to the anchorage of vessels in the Kennebec River at or near Bath, Me., approved June 6, 1900; for temporary leases and improvement of property for revenue-cutter purposes; not exceeding $10,000 for the improvement of the depot for the service at Arundel Cove, Md., purchased under authority of the act of March 3, 1905; contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and all other necessary miscellaneous expenses which are not included under special heads, $1,600,000.

Mr. MANN. Mr. Chairman, I make the point of order against that paragraph. A surgeon is provided for, two civilian instructors, and not exceeding $10,000 for the improvement of the depot for service at Arundel Cove, Md. I think they are all subject to a point of order, but I would like to ask the gentleman what information the committee has upon this subject?

Mr. SMITH of Iowa. At Arundel Cove is maintained a training school for this Service. Heretofore they have had no instructors except the officers of the Revenue-Cutter Service. These officers have been detained there at inconvenience and detriment to the Service, and perhaps at times it has been found that they were not possessed of all the desirable qualifications for instructors, and it is the belief of the committee that the Revenue-Cutter Service ought to have at least two trained civilian instructors, selected with special reference to their ability as instructors rather than to their ability—as all commissioned officers necessarily are—in the work of the Revenue-Cutter Service. The showing made was such as to convince the committee that these civilian instructors ought to be allowed at this training school.

So far as the $10,000 is concerned, that is allowed for improvements. In the last Congress $30,000 was allowed for the purchase of the premises. They are in a bad state and need extensive repairs, and the committee believed that $10,000 was a moderate and reasonable allowance for the necessary improvements and repairs upon this property that has only recently come into the hands of the United States.

Mr. MANN. I beg the gentleman's pardon, but this is not for repairs.

Mr. SMITH of Iowa. For improvements.

Mr. MANN. They have not got $10,000 worth of buildings there to repair.

Mr. SMITH of Iowa. It is for improvements.

Mr. MANN. I guess it is for new buildings.

Mr. SMITH of Iowa. It is within the power to spend a portion of it for new buildings, but it was the belief of the committee from the testimony before it, which is shown in the hearings, that this amount was necessary to put this property that has recently been acquired by the United States into a suitable condition to carry on the training school.

Mr. MANN. It seems to me that if the Service wishes to have improvements made there in the way of new buildings, it ought to go before the proper committee, which has jurisdiction of the matter. We have a bill pending before the committee now which has jurisdiction of the subject, not in reference to that particular matter, but in reference to some reorganization of the Service.

Mr. SMITH of Iowa. I am not prepared to say—but that question will not arise unless the gentleman deems it his duty to insist upon the point of order—that it is solely within the jurisdiction of his committee to authorize every improvement upon this property at Arundel Cove. Of course that question would come before the Chair on a point of order if made. But I trust the gentleman will not deem it his duty to make the point of order.

Mr. MANN. I do not wish to make the point of order if the gentleman can tell us what it is for, and give a good reason for it.

Mr. SMITH of Iowa. I have stated that the record shows that within a year the property was purchased by the United States.

Mr. MANN. I am perfectly familiar with that, for we passed the bill providing for the purchase.

Mr. SMITH of Iowa. The buildings are in bad repair, and more buildings are required. The sum is so modest, as compared with the munificent sums which Congress has appropriated to rebuild West Point and Annapolis, similar institutions for the Army and Navy, that the committee thought the amount ought to be allowed.

Mr. MANN. If the gentleman means that this sum is to be used for repairs, I have no objection to it being appropriated for repairs of the buildings at that point, but it seems to me that Congress ought to have something before it to guide it in the building of new buildings. No one knows but that they may commence a hundred-thousand-dollar building. Congress absolutely has no control of the subject.

Mr. SMITH of Iowa. I think that is not justified, and I now have at hand the particular matter which I have referred to, and I will call it to the attention of the gentleman.

Last year the property was leased, and now it has been purchased outright.

In the estimate we have made we have put down $10,000 for the purpose of adding to some of the buildings, repairing wharves, and improving the property generally, and building an addition to the boiler house.

Now, this item was so small for these numerous purposes, of repairing wharves, building an addition to the boiler house, and some slight additional buildings needed, that the committee thought it was only a reasonable allowance, as compared with the millions that Congress has voted for the improvement of the Military and Naval Academy properties.

Mr. MANN. I do not see what a comparison has to do with it, but that explanation, so far as I am concerned, is satisfactory.

Mr. SMITH of Iowa. I believe now I have explained every item the gentleman speaks of except the item of the commissioned surgeon. He is authorized by express statute, and it is inserted here accordingly.

Mr. MANN. By what statute? It never has been provided for heretofore.

Mr. SMITH of Iowa. I call the gentleman's attention to the following, to be found on page 94 of the hearings:

Mr. SMITH. I notice you substitute the word "surgeon" for "surgeons" in this.

Captain ROSS. We have there a "surgeon," and then we have "surgeons" right after. Do you see that?

Mr. SMITH. Yes.

Captain ROSS. I will tell you how that came about. Congress passed a law some years ago giving us one surgeon. This man had made a trip to the Arctic for the relief of the whalers, and a bill was passed in Congress which made him a surgeon, with the rank of first lieutenant. He is in the service to-day as a commissioned officer. As soon as he dies the office lapses.

Mr. TAYLOR. You mean to say that the act made the surgeon by name?

Captain ROSS. Yes, sir; that is right——

Lieutenant REINBURG. For heroic services in Alaska.

Mr. MANN. Mr. Chairman, I remember that now. I shall insist on the point of order, so far as it relates, on page 14, to the two civilian instructors—one at $1,800 and one at $1,500.

The CHAIRMAN. The Chair will ask the gentleman in charge of the bill whether there is any law authorizing this item?

Mr. TAWNEY. Mr. Chairman, I would say that these two civilian instructors provided for in this bill were appropriated for on the urgent request and upon a showing that was made by the official in charge of the Revenue-Cutter Service, who appeared before the committee. There is no authorization in law for them. If the point of order is insisted upon, of course the point of order would have to be sustained. I desire to say to the gentleman from Illinois, however, that I think if he will read the testimony of the man in charge of the Revenue-Cutter Service, who appeared before the committee in respect to the necessity and advantage to the cadets of having two civilian instructors, he will be convinced, as the committee was convinced, of the advisability of providing for them.

Mr. MANN. That is quite possible. We have a bill pending before the committee that could easily cover this question as it covers a lot of other questions.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. MANN. I do.

The CHAIRMAN. The Chair sustains the point of order. The Chair understands that the point of order is not made to the entire paragraph.

Mr. MANN. No; just to that item.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For special repairs to revenue cutters, $200,000.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. I do that for the purpose of making an inquiry of the chairman of the committee with regard to that paragraph and the following one. The following one is the provision authorizing the Navy Department to transfer the *Bancroft* from the Treasury Department for the Revenue-Cutter Service. My understanding is that it is the intention of the Department to use this vessel as a training ship. I know that it is in very bad repair, having had no repairs for a number of years, and it is estimated that $100,000 will be required to put it into serviceable condition. I want to ask the chairman of the committee if in the provision last read, appropriating $200,000, there is a provision for the repair of this vessel?

Mr. TAWNEY. Mr. Chairman, I will say to the gentleman from Iowa that for the first time the sundry civil bill carries an appropriation of $200,000 for repairs of the revenue-cutter vessels. In addition to that they have their usual appropriation and the general fund, which has been increased $150,000. Out of the $200,000, which they have never had before, they can use such amount as is necessary to put the *Bancroft* in proper condition.

The Clerk read as follows:

Toward the construction of a steam vessel specially fitted for and adapted to service at sea in bad weather, for the purpose of blowing up or otherwise destroying or towing into port wrecks, derelicts, and other floating dangers to navigation, said vessel to be operated and maintained by the Revenue-Cutter Service under such regulations as the Secretary of the Treasury may prescribe, as authorized by the act of Congress approved May 12, 1906, to be immediately available, $100,000; and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for such construction at a cost not to exceed $250,000, the limit fixed by said act.

Mr. MANN. Mr. Chairman, I make the point of order on lines 19, 20, 21, and 22, page 16. I think it is subject to the point of order, and I do it for the purpose of having a ruling. It has been the custom, and in this case that custom was followed, for an act to be passed authorizing in this case the Secretary of the Treasury—a special act—to have constructed at a cost not to exceed $250,000 the vessel referred to in this item of the appropriation bill. I think that gives the Secretary of the Treasury authority to make contracts. If it does, of course this item is unnecessary; if it does not, this item is subject to a point of order. It makes no difference to me, so far as this particular item is concerned, but if it is necessary to put this in the appropriation bill every time, then as far as I am concerned I want to see a form of the bill which we pass specially for these things changed, so that we cover the case. When the Committee on Interstate and Foreign Commerce reports a bill into the House authorizing the Secretary of the Treasury or the Secretary of Commerce and Labor to construct one of these vessels or have it constructed, the intention is to give to that Secretary authority to have that vessel constructed, not to leave it exclusively to the Committee on Appropriations to afterwards decide the same question. I think the authority in the law now gives the Secretary the authority to do this. The light-house bill, which is now in conference, purports to give the Secretary of Commerce and Labor authority to construct various aids to navigation, but if this provision is necessary that bill might as well be thrown in the waste basket.

Mr. BARTLETT. Might I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. BARTLETT. Does the gentleman think the committee ought to provide the amount necessary to build this vessel as reported and enacted into law by Congress?

Mr. MANN. No; I do not think it is necessary to provide all the amount.

Mr. BARTLETT. I do not say necessary; but does the gentleman not think we ought to provide the amount?

Mr. MANN. I do not think we ought to provide all at once. I do not know there is objection to appropriating part at one time and part at another time. Now, the distinction between this item and the previous item in the bill is this: Both relate to the construction of a vessel, but the previous item in the appropriation bill goes in under an act of Congress which does not authorize the Secretary of the Treasury to construct a vessel. "That there shall be constructed, for and under the supervision of the Revenue-Cutter Service, a first-class ocean-going tug." But the second item goes in under a provision which authorizes the Secretary of the Treasury to have constructed a vessel, at a cost not to exceed so much. Now, I contend to the gentleman in charge of the bill that is sufficient authority to construct the vessel. That is the form which has been adopted by our committee for the very purpose of leaving to the Committee on Appropriations jurisdiction in reference to making the actual appropriation, but not leaving to the Committee on Appropriations jurisdiction to determine whether a vessel can be constructed or not. When Congress authorizes the Secretary to construct a vessel, then it is the duty of the Committee on Appropriations to bring in appropriations necessary for the particular year. Congress has passed upon that question. It is bad form, and if it is persisted in will require us to reform our form, or that we make an appropriation for the vessel. I do not think the gentleman ought to resist it.

Mr. TAWNEY. Mr. Chairman, it is not lawful for any administrative officer to involve the Government in any contract obligation without authority of law or in excess of appropriations made for that purpose. The bill authorizing the construction of this vessel made no appropriation whatever. While it authorizes the construction of the vessel it makes no appropriation for defraying the expense of that construction, and therefore the Secretary of the Treasury could not enter into any contract obligation for the building of the vessel until the appropriation was made for the purpose.

Mr. BARTLETT. Mr. Chairman, will the gentleman allow me to interrupt him?

Mr. TAWNEY. In just one moment. Now, the uniform practice has been to incorporate the language which is incorporated here in order to meet the condition, "and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for such construction, at a cost not to exceed $250,000," the limit of cost fixed by said act. Now, the appropriation is only $100,000, because that is all that can be expended during the next fiscal year in the construction of that vessel. The remainder of the appropriation or the limit of cost will be appropriated for or carried in the next sundry civil act, but this gives him authority to enter into a contract up to the full limit of cost. The result of the practice is to avoid appropriating money for objects for the next fiscal year, which money can not be expended during the fiscal year, but enabling the officer to create a contract liability to the full limit of cost. I do not see why the gentleman from Illinois finds any occasion to criticise this language or the practice. It is true that his committee reported a bill from this House authorizing the construction of this vessel. Congress passed it, and it has become a law. The Committee on Appropriations does not interfere with it. This language simply enables the Secretary to do that which he could not do under the terms of the bill as it passed both Houses of Congress, to make a contract to the full limit of cost, and also obviates the necessity of appropriating more money than can be expended

for this object during the next fiscal year. I now yield to the gentleman from Georgia.

Mr. BARTLETT. The gentleman says this act did not appropriate any money. The act did authorize the construction of this vessel. Does not the gentleman think the practice of the Committee on Interstate and Foreign Commerce in leaving to the Appropriations Committee the duty of appropriating money rather than the Interstate Commerce Committee itself should undertake to appropriate money, a proper custom and practice to be followed by that committee?

Mr. TAWNEY. Why, certainly——

Mr. BARTLETT. We leave it to your committee, and I think we ought to do it. Now, the question I intended to ask the gentleman was, if there were hearings before the committee upon this particular item, if he believes a hundred thousand dollars is a sufficient amount to carry out the purposes of the act during the next fiscal year?

Mr. TAWNEY. Well, I will say to the gentleman that the Department advised us that they could not expend to exceed $100,000 during the fiscal year, and without this language the Department can not contract up to the limit of cost.

Mr. BARTLETT. I understand that.

Mr. TAWNEY (continuing). Unless we appropriate the full amount.

Mr. BARTLETT. I understand that; but the information I want to get at, which the gentleman has almost entirely furnished, is that the idea of the Department is that this vessel can not be constructed during the next fiscal year entirely.

Mr. TAWNEY. It can not be; we are so advised by the Department.

Mr. BARTLETT. I wanted to get that information.

The CHAIRMAN. The Chair would like to ask the chairman of the committee this——

Mr. TAWNEY. I simply desire to say that if we appropriate now $250,000 for the construction of this vessel, that language is not necessary; but without the full appropriation, or appropriation for the maximum limit of cost, the Secretary of the Treasury can not contract for the completion of that vessel. Now, in order to enable him to contract for the completion of the vessel, we can——

The CHAIRMAN. Is it not a fact that the Secretary can not so contract, because you have no authorization?

Mr. TAWNEY. There is no authority to make any obligation; in fact, the law prohibits the Secretary of the Treasury from making an obligation that is not authorized by law.

Mr. CRUMPACKER. I want to suggest, in connection with that, that the law prohibits any Department officer from making a contract beyond the appropriation for a public building or improvement. The decision of the House has been to the effect that boats and vessels are not public buildings or improvements, and that the limitation upon appropriation, if the authorization fixes the limit of cost, is a proper limitation upon the appropriation. The rule is applied to the building of the Navy, and my recollection is that it has likewise applied to the construction of boats for the Revenue-Cutter Service.

The CHAIRMAN. The Chair thinks not. The Chair thinks no holding of that kind has ever been made to apply to other than naval vessels.

Mr. TAWNEY. Mr. Chairman, the effect of sustaining the point of order would simply be this: That in order to commence the construction of this vessel, beginning the next fiscal year, we will then have to appropriate $250,000, the limit of cost, or $150,000 more than can be expended during the next fiscal year.

The CHAIRMAN. The gentleman may claim that that is an argument to the Chair that the point of order should not be sustained.

Mr. TAWNEY. The objection, or the point of order, if I understand, is to the language authorizing the Secretary of the Treasury to contract for the whole limit of cost.

The CHAIRMAN. And for that authorization there must be legislation.

Mr. TAWNEY. There must, and the authority for contracting and for the limit of cost for the full amount of the appropriation is all that this provision accomplishes.

Mr. MANN. Mr. Chairman, if the gentleman in charge of the bill is correct, this is clearly subject to the point of order. If I am correct in my contention, it is not subject to the point of order. The gentleman, perhaps, had better direct his attention to me and see whether he can convince me or not.

Mr. TAWNEY. I do not care whether it goes in or whether it stays out. I would just as soon see it go out, and then next year it can go in.

Mr. MANN. I would like to know, when the gentleman says that there is no authority, as a matter of fact whether the Secretary of the Treasury can not enter into a full contract before a cent is appropriated?

Mr. TAWNEY. Simply a statute of the United States.

Mr. MANN. What is the statute? It is easy to say that there is a statute. I do not say that the gentleman is not correct. It is easy to say that there is a statute; but I do not know of any statute, I am frank to say. I do not see why authority given to an executive officer to do something, to construct a vessel, is not just as direct authority as to say that he can enter into a contract for the construction of a vessel. I fail to see the difference between directing an officer to do a thing and directing him to do it in a particular way. I would like to have the authority of law, if the gentleman has it.

Mr. TAWNEY (to Mr. CRUMPACKER). Has the gentleman the statute?

Mr. CRUMPACKER. The section of the statute applies to public buildings and improvements. I do not believe it includes the construction of boats at all. A decision made by Speaker Reed, in the House of Representatives, twelve or fifteen years ago, perhaps the strongest among the decisions, held that it is a limitation, describing the manner in which the money is spent as the limitation by the rules of the House. There is no known statute which prevents this kind of a contract. The question is whether the authorization of the contract is legislation, or whether it is a limitation; that is the meaning in the practice of this House.

Mr. MANN. Will the gentleman permit me, and yield to a question?

Mr. CRUMPACKER. I will.

Mr. MANN. The gentleman from Indiana probably has referred to the law. I do not know the terms of the law he has in his mind. I should be glad if he would state what it is, as I have never known of any. Is it the opinion of the gentleman from Indiana that if Congress passes a law authorizing and directing the Secretary of the Treasury to construct a Federal building at some town, that the Secretary of the Treasury gains no authority under that act of Congress, and that he can not proceed to construct the building?

Mr. TAWNEY. Do you mean that he can make a contract for a building, without express authority, where there has been no appropriation made?

Mr. MANN. The question is, If Congress passes a law authorizing and directing the Secretary of the Treasury to erect a public building at Hammond, Ind., can he do nothing in accordance with the law until after the Committee on Appropriations have made an appropriation?

Mr. CRUMPACKER. I think that when Congress authorizes him to construct a public building, and gives him a certain amount, he is authorized to make a contract; but I do not see that a revenue cutter, a vessel, is a public building, or that it comes within the purview of that statute at all, and I think that when Congress——

Mr. MANN. Supposing it does not come within the purview of the statute. Here is an act which reads that the Secretary of the Treasury is hereby authorized to have constructed, at a cost not to exceed $250,000, a steam vessel, etc. Now, is it the contention of the Committee on Appropriations that that amounts to nothing, that that does not give the Secretary of the Treasury authority to have a vessel constructed?

Mr. TAWNEY. In reply to the gentleman from Illinois I will say——

Mr. MANN. The gentleman from Indiana [Mr. CRUMPACKER] has the floor.

Mr. TAWNEY. Let me quote this statute. The act authorizing the construction of this vessel does not authorize the Secretary of the Treasury to enter into any contract obligation involving the Government in the payment of the money necessary for that construction. Now, section 3679 of the Revised Statutes reads as as follows:

> No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriation.

Mr. CRUMPACKER. That is the deficiency statute—to prevent deficiencies.

Mr. TAWNEY. No; it is not.

Mr. CRUMPACKER. I think that is clearly——

Mr. TAWNEY. It is not the deficiency statute at all.

Mr. CRUMPACKER. It is a special statute on the subject of contracts.

Mr. TAWNEY. That is the act passed July 12, 1870.

Mr. MANN. If the gentleman from Minnesota will permit me, under that statute, if you follow the wording of it, the Sec-

retary of the Treasury could not enter into a contract. Now, it is nonsense to say that we can not authorize him——

Mr. TAWNEY. He can not enter into a contract without this authority.

Mr. MANN. But that statute would forbid giving him the authority. I say we give him the authority when we authorize him to construct the vessel.

Mr. TAWNEY. You did not give it to him expressly to enter into a contract. He can build it in any old way he pleases.

Mr. MANN. There is nothing there forbidding him to enter into a contract.

Mr. TAWNEY. It says he can not involve the Government of the United States in any contract obligation——

Mr. MANN. Beyond the appropriation; but if we pass a statute authorizing him to do it, that takes the place of the former statute. We do that in all our public building acts.

Mr. CRUMPACKER. We do not in a single one.

Mr. TAWNEY. I am advised it has never been done in a single instance, with all due respect to the gentleman from Illinois.

Mr. MANN. I will give the gentleman a little further information. There have been no instances of recent years, except these instances now, where we have adopted the form that the Committee on Interstate and Foreign Commerce has here adopted. In these two items one of the forms that was passed did not authorize the Secretary of the Treasury to construct the vessel. The other did authorize him, and what I am contending for is that the form which we have adopted does authorize him; and if it is decided that it does not, I want to know it, and we will change the form.

Mr. TAWNEY. Another section of the statute, section 3732, reads as follows:

No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

The CHAIRMAN. If that is the law, how do you expect to change it on an appropriation bill?

Mr. TAWNEY. We do not propose to change it. I should like to ask the gentleman from Illinois [Mr. MANN] whether under his contention he thinks it would be advisable and that the Committee on Appropriations should, in the face of the fact given us by the Treasury Department that they can expend no more than $100,000 in the construction of this vessel next year, or the next fiscal year, have reported here an appropriation of $250,000 for that purpose in order to enable the Secretary to make a contract for the completion of that vessel?

Mr. MANN. I have no criticism whatever to make on the Committee on Appropriations in this matter. I think the Committee on Appropriations did precisely the thing I should have done if I had been in their place and had good intelligence; but the question goes beyond that. What we want to know is what the law is in reference to these matters. The Committee on Appropriations reported in accordance with what was its judgment of the law. If that judgment be correct, their action is correct. I wish, however, the gentleman would pass this item until we ascertain what the Comptroller says. If the Comptroller says that this contract can not be entered into, I have no objection to the item.

Mr. TAWNEY. I should like very much to accommodate the gentleman from Illinois——

Mr. MANN. I do not care whether the gentleman accommodates me or not. I am perfectly willing to have a ruling.

Mr. TAWNEY. This has been the practice of the House.

Mr. MANN. I will say to the gentleman it is no accommodation to me.

Mr. TAWNEY. It has been the practice of the House in reference to all the vessels of the Revenue-Cutter Service and the Life-Saving Service, authority for the construction of which has been given by reports from the Committee on Interstate and Foreign Commerce; and if the gentleman wants to put the House in the position of being compelled to appropriate $150,000 more for this purpose than is necessary he can do so, and the point of order can be sustained or overruled at this time.

Mr. MANN. I will say, if the Chair will permit me——

The CHAIRMAN. The Chair is clearly of the opinion that the paragraph is obnoxious to the rule, and the point of order is sustained.

Mr. MANN. I just wish to say to the gentleman that yesterday when the gentleman from Minnesota asked me to consent to pass over an item I very gladly did it, although I had the gentleman in what seemed to be a very tight place. This time the gentleman does not wish to pass it over. It makes no difference to me. I shall be perfectly willing to accommodate the gentleman at all times.

Mr. TAWNEY. "The gentleman from Minnesota" asked that that item be passed in order that he might obtain information concerning it. The gentleman from Illinois is so well informed on this subject that he did not ask that it go over for the purpose of his gaining any information, but in order that I might be informed, and be convinced, possibly.

Mr. MANN. Not at all. I should much rather be convinced that the view of the gentleman is correct.

Mr. BARTLETT. I understand the Chair has sustained the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BARTLETT. I move to amend the section by striking out "one hundred thousand dollars" and inserting "two hundred and fifty thousand dollars." That was the amount authorized by this act which it is proposed to carry out. The vessel is of a great deal of importance to commerce.

Mr. TAWNEY. Mr. Chairman, if the gentleman will pardon me, I understood from the ruling of the Chair that the entire section goes out.

The CHAIRMAN. The point was only made as to the last four lines.

Mr. MANN. I will say to my friend from Georgia that there is no possible doubt but that the Secretary of the Treasury can go ahead and make a contract for this vessel; and if he can not, we will correct it.

Mr. BARTLETT. He can go ahead and make the contract, but how is he going to pay for it?

Mr. MANN. He can use only $100,000 in the next fiscal year.

Mr. BARTLETT. The gentleman understands that I have no purpose except to carry out the law that is reported from the Committee on Interstate and Foreign Commerce.

Mr. MANN. I raised the point, I will say to the gentleman, more on account of the light-house matter than anything else. I want to know "where we are at."

Mr. BARTLETT. Why not permit the amendment to be made at $250,000?

Mr. TAWNEY. I will not consent to that, in view of the fact that the Treasury Department says that it can not spend but $100,000 this year. I shall not consent to give them $150,000 they do not want and can not expend.

Mr. BARTLETT. Would the Secretary of the Treasury under this authorization simply undertake to provide for a boat costing $100,000?

Mr. TAWNEY. No; he will contract for a boat, as the gentleman from Illinois contends, contract for a vessel up to the limit of the cost, and $100,000 will enable him to go on and build, and at another session of Congress we can give him the remaining amount.

Mr. BARTLETT. I offer an amendment making it $250,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 18, page 16, strike out the words "one hundred" and insert "two hundred and fifty;" so as to read "two hundred and fifty thousand dollars."

Mr. BARTLETT. Now, Mr. Chairman, I want to say to the gentleman from Minnesota that I have no desire to change the bill or to make this for any amount except that provided for by law, nor do I desire to make the amount larger in this appropriation bill than can be used by the Department. I offer this amendment out of pure caution that no complication might arise in the mind of the Secretary of the Treasury that he would not be authorized to contract for a boat or vessel of the size of that authorized by the act.

Now, if it is the opinion of the gentleman from Minnesota that the Secretary of the Treasury will provide or contract for a vessel which would eventually cost $250,000 and expend only $100,000 during the next fiscal year, I am content. But having looked into the matter of the necessity for the vessel, I am very anxious that it should be built, and built of the size and dimensions provided for, and expected to be built for $250,000. Will the gentleman from Minnesota answer my question whether or not, if the provision remains in the bill at $100,000, the Secretary of the Treasury will contract for a vessel only to cost $100,000?

Mr. TAWNEY. The gentleman from Georgia will pardon me, but the contention of the gentleman from Illinois and myself is to the effect—the gentleman from Illinois contends that he now has authority——

Mr. BARTLETT. But the Chair has ruled differently.

Mr. TAWNEY. The ruling of the Chair does not affect the contention of the gentleman from Illinois. My contention is that without this it would be impossible for him to make the contract.

Mr. BARTLETT. I so understood the gentleman.

Mr. TAWNEY. The question is, Whose opinion is entitled to the most weight? I am rather inclined to think, from what I know about the gentleman from Illinois and from my confidence in my own opinion, that the most weight should be given to his opinion.

Mr. BARTLETT. Both opinions are entitled to much weight; but the gentleman from Minnesota is in charge of the bill, and we have to look to him for information about it.

Mr. TAWNEY. I will say to the gentleman from Georgia that it is my information and my judgment, from an examination of the statutes, that the Secretary of the Treasury can not contract for a vessel to the maximum limit of cost unless the full amount is appropriated for; but I do not believe at this time that this amendment should prevail. We ought to conclude the consideration of this bill, and then the matter may be cleared up and fully ascertained. I do not want to put in the bill $150,000 that we will have to reappropriate in the next Congress.

Mr. BARTLETT. The gentleman knows that I do not want to do so, and that is not my purpose. Simply because the gentleman took the position he has just reiterated and out of pure caution is the reason I offer the amendment. Now, will the gentleman from Minnesota agree that this may be passed without prejudice?

Mr. TAWNEY. I think the appropriation had better stand as it is at $100,000, which is the amount that will be expended, and when the gentleman from Illinois and the gentleman from Georgia and myself call upon the Comptroller of the Treasury and ascertain what his ruling would be, we can perhaps return to this item and fix it up by unanimous consent.

Mr. BARTLETT. Mr. Chairman, I will ask the gentleman if he will agree to that?

Mr. TAWNEY. Certainly.

Mr. BARTLETT. Then I ask that it be passed without prejudice.

The CHAIRMAN. Unanimous consent is asked that the section be passed without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

International Catalogue of Scientific Literature: For the cooperation of the United States in the work of the International Catalogue of Scientific Literature, including the preparation of a classified index catalogue of American scientific publications for incorporation in the International Catalogue, the expense of clerk hire, the purchase of necessary books and periodicals, and other necessary incidental expenses, $5,000, the same to be expended under the direction of the Secretary of the Smithsonian Institution.

Mr. CRUMPACKER. Mr. Chairman, I reserve the point of order to the paragraph just read, with a view of finding out something about it. I would like to know from the gentleman in charge of this bill what it means.

Mr. TAWNEY. I will suggest to the gentleman that he direct his inquiries to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, for many years there has been an international society of nations, as distinguished from a society of individuals from those nations, engaged in the preparation of a catalogue, international in character, of scientific works. The expense here covered is simply the expense incident to the compilation of a catalogue of the American scientific works to be furnished to the international society, to be incorporated in the international catalogue. The United States has not heretofore appropriated for this specific purpose, but the expense has heretofore been borne chiefly from the funds of the Smithsonian Institution. The whole revenues of the Smithsonian Institution derived from the trust fund are only about $50,000 per annum. The preparation of this American portion of this international scientific work therefore consumes about 10 per cent of all the revenues of the Smithsonian Institution. This is, in my judgment, a diversion of that trust fund from the purposes for which it was given. I think it is such a use of it as ought not to be permitted. The trustees of the Smithsonian Institution are unwilling longer to devote this great portion of their revenues from this trust fund to the preparation of the American material for insertion in the international catalogue. It is essential to scientific study that the scientific works of the world should be annually catalogued, and it seems but a small contribution for the United States to make, to be willing to pay the simple expense of cataloguing the American scientific works and furnishing that portion of the matter to be incorporated in the great work.

Mr. CRUMPACKER. Let me ask the gentleman a question. Is it not true that all of the great libraries of the world are catalogued up to date, and contain all of the publications, scientific and otherwise?

Mr. SMITH of Iowa. It is not true that the great libraries of the world are able to keep up each year with all the scientific works in all the languages that men speak. This is for the great libraries.

Mr. CRUMPACKER. Each library has its own catalogue—current catalogue—has it not?

Mr. SMITH of Iowa. Oh, it does in a way have a catalogue; but it is never possible for these different libraries to prepare a complete catalogue of all the scientific works of the world for that year, and that must be plain to the gentleman from Indiana [Mr. CRUMPACKER] when I tell him that the work incident to the preparation of the catalogue of the American scientific works alone costs $5,000, and that many of the nations of the earth are contributing much more in scientific literature than we are and to the preparation of this catalogue than we are asked to contribute.

Mr. CRUMPACKER. Are not these same publications catalogued by the Congressional Library?

Mr. SMITH of Iowa. It is probable that the Library of Congress catalogues these publications in a measure. It is not conceivable that it is capable of cataloguing all the scientific works published in every country in the world every year.

Mr. CRUMPACKER. Of course, but this appropriation is only for the cataloguing of the American scientific publications, and I had the impression that the Library of Congress already made a complete and current catalogue of all publications.

Mr. SMITH of Iowa. It is not being furnished in form for use by the international society.

Mr. CRUMPACKER. Why don't he furnish catalogues of scientific works?

Mr. SMITH of Iowa. I am not advised why it is not furnished, but this is the source—the Smithsonian—from which the international society has always derived this contribution.

Mr. CRUMPACKER. There is no law authorizing this expenditure now, is there?

Mr. SMITH of Iowa. There is not. The United States has long participated, but participated through the Smithsonian trust fund, and the trustees are unwilling to longer pay the expense.

Mr. CRUMPACKER. That, the gentleman says, is a diversion of a trust fund. Congress has never made any provision for this?

Mr. SMITH of Iowa. No.

Mr. CRUMPACKER. Mr. Chairman, I think I shall have to insist on the point of order, if it is good, and I think it is. There is no authority in law for this appropriation; it is conceded.

The CHAIRMAN. Does the gentleman from Indiana make the point of order?

Mr. CRUMPACKER. I make the point of order.

Mr. SMITH of Iowa. Mr. Chairman, I grant the point of order is well taken. I regret the gentleman from Indiana feels constrained to make it.

The CHAIRMAN. The point of order is conceded by the gentleman to be well taken, and is sustained.

The Clerk read as follows:

Building for National Museum: For continuing the construction of the building for the National Museum, and for each and every purpose connected with the same, $500,000.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I want to briefly make a few observations, not so much on the merits of the item, as on the general proposition of the cost of our public buildings. I want to seriously, candidly, and frankly call to the attention of the distinguished chairman, whom I know is industrious and has shown that he is a man of intelligence, as are his associates, Why is it, gentlemen—I am sure you have asked yourself, as I have myself—that we have so many deficiencies? We appropriate here, and fix the cost, to build things, and then we have to appropriate a whole lot more to finish them. I am going to read briefly a few lines from Secretary Taft on the proposition of the home and foreign cost of structural material.

In a letter to the President, dated May 14, 1906, Secretary Taft, in part, says on buying two steel dredges for the Panama Canal:

When the Army went to the Philippines, which were not affected by the Dingley tariff and where Army supplies were admited free of duty, the question arose as to where Army supplies were to be purchased. The practice was adopted under this section to buy supplies for the Army in the Philippines where they could be had at the cheapest price, preference of course being given to American supplies and material when conditions of price and quality were equal. Accordingly, large amounts of meat have been purchased from Australia instead of from the United States, because meat could be purchased at about one-half what it would cost to bring it over from the Pacific coast.

The result of a consideration of general principles of law and the practice of the Government, in the absence of specific direction to the contrary, is that in the construction of the Panama Canal in the Canal Zone on the Isthmus, which is outside the tariff wall surrounding the United States proper, and into which, by virtue of the Hay-Varilla treaty with the Republic of Panama, material, supplies, and machinery of all kinds for the construction of the canal are to be introduced free

from tariff or imposts, it is your duty to buy where you can obtain the material, supplies, and machinery at the cheapest price, other conditions with respect to quality, prompt delivery, etc., being equal. This view, it seems to me, is confirmed by the failure of Congress to direct any different course on your part, although the matter was brought to its attention more than a year ago, and your view of your duty in the premises, if Congress took no further action, was clearly indicated.

I ought to add that, while of course a very large proportion of all the purchases made for the construction of the canal have been from American merchants and manufacturers, some purchases have already been made abroad, and a saving effected in the purchase of camparatively small quantities of cement. In the construction of the canal an enormous quantity of cement will have to be purchased, and the question will soon recur again as to the acceptance of foreign bids for this material.

Very respectfully, WM. H. TAFT,
Secretary of War.

The PRESIDENT.

Now, I am not going to talk politics. I am going to talk dollars and cents reform for the benefit of the Government and people. You will remember two or three years ago Mr. Secretary of the Navy Moody reported to Congress that he would not start the work on the Annapolis buildings until we gave (in addition to the $8,000,000 already appropriated) $2,000,000 more, and he said the reason why he did that was because structural material had gone up either 20 or 30 per cent; that the architect had so reported. Congress gave the $2,000,000 additional and finished paying it a few days ago, I believe. I hold in my hand Senate Document No. 444 of the present Congress. In Secretary Taft's letter to the War Department, dated War Department, May 14, 1906, wherein bids for a couple of dredges for canal work were discussed, he states there is a difference of $70,850 between a Scotch bid and an American bid—between a bid made by the Maryland Steel Company, with headquarters at Sparrows Point, Md., and the Scotch firm of William Simons & Co., of Renfrew, Scotland. Now, gentlemen, here is the point of my proposition: In that small matter, less than $700,000, here is a saving of seventy-odd thousand dollars to the United States Treasury when we permit foreign structural builders to bid on our contract.

Now, here is an appropriation bill which, I believe, carries nearly a hundred million dollars—between ninety and a hundred million—and in a short while there will be, or rather exists now, deficiencies, and you will find, gentlemen, that in a great measure these deficiencies are brought about by the trusts and combinations dealing in all kinds of building material in this country, who have put up the price of material, and thus the original appropriation becomes too small to pay for the work. After we set a price on what a thing shall cost, after the plans are made, after they are submitted, and after we start on the work, we find that Government and the American people are in the grasp of the structural material makers of this country, who have practically no competitors. We find in a small matter—less than $700,000—this Panama proposition, there is a saving to the Government due to foreign bids of nearly $71,000 by allowing foreign bids. In the Annapolis instance they raised the cost of building material nearly 30 per cent.

Now, these are facts, gentlemen, which nobody can dispute. And I say here, in all candor, gentlemen of the Republican party—now, I must speak of partyism right here—you owe it to the American people to see not only that the laws are amended to meet the conditions and exigencies such as I have suggested here, but you owe it to the people to so change the laws as to prevent such a condition of things as this to arise and attack the Treasury. It is your duty to protect the American Treasury against being held up by these people, I do not care where or who they are. Why, they are indicting trusts in my country, and if guilty, whether black or white, Republican or Democrat, and more so if he is a Democrat, because he ought to know better, let them be indicted and punished.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I move to strike out the last three words.

Mr. PAYNE. Mr. Chairman, I make the point of order the gentleman can not get the floor by offering another amendment for an additional five minutes. He must get additional time——

Mr. GAINES of Tennessee. I want to suggest to the gentleman that this is the first time I have ever heard that objection made. Now, I have known the gentleman himself to make the same request. I ask unanimous consent for five minutes additional.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Tennessee may have five minutes.

Mr. GAINES of Tennessee. I may not take it all.

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

Mr. GAINES of Tennessee. Now, Mr. Chairman, here is a matter that Judge Taft, a man of brains, integrity, and backbone, has brought to your attention, yet you stand here, "standing pat," so pat that you dare not put the "monopolized article" upon the free list, as the old leaders of your party did to free the monopolized article, and you do not even dare to reduce the tariff and allow fair competition in the limits of the United States proper. Now even the fact that here you have one of your own great men—a man almost greater, if a man can be, than his party, Secretary Taft—bringing to your attention this matter, does not seem to move you from your "stand-pat" status. I believe the Senate has already passed a resolution preventing the Secretary of War or the President of the United States from even saving this $70,000 to the Government of the United States in this Panama matter.

Now, Mr. Chairman, I will not take up the time of the committee further, but I will ask unanimous consent to extend my remarks in the RECORD on this subject of export and home price of our American manufactures.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The matter referred to by Mr. GAINES of Tennessee is as follows:

Home and foreign price of American-made goods.

[By Byrum W. Holt, secretary New York Tariff Reform Club.]

EXPORT PRICES.

An attempt will be made in this pamphlet to show—

1. That it is reasonably certain that the great bulk of our exports of manufactured goods, amounting to $452,000,000 for the year ending June 30, 1904, are sold to foreigners at prices much lower than those prevailing in this country.

2. That it is highly improbable that these exported goods are sold at a loss.

3. That a regular system of continuously selling exported goods at prices below those exacted in the home market prevails in the United States and other high-tariff countries.

4. That while most protectionist countries encourage the selling of manufactured goods to foreigners at lower than home prices by the payment of drawback duties on imported material used in the manufactured article, and sometimes by direct export bounties, yet—

5. That, in this country at least, neither drawback duties nor export bounties account for much of this foreign selling at reduced prices.

6. That therefore these export prices furnish evidence that our present tariff duties are unnecessarily high, even from a protectionist standpoint.

7. That combinations, or trusts, controlling the home market take advantage of this excessive protection to exact exorbitant prices from domestic consumers.

8. That not only is this an oppression upon our citizens, who have generously taxed themselves for the benefit of these favored industries, but—

9. That it seriously handicaps all unprotected exporters, whether manufacturers or farmers, because it compels them to pay higher prices for materials, machinery, and supplies than are paid by their foreign competitors.

10. That, instead of encouraging our home industries, protection, by making it cheaper to produce abroad, is now encouraging foreign industry.

11. That for these reasons many important manufacturing establishments founded and conducted with American capital have recently been located abroad rather than in the United States.

I. OUR EXPORTS OF MANUFACTURED GOODS.

For the year ending June 30, 1904, our exports of manufactured goods were valued at $452,000,000. These goods comprised nearly all kinds and classes of manufactured articles. The more important items, according to value, were:

Exports of domestic manufacture for the year ending June 30, 1904.

Iron and steel	$111,948,586
Mineral oil, refined	72,487,415
Copper, manufactures of	57,142,079
Leather, and manufactures of	33,980,615
Agricultural implements	22,749,635
Cotton, manufactures of	22,403,713
Chemicals, drugs, dyes, and medicines (about)	13,000,000
Wood, manufactures of (not lumber)	12,981,112
Paraffin and paraffin wax	8,859,964
Instruments and apparatus, scientific	8,297,723
Paper, and manufactures of	7,543,728
Fibers, manufactures of	6,414,638
Tobacco, manufactures of	5,042,719
India rubber, etc., manufactures of	4,435,590
Books, maps, and other printed matter	4,347,304
Cars, passenger and freight, etc	3,370,736
Carriages, all other	3,354,801
Musical instruments	3,230,982
Paints, pigments, and colors	2,756,581
Clocks and watches, and parts of	2,281,195
Spirits, distilled	2,276,826
Soap	2,499,933
Gunpowder, etc	2,441,596
Glass and glassware	1,978,481
Wool, manufactures of	1,987,938
Cycles	1,965,026
Automobiles, and parts of	1,895,605
Lamps, chandeliers, etc	1,502,888
Jewelry and manufactures of gold and silver	1,365,654
Starch	1,340,282

NEARLY ALL GOODS SOLD CHEAPER FOR EXPORT.

The evidence is overwhelming that the great bulk of these exported goods are sold at prices materially lower than those prevailing in the United States. Those who have been connected with the export trade for many years estimate that 85 or 90 per cent of our exports are sold at an average of about 20 per cent less than they would have brought if sold at home-market prices.

On many important articles the difference between the export and home prices is above 50 per cent—often 100 per cent. The average difference for iron and steel goods is about 30 per cent. The average difference for mineral oil, implements, tools, and machinery is about 20

per cent; for leather goods and furniture, about 10 per cent, and for manufactures of cotton and copper, cars, carriages, and paints, somewhat less than 10 per cent.

TARIFF REFORM COMMITTEE'S PAMPHLET OF 1890.

Perhaps the first important evidence that, as a result of our highly protective tariff, American manufacturers were continuously selling manufactured goods abroad on an extensive scale at prices much below those prevailing in the United States was presented by the Tariff Reform Committee when it, on August 30, 1890, published Protection's Home Market, a 16-page illustrated pamphlet containing statements from leading manufacturers, from prominent Republicans, and from export journals, which published the export prices of many articles. This pamphlet was widely circulated, and undoubtedly helped to produce the political turnover of 1890 and 1892.

A few statements from this pamphlet may be quoted here, not only because they are valuable in themselves, but because they portray conditions to-day almost as well as they did fourteen years ago.

The American Machinist, September 26, 1889, said:

"Just why American manufacturers will sell machinery and other goods from 10 to 30 per cent cheaper in Europe than they will sell them to be used at home is rather puzzling; but anyone curious in the matter can easily enough find out that many of them do this. It may be necessary to cut prices in order to secure trade from abroad, but it is likely to strike the American purchaser as being a little rough on him."

The Engineering and Mining Journal, March 15, 1890, said:

"So soon as the industry has attained the position where it can more than supply our home market and has to send its goods abroad, where they compete with those of foreign manufacturers, it is evident that they are either giving the foreigners the benefit of lower rates than they do onur own people or that they are able to get along at home without any protection from foreign manufactures. It is not fair that our own people should be made to pay more than foreigners for the products of our own land."

The Republican Secretary of Agriculture, Mr. Jeremiah M. Rusk, gave some expert testimony on this subject in 1890. He said:

"I had an opportunity to take some stock in the combination (American Harvester Company), and I know what inducements were offered. An investigation will show that this same combination is now selling or offering to sell machinery in Russia and Australia and other wheat-growing countries at a lower figure than they do in this country. This won't do, and I need not offer any argument to prove the weight or truth of the assertion. The first thing the farmer will do when he is acquainted with the facts will be to make a howl against the trusts and protection that does not protect. Whether justly or not, he will charge it to the Republican party. I am as certain as I can be of anything that this mower and reaper trust will cost the Republican party hundreds of thousands of votes at the next Presidential election unless it takes a firm stand against it and trusts in general."

Even that steadfast Republican paper, the New York Press, admitted on October 22, 1889, that—

"It is sometimes looked upon as wise to ship goods out of the country at cost, rather than break the regular price for which such articles sell in the country in which they are produced."

On July 30, 1890, Mr. A. B. Farquhar, in a letter to the Farmers' Call, of Quincy, Ill., said:

"Certainly our manufactures are sold much lower abroad; we could only need protection to get better prices from our customers at home. We do manufacture and sell in Canada, South America, and Europe many agricultural implements and machines, and could we have free raw material and the commercial advantages which free trade would give us America would become the great manufacturing emporium of the world, and the farmer, of course, would share the prosperity, since he would have less to pay for everything and get better prices for all he sold. Go on with your good work. When the farmer begins to think and rise up against this swindle it is doomed."

As to whether or not the export prices quoted were for the wholesale trade alone, the Engineering and Mining Journal of August 26, 1890, said:

"Prices quoted by us are, as you will notice, at the head of the first column, 'for export only,' and the prices therein given are the prices at which every foreign subscriber can buy in this market. It stands to reason that orders for farm implements are frequently for one only. If to buy one machine is retail trade, then these foreign prices are retail prices.

"Our domestic subscribers are barred from the prices quoted in these columns. These special discounts are 'for export only,' and in more than one instance we have lost our advertiser through publishing these prices.

"That the foreigner can buy at retail in this market cheaper than the domestic consumer is as indisputable as the daily revolution of the earth. We can enumerate any number of instances where houses have written us: 'Prices furnished are for export only, and it would be most injurious to us if these figures were circulated in the "home markets."'"

From several export price lists and from prices obtained direct from manufacturers, this Reform Club pamphlet of 1890 compared the domestic and foreign prices of many articles. It appeared that agricultural implements, machinery, and tools were sold for export at prices from 5 to 40 per cent below those charged in the home market. Barb wire was then sold for export at $2, and at home at $3 per hundred pounds; wire nails at $1.35 and $2.25, respectively; rivets at $5.55 and $10; typewriters at $60 abroad and $100 at home; sewing machines at $20.75 abroad and $27.50 at home.

PRACTICE HAS GROWN WITH OUR EXPORT TRADE.

Since 1890 the practice of selling goods at lower prices for export has grown with our export trade in manufactured products. During this period commercial and daily newspapers have been continually printing letters and news items about the differences between the home and export prices of various articles and goods, and sometimes of American goods reimported, after paying transportation costs both ways, and sold at a profit under the home-market prices.

In 1902 the Democratic campaign book contained considerable evidence on this subject. This year's Democratic campaign book contains much more evidence, and enumerates hundreds of articles on which the differences between the export and home prices is very marked. Nearly all of the prices in the campaign book are quoted in this pamphlet, full information as to their accuracy having been obtained.

II. OFFICIAL EVIDENCE.

ADMISSIONS FROM GOVERNMENT PUBLICATIONS IN 1900.

By 1900 the numerous iron and steel combinations (not yet consolidated) had become so dictatorial at home and so bold in selling their products abroad at greatly reduced prices that it became necessary to convey to them an official warning of the folly of the course they were pursuing.

The following quotations are from a special article on iron and steel in the official Report of the Bureau of Statistics on Commerce and Finance for August, 1900:

"The progress of work on shipbuilding in the United States has likewise been retarded, because makers of steel materials required a higher price from the American consumers than they did from the foreign consumers for substantially similar products. Of course American exporters have to get foreign contracts in competition with foreign plate makers, who are excluded from our domestic market. In addition to this, American export plate makers are interested in preventing the establishment of plate manufacturing in their customer nations abroad, and to that end bid low enough to discourage foreign nations from entering the field for producing their own plate at home. The progress of domestic manufactures of iron and steel goods may likewise be handicapped by the sale of iron and steel in their manufactured state at so much lower a price to foreigners than to domestic customers as to keep the American competitor out of foreign markets generally. The natural limit to such a policy of maintaining a higher level of prices for these materials at home than abroad is found in the restriction of domestic consumption and the import duty. If restriction of consumption at home does not operate to prevent the shortsighted policy of discrimination against domestic development of manufacturing industries, the other contingency is more or less sure to rise, namely, the demand for the reduction of the tariff on unfinished iron and steel, in order to equalize the opportunity of makers of finished products in foreign markets. To this policy the domestic consumer is usually ready to lend himself, thus making a powerful combination of interests to set limits to the rise of domestic prices on iron and steel materials.

* * * * * * *

"Of the two policies open to iron and steel makers, the farsighted one of keeping the domestic and foreign markets as near as possible on a par in the price of these materials of manufacture seems by far the wiser one to follow, both in the interest of a steadier course of prices, which means steadier consumption, and on account of the competition of manufacturers of finished goods with foreign manufacturers in the neutral markets of the world.

"The other policy of maintaining prices to manufacturers at the highest level at home leaves little margin for experiment in seeking new markets, and restricts the application of iron and steel to additional uses at home. The depressing effects of an agitation for tariff revision to remedy this inequality are sure to cause a far greater business loss not only to the country as a whole, but to the producers of iron and steel themselves than is to be gained by selling at low prices abroad, which they can not help, and at high prices at home, which they can help. Nor can the home-market price be sustained beyond certain limits by export sales. Certain American manufacturers of steel materials tried this policy up to April, 1900. It resulted in a very positive shrinkage in domestic consumption at the then high rates. Farmers had ceased to purchase barbed wire for wire fences, retail hardware dealers had complained for months of diminished business in nails and wire. Jobbers had gotten in the way of doing a hand-to-mouth business on prices that had advanced from $1.35 to $3.20 in the course of a year. Hence the reduction of $1 in April, 1900, became a necessity in order to keep the mills in operation.

"If steel rails, for example, sell at Pittsburg for $35 per ton for months in succession for home consumption, while the foreign consumer is purchasing them for $22 to $24 per ton, the domestic market is sure to order no more than it is obliged to have for the time being."

This warning to the iron and steel companies was unheeded. They immediately formed a much bigger trust (the United States Steel Corporation) and became more domineering than ever at home while pushing boastfully and ostentatiously into foreign markets by offering goods for exports at prices sometimes less than half those charged in the United States. Apparently the Republicans themselves have forgotten their own warnings. Or, perhaps, having been victorious in the elections of 1900 and seeing no very unusual demonstrations on the part of the people, they have concluded that there is no limit to the endurance and meekness of the voters, and it is safe to "stand pat" on a tariff that encourages these outrageous practices.

EVERYTHING LOWER FOR EXPORT, SAID PRESIDENT SCHWAB, OF THE STEEL TRUST.

The president of the United States Steel Corporation testified before the Industrial Commission on May 11, 1901. He had grown up in steel mills and had always seen all kinds of steel goods sold at reduced prices for export. Apparently it had never occurred to him that this system was an abuse of protection, was against public policy, and that everybody did not know of this usual and habitual difference between export and home prices. Hence he made some very frank admissions. Here are some extracts from his testimony:

"Q. Will you take up the question for a moment of the relation between export prices and the prices in this country? You have, perhaps, heard some of the discussion.—A. I heard some of the discussion of the gentleman who just preceded me. I do not quite agree with him, of course. It is quite true, as he says, that export prices are made at a very much lower rate than those here, but there is no one who has been a manufacturer for any length of time who will not tell you that the reason he sold, even at a loss, was to run his works full and steady. That has been the chief thing regarding all these companies in their export business. I think you may safely say this, that where large export business is done, for example, in the line of iron and steel, nearly all the people from whom supplies are bought for that purpose give you a good price for the materials that go into export. Railroads will in most instances carry them a little cheaper for you, and so on all down the line. But labor, within my knowledge at least, has never been asked to work for a lower price for export material, so that labor benefits more by it than almost any other interest.*

"Q. Is it a fact generally true of all exporters in this country that they do sell at lower prices in foreign markets than they do in the

* The fallacy in this statement is exposed by a notorious illustration. It was not very long after this testimony was given that the tin-plate branch of the United States Steel Corporation coerced its workmen into an agreement to accept about 20 per cent lower wages upon tin plate made for export. The company asserted that it was only by such a reduction of wages that it could obtain orders from the Standard Oil Company. Heretofore that company has used imported tin plate from which to make the cans for exported oil, obtaining a drawback from the Government of 99 per cent of the duty paid on the imported plate. (See pp. 16–17, infra.)

home market?—A. That is true; perfectly true. I just want to interrupt you and say that American steel has been sold in the American market at as low prices in times of extreme depression as it has been in foreign markets, but it has been sold without profit. You know we do run for a space of time at a loss.

"Q. Would you say that when business is in a normal condition the export prices are regularly somewhat lower than home prices?—A. Oh, yes; always.

"Q. (By Mr. Jenks.) I should like to go back a moment to the question of export prices. You said that during last year the export price was considerably lower than the price in the United States. Would you mind giving us definite figures?—A. I have not them at hand, but it would vary with each article.

"Q. Suppose you take the case of steel rails. Could you give us about the difference between the export and domestic price?—A. I would have to make a guess; I do not know definitely. The export price was about $23 a ton.

"Q. And the price here?—A. Was $26 and $28.

"Q. At the same time?—A. At the same time.

"Q. In making these export prices are the export prices at all uniform or do they vary?—A. They vary with the competition we may have."

Mr. John W. Gates, the head of the American Steel and Wire Company, told the Industrial Commission on November 14, 1899, that barb wire and wire goods were sold cheaper to foreigners because lower prices were necessary in order "to hold outside trade." He said they were exporting 700 tons of wire a day and that they furnished England with 60 per cent of her supply of wire.

INDUSTRIAL COMMISSION'S INVESTIGATION OF EXPORT PRICES.

The Industrial Commission, a strongly partisan body, made an investigation of export prices. It sent schedules of inquiry to 2,000 of the 600,000 manufacturing establishments in this country. It received 416 replies. In these replies 75 manufacturers admitted that they were discriminating in favor of foreign customers, and that their exports were valued at about $4,000,000.

On the supposition that these 75 manufacturers were the only ones in this entire country who were selling goods for export at reduced prices, many leading Republicans are asserting that out of our total product of manufactured goods, valued at over $13,000,000,000, and of our total exports of manufactured goods, valued at over $450,000,000, only $4,000,000 worth of goods are sold abroad at reduced prices. Absurd as they are, these statements are repeated in many forms in the Republican campaign book of this year and in the speeches of Secretary Shaw, Speaker CANNON, and others. Secretary Shaw's favorite way of stating it is that only "one-thirteenth of 1 per cent of the output of our factories is annually sold abroad cheaper than in the domestic markets."

That the investigation of this subject made by the Industrial Commission was most inadequate is evident to all who know how it was conducted, and is, indeed, substantially admitted by the Commission in their report.

Replies were received from only about one out of every five manufacturing establishments to which schedules of inquiry were sent. As it was optional with the manufacturers whether or not they should fill out and return the inquiry blanks, it may be presumed that the really guilty ones did not volunteer information which would endanger their protection. Many manufacturers made ridiculous answers, perhaps with a view to providing campaign material for the party of protection.

Thus many asserted that their domestic prices were substantially below their export prices. This is absurd. Not only is there no reason why export should exceed domestic prices, but it is next to impossible for them to do so. As 90 or 95 per cent of all goods exported are sold through export commission houses, which buy of manufacturers and sell to foreign customers, it is absurd to suppose that they will pay manufacturers much more for goods than these goods are selling for in the domestic market. The exporters would, of course, fill their foreign orders by buying goods where they could obtain them cheapest. Hence it is impossible for the export to exceed the domestic prices under similar conditions of sale. Under these circumstances it is remarkable that even seventy-five manufacturers frankly admitted that they were selling goods cheaper to foreigners than to Americans.

VALUABLE EVIDENCE FOR COMMISSION'S REPORT.

In spite of the unfavorable conditions under which the Industrial Commission's investigation was made, considerable valuable information was obtained from the admissions of the seventy-five manufacturers and from the conclusions of the Commission. In summing up their conclusions as to export prices the Industrial Commission said:

"In about 20 per cent of the cases covered by the Commission's returns the export prices have ruled lower than those charged to home consumers. * * * The practice is quite common in all countries and on the part of separate establishments as well as of combinations."

In view of "the practice by some exporters of making lower prices abroad than at home, and of the desirability of protecting the consumer as well as the producer," the Commission recommend that, "without waiting other legislation, the Congress provide for a commission to investigate and study the subject and to report as soon as possible what concessions in duties may be made without endangering wages or employment at home, what advantages abroad may be obtained therefrom, and also to suggest measures best suited to gain the ends desired."

This is a substantial admission that the investigation was not thorough and that tariff duties were, in part, at least, responsible for the difference between export and home prices. No attention whatever was paid to this recommendation by Congress.

REPORT OF MR. THOMAS W. PHILLIPS, A MEMBER OF THE COMMISSION.

One of the Commission, Mr. Thomas W. Phillips, did not sign the majority report. In a suplementary statement he said:

"There are a large number of industries in which it is in evidence that the domestic price is much higher than the export price. I do not agree that the answers to inquiries addressed by the Commission to exporters indicate that the trusts are not chargeable with this practice to any serious extent. Out of the 2,000 schedules of inquiries sent out there were received only 416 replies, and only a very few of these replies came from corporations known popularly as trusts (Vol. XIII, p. 726). The fact that about seventy-five answers indicated lower prices abroad than at home is significant when it is noted that more than four-fifths of those addressed failed to answer, and that naturally those who are chargeable with such discrimination would be the ones who would decline to reply.

"Several witnesses before the Commission on behalf of the trusts admitted that their export prices were lower than the domestic prices, but they contended that this was necessary in order to work off their surplus and to keep their establishments running full time, and that all manufacturers in all countries do the same. This argument overlooks the fact that their surplus products could also be worked off by lower prices at home and that it is the tariff which encourages them to cause domestic surplus by restricting domestic consumption through high prices."

On April 2, 1902, Mr. John M. Peters testified before the Ways and Means Committee that lead was being exported and sold for but little more than half of the home price. On the same day Mr. A. G. Webster, president of the New England Shoe Association, testified that leather was sold for export at 5 to 10 per cent below domestic prices.

TESTIMONY BEFORE THE SHIPPING COMMISSION.

Some evidence as to export prices was obtained in the testimony given before the Congressional Merchant Marine Commission at its sittings in different cities this year.

Mr. James J. Hill, of the Great Northern Railroad, stated that competing roads in Canada were obtaining American rails at $10 a ton less than he had to pay for them, and since that testimony was given the trade papers have reported heavy sales by the United States Steel Corporation to the Canadian Pacific Railroad Company, at $20 per ton—$8 lower than the lowest domestic price.

Mr. James C. Wallace, of the American Shipbuilding Company, on June 28, 1904, at Cleveland, Ohio, told this Commission that American steel was delivered at Belfast for $24 a ton, while the same steel cost purchasers in this country $32* at Pittsburg. In reply to members of the Commission he stated that his authority for the statement came from the assistant sales agent of the Carnegie Steel Company. This statement caused Senator GALLINGER, chairman of the Commission, to exclaim: "If that's so, it is an outrage and ought to be remedied."

Numerous other witnesses testified to similar differences between the domestic and export prices of ship plates and of other shipbuilding materials.

SENATOR BACON'S EVIDENCE ON STEEL RAILS, BARB WIRE, ETC.

Senator AUGUSTUS O. BACON, of Georgia, produces some strong evidence of export prices in his speech in the Senate, April 25, 1904. He had printed in the CONGRESSIONAL RECORD a letter to him from Mr. James T. Wright, vice-president and general manager of the Macon, Dublin and Savannah Railroad Company. Senator BACON stated that Mr. Wright was an Indianian and a Republican. In his letter to Senator BACON, Mr. Wright states that his railroad was compelled to pay $29 a ton for 5,618 tons of steel rails, although the same steel company that charged him $29 offered to sell him rails for Honduras at $20, the rails to be loaded upon vessels chartered to a foreign port. Commenting upon these prices Mr. Wright said:

"Allowing a liberal amount for cost of delivery at tide water, which in this particular case would have been very small, we American citizens paid to this American industry $33,000 in excess of what foreigners would have been compelled to pay. And $33,000 would have put up a very handsome library filled with standard books on protection.

"And this was a very small transaction—only 50 miles of railroad! Payments were cash, and neither needed nor asked any concessions in the matter of time. Because we were Americans, interested in the development of a small section of our country, involving faith and sacrifices, we were compelled to pay out as a bonus in excess of $600 per mile."

Senator BACON also had printed in the RECORD a letter from Mr. W. G. Raoul, president of the National Railroad Company of Mexico. It was dated February 25, 1904. In it Mr. Raoul said:

"For a long time past all our purchases have been made on the basis of export prices, even though they have occasionally stopped in Texas, the competition being keen enough to produce this cut in prices in favor of the Texas shipments, so that it has been some time past since we have had any material differences, but those differences do exist, and to an iniquitous extent. I use the word 'iniquitous' because it certainly seems to me when the citizens of the United States are required under the laws of the country to pay a higher price to the manufacturers than these same manufacturers are willing to make and sell to foreign people for. In 1902 I secured bids on steel rails for Mexico from United States mills at about $24, delivered at Tampico, while the price I paid at the same time for rails for our road in Texas was $28 at the mills.

"I have understood that the Canadian Pacific has just bought a large lot of rails from the United States Steel Corporation at $21. It is asserted and denied that the $21 is for delivery at Montreal. If it is, the price at the mill would be about $19, while the price for United States roads is still $28 at the mills. I do not know this of my own knowledge, and it is merely current report."

The following extracts from Senator BACON'S speech further elucidate the statements in the letters:

"I stop there to note that the $24 was the price, delivered at Tampico, for rails which were to be used for a part of the road in Mexico. Of course, from the $24 was necessarily deducted the cost of transportation, so far as the receipt of the manufacturer is concerned, and for the road, so far as it lay in Texas, at the mills the price was $28 a ton. So if you allow even $4 as the cost of transportation, there was a difference of $8 a ton between the price charged by the manufacturers for rails sold to the same party where he was to use a part of them in Texas and to use the other part in Mexico.

"Twenty-four dollars was the price at Tampico, and in that case, of course, the manufacturer paid the freight to Tampico, and that was for rails to be used in Mexico; but for rails which were to be used in Texas the price was $28 at the mills, which would have required the railroad company, of course, to pay the freight.

"If $4 was the cost of transportation at a difference of $8 a ton between the price charged by the maker of the steel rails to the same person where he had a railroad line partly in Texas and partly in Mexico, he paid $8 more for the rail to be laid in Texas than for the rail to be laid in Mexico.

"Mr. BLACKBURN. At the same time?

"Mr. BACON. At the same time; not, as suggested by the learned Senator from Rhode Island, when there was a difference in pig iron, or the cost of labor, or anything else. Here is $8 a ton, about representing the difference made up by the $7.84 a ton duty.

"In these two cases here are the actual prices stated by a customer. In each case it is the same rail by the same manufacturer to the same customer at the same time, and in each case there is a discrimination of the price to this same customer of the same rail at the same time

* This was prior to alleged recent cuts in domestic prices by the manufacturers.

as between the rail to be used in the foreign country and the rail to be used at home."

SENATOR BACON'S EVIDENCE ON EXPORT PRICES OF BARBED WIRE.

In the same speech Senator BACON said:

"Barbed wire has increased in price, certainly, considerably over 100 per cent, if not nearly 200 per cent, not very recently, but at the time when it was taken into the trust and very soon thereafter.

"I have a letter from an exporter in New York City, voluntarily written to me. In which he states that the price to him for barbed wire to be exported to South America is $2.20 per hundred pounds, while to the man in the United States the price of barbed wire is from $2.90 to $3 per hundred pounds. In other words, the farmer in South America can fence his fields with barbed wire made in the United States and sold to him in the United States at a less price than that at which the farmer in the United States can buy barbed wire from the same man in the United States to fence his field with. Under the operation of the present tariff law the American farmer is compelled to pay to the barbed-wire manufacturers in the United States at least 40 per cent more than the South American farmer is required to pay when he buys exactly the same wire from the same man in the United States.

FOREIGN OFFICIAL EVIDENCE.

The British Blue Book on "British and Foreign Trade and Industrial Conditions," prepared by the board of trade and issued late in 1903, contains much evidence of foreign goods sold lower in Great Britain than in the countries of their origin. The evidence relates principally, if not entirely, to Germany, Austria-Hungary, and the United States—all protected countries.

The evidence shows that German coal, coke, pig iron, steel billets, rails and girders, wire, wire nails, ship plates, and paper are sold much cheaper in England than in Germany, the difference, in the case of steel rails, amounting to 20 per cent, and in the case of wire nails to over 50 per cent of the German home prices. It shows that American steel (tin plate) bars, ship plates, steel billets, and merchant iron and steel were then selling in Great Britain at prices far below those prevailing in the United States.

This evidence is proof that like conditions produce like results, and that manufacturers in protected markets in any country are likely to compel their customers at home to pay higher prices for goods than those charged foreign customers.

THE CHAMBERLAIN TARIFF COMMISSION REPORT.

The Chamberlain tariff commission is made up of about sixty of the leading business men of England. During several months it has been taking testimony on the need of tariff duties to prevent the "dumping" of foreign goods in England. The establishment of this commission, and, indeed, the whole fiscal agitation in Great Britain, are the result of the methods of selling goods in the free British market practiced by the protected manufacturers of foreign countries, especially of Germany and the United States.

The first volume of the report of this commission, which is an unofficial body, was issued in July, 1904. It relates to iron and steel only. A great number of British manufacturers, covering every branch of their great iron and steel industry, either testified personally before the commission or sent in written statements in answer to very thoroughly prepared question sheets submitted to the trade by the commission. The evidence, showing sales in the British market by manufacturers of iron and steel products in Germany and in the United States at prices greatly below the domestic prices charged by the same manufacurers in those countries to domestic consumers, is overwhelming and startling. The conclusions of the commission in respect to the facts are fully sustained by the evidence. With their proposed remedy, namely, the imposition of duties by Great Britain upon importations of iron and steel from Germany and the United States, we have nothing to do in this pamphlet, but the evidence showing the sales by American manufacturers in the British market at prices greatly below the domestic prices in the United States is directly pertinent to our inquiry. The evidence taken before this commission is very voluminous. A few extracts, typical of the whole, make interesting reading for American consumers of iron and steel products.

EVIDENCE OF ENGLISH FIRMS AS TO PRICES OF "DUMPED" GOODS.

Firm No. 898: "Pig iron from the United States is imported into this country below cost price here. Our customers are buying at 5s. per ton less than we can produce at, and the Americans are reported to be selling for export to England at a price equivalent to 8s. per ton lower than the price at which they are supplying their own country."

Firm No. 1147: "We were informed by an American mattress maker last summer that American wire, which could be bought in Birmingham at £18 per ton, was sold for £21 in the States, and when freight, etc., is taken into consideration, this would be a drop of between 15 per cent to 20 per cent. Our price in Birmingham is £18 10s., but 90 per cent of the wire used by mattress makers in Birmingham is American, and doubtless the same condition prevails in other towns."

GERMAN AND AMERICAN BARS.

Firm No. 1512: "The following are the prices of German and American bars for export to this country and for their own trade:

"*German bars.*—Export, per ton, 77s. d/d works in Wales. Home market, per ton, 92s. 6d. f. o. b. maker's works.

"*American bars.*—Export, per ton, 76s. d/d works in Wales. Home market, per ton, $28, or £5 16s. 8d. f. o. b. maker's works.

"Price of Welsh bars, 80s. to 85s. delivered.

"Tariff on steel bars into Germany, 23s. 5d. per ton.

"Tariff on steel bars into United States of America, 46s. 8d. per ton."

Firm No. 478: "Messrs. A. B. C., of Sheffield, used to buy large quantities of steel from us for export to (colony). They now buy in the States and ship direct to (colony). They never see it; only invoice it and pocket the profit. How is tariff reform going to deal with this?"

BRITISH LOSING CANADIAN MARKET FOR TIN PLATES.

Firms Nos. 1510 and 1511: "Our experience is that we are fast losing the Canadian market for tin plates, and the Americans have recently sold at least 100,000 boxes there, while it is reported that they have also taken orders for Australia.

"The Iron Age of February 4, 1904, page 48, gives the price of 20 by 14 tin plates at $3.64 f. o. b. Chicago, or 15s. 9d. a box. The present price of English tin plate is about 10s. 9d., net, f. o. b. Swansea. Notwithstanding this difference in favor of our tin plates, the Americans have booked Canadian orders at a price delivered Canada less than f. o. b. Swansea price of English plates. The tariff put on tin plates by the United States has completely killed our trade with that country except as regards a small export of tin plate for reexportation, on which a rebate of 99 per cent of the tariff is allowed."

Witness No. 1 (505): "In Canada we suffer from American competition. I lost an order for 1,000 tons of steel rails there last week. America also competes in Australia and at the Cape, but not so keenly as in Canada. I can not give you the reason for the loss of the order for 1,000 tons of rails; the order was intended for Cape Breton, and was worked through Glasgow merchants, who assured us we would get the order. We lost it in spite of the 33 per cent preference."

DUMPING PRICES FOR THREE YEARS.

Witness No. 2 (545): "The practical working of the dumping process is shown by comparing the prices at which cheap bars and billets are sold here from Germany and the United States during the past three years and the prices at the same time in the countries of origin:

Prices of American and German products in United Kingdom.			Price in—	
			Germany.	United States.
	s.	d.	s.	s.
Nov., 1901. German sheet bars delivered works port United Kingdom	81	3		
Freight	9	6		
	71	9	95	.....
Aug., 1902. German billets delivered works inland	88	0		
Freight	17	2		
	70	10	95	.....
Jan., 1903. German sheet bars delivered port United Kingdom	78	6		
Freight	9	6		
	69	0	94	.....
Jan., 1904. United States billets delivered works inland	81	3		
Freight	24	1		
	57	2	.....	92
Jan., 1904. United States sheet bars delivered port United Kingdom	78	0		
Freight	16	5		
	61	7	.....	96
Jan., 1904. German billets f. o. b. Rotterdam	70	0		
Freight	5	0		
	65	0	90	.....

"The prices given of steel delivered in the United Kingdom are actual contracts; the prices in Germany and the United States are taken from the Iron and Coal Trades Review. * * * Similar difference exists in the German and United States prices at home and abroad of rails, sheet iron, nails, wire rods, etc."

SELLING PRICES OF TUBES IN PROTECTED COUNTRIES.

Witness No. 12 (820): "It is a fact that tubes are sold at higher prices in protected countries than the same countries export and sell at in Great Britain. On February 18, 1904, I got from the British consul at Pittsburg, America, the discounts from the American price lists that the tubes are being sold at in Pittsburg—that is, the largest seat of manufacturing of American tubes. That was in truck loads of 5 tons. When I worked out this on the American price lists, less the discounts given me, and at per thousand feet—taking a thousand feet of each of the sizes for which I am able to get a price, namely, fourteen, making a total of 14,000 feet—I got a net sum that they would pay in Pittsburg of £420 4s. 1d., and on the same date—and it fortunately happens that it was the same date—I got a quotation from the United Steel Products Company of America, practically the selling spot for some of the large American works, for tubes delivered in the Thames, London. These discounts are quoted from the English price list. I took a thousand feet of each of these fourteen sizes—they are the running sizes of the trade—and less the discounts which they gave me it made for the 14,000 feet £332 14s. 6d., so that the American is really dumping in the Thames, at £87 9s. 7d., for this quantity of tubes, less price than he is obtaining at the point of manufacture, where he has neither to pay freight nor carriage. In other words, he is selling at 26.25 per cent higher price in Pittsburg than he is selling these same tubes in the Thames."

Witness No. 13 (864): "In July, 1904, the American bars came in, and they were actually being sold at £5 5s. a ton c. i. f. against our price of £7 at that time, and the buyers completely held off buying tin plates, and there was a fortnight's stoppage of all the tin-plate works."

STEEL MANUFACTURING COSTS IN UNITED STATES AND ENGLAND.

Witness No. 16 (1023, 1026, 1045, 1046): "The cost of converting pig iron into steel in the United States must, in the majority of cases, be somewhat less than the corresponding cost in this country, despite the fact that wages there are materially higher. * * * I do not hesitate to say that if the Canadians had been charged the same prices as were nominally charged on the other side of the line, hardly any American iron and steel would have found its way into Canada during the last five years in competition with the cheaper prices quoted for British material.

"A firm employing nearly 1,500 hands, writing in February, states that the current price of basic pig iron in Germany was then 58 marks per ton. The lowest cost at which this could be converted into steel joists and beams could not be less than 31 marks per ton. Yet these German joists, costing not less than 89 marks, were being offered f. o. b. Antwerp at 82½ marks per ton, less 2½ per cent discount. The home price in Germany for joists f. o. b. at works was 105 marks. Similarly the current price for pig iron at Pittsburg was $13 (54s. 1d.); the cost of manufacturing these into billets could not have been less

than $5.50 (27s. 1d.) per ton, making together 81s. 2d. Yet these were being delivered c. i. f., any British port, at 75s. per ton, making a difference of 6s. 2d. per ton, exclusive of sea freight and land freight from Pittsburg to the American port. The home prices for these billets at Pittsburg was $24 (100s.)."

On the voluminous and very complete evidence taken before them this commission of merchants came to the following conclusions on the subject of "dumping:"

"DUMPING" A CONTINUOUS AND ORGANIZED SYSTEM.

"It is, in our opinion, impossible to maintain that dumping is merely a temporary expedient, unprofitable to the countries which practice it, and, therefore, certain to be abandoned. In fact, the evidence indicates that dumping is a part of an organized policy. The evidence further suggests that, just as foreign competition, commencing at the lower stages of production, has, as we have shown, gradually extended, so foreign countries must inevitably find it profitable to dump in branch after branch of the more finished manufactures as their productive power increases."

Much evidence was taken also before this commission on the effect of trusts, syndicates, and cartels in establishing and maintaining the system of selling products in foreign markets at prices greatly below the home price. The evidence is very interesting, but we have not space to review it in this pamphlet. The commission came to the following conclusion:

TRUSTS AND CARTELS.

Among the witnesses we have examined and in the returns made by manufacturers there is some diversity of opinion as to the effect of trusts and cartels, so far as the promotion of economics of production is concerned, but there is a general agreement that, in association with the tariff policy of the countries concerned, the trusts and syndicates of the United States, and more particularly the cartels of Germany, are a powerful aid in securing the control of the home market, and, as a consequence, in regulating the export trade."

"THE HOME CONSUMER PAYS THE BILL."

(*a*) If these sales in foreign markets are made by American manufacturers at a fair profit, obviously, even from a protectionist point of view, they are able to produce at prices which render any protective tariff not only unnecessary, but a gross oppression upon the home consumer. It is only by reason of the tariff, which excludes foreign competition, and by monopolization of the home market by trusts and combinations, that the domestic consumers can be compelled to pay the high domestic prices. Repeal or radical reduction of the tariff on these products would necessarily bring down the price to a reasonable basis.

(*b*) If such sales in foreign markets are made by American manufacturers at a loss (highly improbable as a continuous proceeding), then that loss must be recouped by exactions in the home market. In either case, whether of actual loss or very low profit, the American consumer pays the bill. Apparently in explanation or justification of these low export prices, it is argued that the goods are sold abroad at cost, and sometimes below cost, but that the productive capacity of American mills is greater than is necessary to supply the home demand, and that by keeping the mills running continuously and obtaining a much larger product, the cost of the whole product is greatly lowered, economies being thus made in labor and fuel and incidental expenses. It is argued that so great is the advantage from keeping the mills running to their full capacity, or as near that as practicable, that it pays to sell the surplus in foreign markets at almost any price that can be obtained. The whole transaction, it is claimed, shows a profit. That is to say, by exacting tremendous prices from the home consumer, the profit on the much greater quantity of the product sold at home recoups the loss on the foreign sales, and leaves a handsome profit for dividends upon hugely excessive capitalization. If this justification is satisfactory to the American consumer, there is nothing more to be said. From the manufacturers' standpoint it may be satisfactory, but the domestic consumer obtains little or none of the advantages alleged to result from a production greater than is necessary for the supply of the home market. As Mr. Phillips pointed out in his minority report as a member of the Industrial Commission, the domestic high price greatly restricts home consumption, and is the chief cause of the surplus product. With a fair home price domestic consumption would be greatly increased. If by continuous production the cost of producing each unit is so greatly reduced that domestic prices could be made lower than would be practicable if production was more limited, the combinations within the shelter of the tariff enable the producer to reap the benefit. The consumer receives little or no part of it, because the prices are not reduced. The arguments present no justification for the continuance of such an artificial condition of affairs at the expense of domestic consumers. If the tariff duties were removed, or greatly reduced, the production of iron and steel would be measured by such a supply as could be disposed of either at home or abroad at fair prices.

All the evidence, including that of the most experienced American manufacturers, shows that in the great branches of the iron and steel industry they can produce more cheaply than anywhere in the world, and without any tariff at all have no reason to fear foreign competition. It is not improbable that without a tariff they would not be able to maintain prices that would give returns adequate to pay large dividends upon the tremendous overcapitalization which has prevailed in these industries of recent years. What importance, however, should the general public attach to that?

THE SIZE OF THE BILL.

The total value of manufactured goods sold to final consumers in this country can hardly be less than $6,000,000,000, and may be as high as $8,000,000,000. If, as is reasonable and probable, these goods are worth 20 per cent more in the home market than they would command for export, or more than they would command in our markets were there no tariff-protected trusts and monopolies in control here, then we are paying something more than $1,000,000,000 a year for our tariff whistle. This is the cost at wholesale prices. At retail prices the cost of "protection" is probably $1,500,000,000 or $1,600,000,000. This is about $90 per family for our entire population. This is the cost to us of a system that greatly hampers and restricts our foreign trade directly, through the high tariff duties on imported goods, and indirectly through the handicap which it puts upon our manufacturers and farmers when it compels them to pay for more materials, machinery, implements, and supplies than is paid by their foreign competitors. It is the cost to us of having our manufacturing industries conducted by huge monopolies, heavily overcapitalized, corrupting politics, engaging constantly in stock jobbing, and using foul means to get rid of small and independent manufacturers. Do we—that is, 99 out of 100 of us who do not pocket tariff taxes—get value received?

There is no compensating benefit to labor when goods are sold at higher prices in the home market, for in order to maintain these higher prices production must be restricted. With home prices lowered to the level of foreign prices far more goods would be consumed and far more labor would be employed in producing them. This would mean steadier employment and increased yearly earnings if not increased weekly wages.

EVIDENCE FROM TRADE JOURNALS, NEWSPAPERS, ETC.

Besides the great amount of official and unofficial evidence as to the difference between export and home prices of manufactured goods, trade journals, newspapers, and letters from manufacturers and dealers furnish no end of facts as to export prices. Only a few of these will be cited here.

INGRATITUDE OF TIN PLATE TRUST.

The tin plate trust has for over two years been selling plates to the Southern Cotton Oil Company and other exporting manufacturers of canned goods at about $1 per box below the regular prices. It offered to meet the Welsh prices (about $1.50 per box of 100 pounds below the American price, the duty being $1.50 per box) on an order for 1,500,000 boxes from the Standard Oil Company, if the workingmen would accept a 25 per cent reduction in wages. The compromise was arranged and reduced wages were accepted until September, 1903, and extended to 1904 and 1905. Thus these workers are now working at reduced wages in order that the manufacturers may sell tin plate for export at two-thirds of the prices charged in the home market.

The tariff on tin plates has cost this country over $100,000,000 during the last twelve years. As soon as the manufacturers could produce as cheaply as foreigners they got together and formed a trust and put up the price from $2.80 per box in 1898 to $4.84 in 1900. It is now $3.64.

The ingratitude of the protected trusts and manufacturers is monumental. They accept charity from us until they become strong, then they utilize to the fullest the power which the tariff gives them to charge us exorbitant prices, and to our protests they merely reply: "What are you going to do about it?"

EXPORT PRICES OF FILES.

In February, 1904, the literary bureau of the Democratic Congressional committee received a letter from Henry Rossell & Co. (Limited), Sheffield, England., large manufacturers and dealers in files and tool steel. This letter says:

"As an illustration of the unfair manner in which home buyers of files are treated by the United States manufacturers, I inclose you herewith a comparison of the prices charged to the buyers in the United States with those offered by the same manufacturers here."

Some of the prices on the list inclosed follow:

Comparative prices of American files in America and England.

Articles.	Price per dozen.		Difference.
	England.	United States.	
			Per ct.
Flat bastard, 4 inches	$0.34	$0.92	170
Flat bastard, 6 inches	.50	1.07	114
Flat bastard, 10 inches	1.08	1.75	62
Hand bastard, 4 inches	.38	.92	142
Hand bastard, 6 inches	.62	1.07	73
Hand bastard, 10 inches	1.30	1.87	44
Half-round bastard, 4 inches	.34	1.20	253
Half-round bastard, 6 inches	.50	1.52	204
Half-round bastard, 10 inches	1.08	2.27	108
Round bastard, 4 inches	.34	.75	121
Round bastard, 6 inches	.50	.87	74
Round bastard, 10 inches	1.08	1.40	30
Square bastard, 4 inches	.34	.95	179
Square bastard, 6 inches	.50	1.15	130
Square bastard, 10 inches	1.08	1.85	71

From these figures we see that the American File Association, which has not revised its price list to American buyers since November 1, 1899, is charging us for most kinds of its small files more than twice as much as it charges Englishmen for these same files, and for half-round files we must pay them three times the price charged Englishmen.

On July 30, 1904, the New York Journal of Commerce and Commercial Bulletin contained the following:

"One of the most interesting features of the steel situation is an important sale of several thousand tons of steel plates for export, the price of £5 delivered at Newcastle-on-the-Tyne, netting the mills about 90 cents per net ton, f. o. b. Pittsburg. It should be remembered that sales are made in the English market by the gross ton; allowing $3.50 freight rates and a slight allowance for insurance, this price would net the mills $20 gross, or $1.80 per net ton, or 90 cents per 100, against $1.60 per 100 for domestic business."

A POLICY THAT HANDICAPS AMERICANS AND FAVORS FOREIGNERS.

Irrespective of the gross injustice of which manufacturers are guilty when they utilize their protection to compel home consumers to pay more than a fair price for goods and more than foreigners are regularly paying, there are other important reasons why this practice should be discouraged rather than encouraged by tariff legislation. These reasons hold good even if the generally accepted theories of protection are true.

It is a bad economic policy for a nation so to legislate that its own manufacturers and workers must pay more for materials and goods than is paid by foreigners for these same materials and goods.

1. Such a policy handicaps home manufacturers of finished goods and gives their foreign competitors a great advantage, not only in foreign markets, but often in home markets, even when tariff duties are fairly high on such commodities.

2. Instead of encouraging and building up home industries, such a policy discourages and drags them down by enabling finished goods to be manufactured more cheaply abroad. Foreign manufacturers can produce more cheaply because they can obtain many of the raw materials from our protected manufacturers cheaper than their American competitors can obtain them. Hence foreign manufacturers can

often, because of our tariff laws, undersell American manufacturers of finished goods in foreign and, sometimes, in our domestic markets.

3. Such a policy leads to retaliatory tariffs on the part of foreign countries which wish to save their industries from some of the evils of what is called the "dumping" process.

An impressive illustration of the effect of such a policy in inducing retaliation is found in the recent action of Canada in establishing a countervailing duty against "dumped" exports from the United States. These duties were first imposed in June, 1904, and in his budget speech of June 9 the Canadian minister of finance said that the government proposed to levy these extra duties because of the great and rapidly increasing quantity of manufactured goods made in the United States and sold in Canada in competition with domestic products, at prices far below those prevailing in the United States for similar commodities. The Canadian customs officials, on the entry of foreign merchandise, now make an inquiry into the price of such merchandise in the country of export, and if such price is found to exceed the invoice price, an additional duty equal to the whole difference is assessed. In this manner that government hopes to protect its domestic manufacturers against what is virtually an "export bounty" resulting from the high tariff in the exporting country.

Another illustration is found in the new tariff established in Mexico on April 1, 1904, which, it appears, is intended to keep out American manufactured goods sold in Mexico at lower prices than in the United States.

Another illustration is the protectionist agitation in Great Britain, which is largely based on a demand for retaliation against the United States and Germany.

4. Such a policy tends strongly to induce manufacturers who might otherwise do an extensive export business to establish branch factories in foreign countries, where they can manufacture more cheaply; where they can, in fact, get more benefits from "protection" than they get at home.

The extent of the injury done by this absurd and foolish policy in driving industries out of this country is only just beginning to be recognized by the protectionists. Attention was called to it officially in the special article on iron and steel in the August, 1900, Report of the Bureau of Statistics on Commerce and Finance, extracts from which are printed on pages 4–5, supra.

HIGH REPUBLICAN AUTHORITY FOR ASSERTING THAT OUR TARIFF SYSTEM IS CAUSING AN EXODUS OF AMERICAN MANUFACTURERS TO FOREIGN COUNTRIES.

The following extracts are taken from an article in the January, 1904, Annals of the American Academy of Political and Social Science, entitled "The Tariff and the Export Trade of the United States," by a leading Republican, Mr. S. N. D. North, Director of the Census. In this article, after showing the heavy burden of tariff duties upon wool and other raw materials, and after asserting that American manufacturers are not greatly handicapped by the higher wages here because, man for man, the average American workman can accomplish more work, in a given time, and do better work, than the average workingman of any other country, and can thus offset in a very considerable degree, the difference in day wages between our own and all European countries, Mr. North says:

"It remains the fact that a constantly increasing number of our great manufacturing corporations are constructing vast plants abroad to supply their foreign customers; and, of course, they would not do this unless experience proved there was an advantage in it. I have before me a long list of these establishments. It indicates that more than $40,000,000 of American money is now invested in European plants devoted to the manufacture of various American specialties, including all descriptions of electric apparatus, sewing machines, belting, radiators, shoe machinery, coal-conveying apparatus, steel chains, machine tools, hoisting machinery, boilers, pumps, blowing engines, mining machinery, printing machinery, elevators, match-making machinery, pneumatic tools and photographic apparatus.

"The Western Electric Company, of Chicago, Ill., is interested in extensive factories in London, Paris, Antwerp, and Berlin, not all of them carried under the name of that company, but all of them established and controlled by its capital. The General Electric Company has three or four such establishments, and has recently constructed a hugh new factory in Rugby, England. The Westinghouse Company has just finished, at Trafford Park, in England, one of the largest electric factories in Europe, employing two or three thousand men, and it has other factories in Havre, France, and St. Petersburg, Russia. The Singer Sewing Machine Company has three large plants in Europe, under its direct control. The Chicago American Tool Company is building a plant at Frazerburg, near Aberdeen. The Howe printing presses are made in London, as is also the American linotype machinery. The Draper Company has recently completed its new factory in Lancashire, to supply the greatest cotton manufacturing district of the world with American fast-running Northrup looms. This list might be extended indefinitely, and a fine field for investigation opened for the full measurement of this remarkable transplantation.

"Much has been written about the invasion of foreign manufacturing capital in the United States, for the construction of factories to supply the American market in competition with American manufacturers. A great deal of such capital has found investment here, particularly in the textiles; but the sum total of this American investment of foreign manufacturing capital is a bagatelle in comparison with the American manufacturing capital which has found investment in European countries within the last fifteen years, and is now engaged in maunfacturing what is known as American goods on foreign soil. The irruption of American wares, of which the foreign manufacturers have complained so loudly of late, is an interesting and significant phenomenon in connection with the question under discussion. Far more significant, it seems to me, is this construction of American factories on foreign soil to construct American machinery and appliances by American methods, in direct competition with the strongest foreign establishments and in bold and avowed determination to control the markets of the world.

"Can it be fairly argued that the protective tariff is driving these American manufacturers abroad in order to obtain advantages for competition in the world's market of which that tariff deprives them at home?

"I will conclude, therefore, by brief allusion to an aspect of the subject suggested by the remarkable invasion of American manufacturing capital and enterprise into the European countries, for the purpose of a hand-to-hand competition on their own soil. It will necessarily result—it has already resulted—in a large diminution of our export trade in American manufactures.

"Instead of making in America electrical apparatus, cotton looms, all kinds of machinery, tools, etc., to ship abroad for sale, our manufacturers will increasingly produce these wares abroad for their foreign trade, and the statistics of our exports will be correspondingly reduced. They are already so reduced in value and amount to many millions of dollars every year. It may easily come out, in the course of time, that the volume of our foreign trade in manufactures, instead of increasing by leaps and bounds, as it has been doing, will gradually become stationary, and even show a decline."

The following, from the Journal of Commerce and Commercial Bulletin, of New York, March 28, 1904, bears out the remarkable statement of Mr. North:

LARGE SINGER PLANT TO BE BUILT IN CANADA.

"The Singer Manufacturing Company, of Elizabethport, N. J., local offices Singer Building, Broadway and Liberty street, is to build another extensive plant outside of the United States, a site having been secured at St. John, N. B. The Singer people have large plants operating at Kilbowie, Scotland; near Trieste, Austria, and in the vicinity of Moscow, Russia. A big factory is also under construction about halfway between Hamburg and Berlin, Germany.

"Mexican advices state that the Mexican Car and Foundry Company, S. A., has been organized in Mexico City to operate under the concessions granted by the Mexican Government to Isaac M. Hutchinson, who represents the interests in the Southern republic of the American Locomotive Company, the Niles-Bement-Pond Company, A. L. Ide & Sons, the Chicago Pneumatic Tool Company, etc. The capital of the company is $1,000,000 gold. Construction work has already been begun and will be pushed to completion as soon as possible. The initial capacity of the plant will be increased as rapidly as additional machinery can be installed."

In this line are the following extracts from an editorial in the Iron Age of March 31, 1904:

"The advance in Mexican tariff rates, which goes into effect this week, is likely to cause a number of American manufacturers to establish branch factories there. * * *

"The Mexican situation almost parallels that of Canada, the difference being that the latter country not only maintains high duties on most manufactured products, but also discriminates in favor of Great Britain. Numerous American manufacturers have established branch factories in Canada, and the movement has by no means ended, rather important developments of this character having been very recently announced. It may be assumed that in both of these border countries American capital will continue to be invested as long as the Government is stable and the investment appears reasonably safe."

INFLUENCE OF DRAWBACK DUTIES AND EXPORT BOUNTIES ON EXPORT PRICES.

In Germany and some other European countries which have adopted high protective tariffs, export bounties have had an important influence upon the sales of goods in foreign markets at prices much lower than the domestic price.

In the United States, however, there are no direct export bounties. But it should not be overlooked that in the case of a powerful combination, controlling much the larger part of domestic production in a line of manufacture, our extremely high tariff acts substantially as an export bounty. When, for example, the steel corporations sell steel bars and billets and other forms of partially manufactured steel in Great Britain at prices from 30 to 50 per cent lower than the same manufacturers exact at home, the excessive domestic price, which, by virtue of the tariff they are enabled to charge, differs very little in result from a direct export bounty paid by the Government out of the proceeds of taxation.

In nearly all commercial countries drawback duties are allowed on exported goods manufactured in whole or in part from imported materials on which duties have been paid at the time of importation. These drawbacks do undoubtedly explain much of the difference between the export and domestic prices on a few articles, such as tin cans manufactured from imported tin; molasses, sirup, refined sugar, and confectionery manufactured from imported raw sugar; leather made from imported hides, and bags made from imported burlaps, etc. But the great bulk of our manufactured articles exported and sold in foreign markets at greatly reduced prices, contain no imported raw materials whatever. This is conclusively shown when it is considered that the total amount of drawbacks paid by the United States in 1903 was only $5,058,862, of which nearly $2,000,000 was paid on tin cans alone, and of which fully three-fourths was paid on the articles above enumerated. For example, the great exportations of iron and steel, which afford the most flagrant instances of low export and excessive domestic prices, contain no imported materials and are not affected by drawback allowances.

III. VERY DIFFICULT TO OBTAIN EXPORT PRICES.

Having produced much evidence, official and unofficial, as to the difference between export and home prices, and as to the extent of the practice of selling cheaper for export, some tables of prices will be given. Although these tables state the export and home prices of more articles and classes of articles than were ever before stated in similar tables, yet it is certain that this list does not mention one-fifth of the articles thus sold cheaper for export than to home consumers.

The difficulty of obtaining both export and home prices for the purpose of comparing them is very great. Both the trusts, which manufacture the most of the goods exported, and the independent manufacturers, who sell many goods abroad usually have "export" price lists and often "export" catalogues which differ radically from those used in the domestic market. These export lists and catalogues circulate only in certain foreign countries, and are so closely guarded that it is very difficult for any but an export merchant to obtain them in this country. Some of them can not be obtained even by old and well-known export agents.

There are nearly 300 export commission houses in New York City. Some of the largest of these publish weekly or monthly export trade journals. These are a mixture of catalogues and price lists, and circulate only in foreign countries. They do not usually quote the lowest prices for export. Some of them, and noably the Exporters and Importers' Journal, refer to a special discount sheet, which prints the lowest export prices. The Democratic Congressional committee in 1902 obtained this sheet only after offering a reward of $100 for it. It came from a merchant in a foreign country. The Democratic campaign book of 1902 contained a considerable list of articles sold cheaper abroad than at home. Had the discount sheet been obtained a month sooner, so that more time would have been left in which to obtain home prices, a very much longer list could have been printed.

While the tariff committee has been unable to obtain this special discount sheet for any month in 1904, it has been able to obtain copies

of several recent export journals, notably (1) The Exporters' and Importers' Journal of June 18, 1904, published by Henry W. Peabody, No. 17 State street, New York City; (2) The American Export Monthly of June 18, 1904, published by Arkell & Douglas, Nos. 5 to 11 Broadway, New York City; (3) The Export World and Herald of July 5, 1904, published by the American Trading Company, Broad Exchange Building, New York City; (4) El Mundo y Heraldo de la Exportacion of June 21, 1904, also published by the American Trading Company.

While many of the prices quoted from the journals are not the lowest export prices, yet they are often far below the home prices on the articles mentioned.

To supplement and corroborate the information derived from these export journals, the tariff committee employed a man who has for twenty years been a buyer of goods for export.

Being personally acquainted with the selling agents of many of these exporting manufacturers, this man could and did obtain the export catalogues and price lists of most of the manufacturers here quoted. Many of these price lists are in the possession of the tariff reform committee. In most cases the manufacturers themselves, or their agents, have marked their discounts for export on the margins of their catalogues or lists. Sometimes they have also indicated their home discounts in the same way. In other cases the expert who obtained these prices wrote them on the margins of the lists as they were given to him. All of these prices were obtained in June, July, and August, 1904.

From the information thus obtained the following comparative lists of prices have been prepared. They are not usually bottom prices, because they were not given to a man who had actual orders for goods in hand. Besides, all exporting manufacturers allow a commission to the buyers of goods for export. This commission is seldom or never less than 1 per cent and is sometimes as high as 5 per cent.

The home prices are believed to be the lowest for quantities of goods similar to those on which export prices are quoted. They were obtained from manufacturers, from domestic price lists, from market quotations, and from merchants who are buyers for domestic consumption.

[In order to save space the names of the manufacturers of the articles mentioned in the following tables have been omitted.]

PART I.—*Showing differences in discounts between export and home prices.*

Articles.	Export discount from list.	Home discount from list.	Difference.
	Per cent.	*Per cent.*	*Per cent.*
Adzes, axes, hatchets	10	Net.	11
Axes	10	Net.	11
Baking powder:			
Horsford's	10,2	Net.	13
Royal	10	Net.	11
Bench hooks	25,5	15,10	7
Braces, carpenters'	10,5	Net.	17
Bolts:			
Carriage	80	75	25
Machine	80,5	75	31
Tire	80,10,5	80	12
Brushes:			
Painters'	60	50	25
Horse, scrub, and stone	15	Net.	18
Cake boxes, wedding	35	25	16
Carriage material	10,5	Net.	17
Churns:			
Thermometer	40,5	30	23
Cylinder	50	30,5	23
Copying pads	35	25	16
Corn shellers:			
Western	40,5	35	14
Eagle	40,10	35	20
Corn planters, Boston	35	25	17
Crowbars, steel	10	Net.	11
Crucibles	40	20	33
Cultivators:			
Harrow	40,5	30	23
Knox	50	40	20
Universal hand	40	30	17
Cutlery, knives and forks	25,2½	15	33½
Drills:			
Drill braces	25,10,5	25,10	17
Auger bit stocks	50	40	20
14-inch ratchet drills	35	25	15
Breast drills, Nos. 10, 11	35	15,10	33
Drilling machines, No. 3	35	25	15
Steel bar drills	10	Net.	11
Twist drills	70,10,10,2	70,10	12
Bit stock drills	75,10,2	70,10	24
Ratchet drills	50,10,2	40,10	23
Drilling machines and drill vise	25,10,10,2	25,10	15
Engines, hoisting, and miscellaneous mining and logging machinery	35	10 to 20	23 to 38
Envelopes, mailing, manila	35	25	16
Erasers, rubber	35	25	16
Eyelets, brass	35	25	16
Eyelet punches	35	25	16
Fan mills:			
Grant's	45	30,5	21
Boston	40	30	17
Feather dusters	70	50	66
Fountain pens	40,2½	Net.	70
Garden reels	40	33	11
Gas machines	40	Net.	63
Glue, in glass bottles	35	25	16
Grain mills, horse	40	33	11
Harness	15,5	Net.	31
Hammers:			
Tack	40,10,10,10,10	40 to 40,10	35 to 50
Blacksmiths'	10	Net.	11
Hoes, horse, Knox	40,5	33	21
Jackscrews	60,10	50,10,10	12
Labels, all descriptions	35	25	16
Lamps, kerosene, latest pattern	50,20	40,10 to 50	20 to 36
Leggings, canvas and leather	15,5	Net.	31

PART I.—*Showing differences in discounts between export and home prices*—Continued.

Articles.	Export discount from list.	Home discount from list.	Difference.
	Per cent.	*Per cent.*	*Per cent.*
Leather belting:			
First quality	70,5	60	44
Second quality	70,10,5	60,10	60
Third quality	80	60,10,10	60
Links	80	75,5	18
Lubricants:			
Oil, cylinder	25,5	Net.	40
Graphite, machine	20,5	Net.	32
Metal polish	10,10	Net.	26
Miter boxes	10,10,10,10,10	10-10,10	23-37
Mucilage in tubes	35	25	16
Oars and sculls	5,2	Net.	10
Oilers and clamps	70	60,10	20
Paper napkins	35	25	16
Paper fasteners	35	25	16
Paper targets	35	25	16
Paper, crepe	35	25	16
Paints, etc., coach and car	40,5	40	5
Ready-mixed	45,5	45	5
Lead and zinc	40,5	40	5
Varnish	25,5,5	25,5	5
Paint, dry	45-59,5	30-40	25-33
Plows:			
Eagle, 1 and 2 horse	50,5	40	25
Side-hill	40,10	37	15
Sod and road	50	40	20
M. E. chilled	40	30	17
Contractors' grading	33	25	24
Swivel-road	40	30	17
Steel beam and other patterns	10	Net.	11
Pipe cutters	75,10,5	65,10,10	30
3-wheel	80,10,10	75,10	40
1-wheel	60	50	25
Pumps:			
Cistern and pitcher	70	60	14
Force and various	50 to 60	40 to 50	20 to 25
Elevator arms	65	55	28
Seaman pump	25	15	13
Sprocket wheels	50,10	40,10	20
Jaw clutch couplings	50	40	20
Mall, iron buckets	60	50	25
Acme steel buckets	40,10	30,10	16
Iron pulleys	50	40	20
Planes:			
Wood, Bailey's	25,10,10,10,10	25,10	37
Iron, Bailey's	25,10,10,10,10	25,10	37
Rowlocks	75	70,10	8
Rules:			
Boxwood	55,10,10,10,10	60 to 60,10	25 to 40
Ivory	35,10,10,10,10	35 to 35,10,10	25 to 50
Plumbs and levels	30,10,10,10,10	30,10	30
Plumbs and levels, duplex	20,10,10,10,10	20,10	37
Try and miter squares	40,10,10,10,10	40,10	35
Gauges	20,10,10,10,10	20,10	37
Saws:			
Hacksaw blades, 10-inch	30,10	25	20
Hacksaw frames, No. 17	35	25	15
Butcher saw blades, No. 18	30,10	25	20
Butcher saw frames, No. 18	35	25	15
Saw blades Nos. 1 and 2	50,10,10,2	50,10	13
Saw blades, concave, No. 3	30,2	25	8
Hacksaw frame, No. 21	50,10,2	35,5,10	14
Butcher saws	60,2	50	25
Kitchen and coping saws	50,10,10,2	50	25
Hand rip and pruning	25,12½,10	25	27
Bucksaws	50	40	20
Saddles, all descriptions	15,5	Net.	31
Safes, office	10,5	Net.	17
Sail cloth, cotton duck	27,2,2	10 to 15,2	18 to 25
Sealing wax	35	25	16
Seals, notarial and initial	35	25	16
Scales, all patterns	40,10,5	40	17
Screws, coach	80,20	80	25
Shovels and spades	10	Net.	11
Shovels, spades, and scoops	50,75	40	33
Sharpening stones:			
Scythe stones	50	33 to 40	20 to 32
Axe stones	50,10	40	33
Washita oilstones	50,10	33	45
Arkansas oilstones	50 to 50,10	33	32 to 45
Queer Creek oilstones	50,10 to 50,20	40	33 to 50
Sandstones	50,10 to 50,20	40	33 to 50
Razor hones	50,33,3	50	50
Sledges, steel	10	Net.	11
Sozodont	20,5	5	25
Spirit levels, 26 to 30 inch	50	35,10	30
Shipping tags	35	25	16
Spurs, all patterns	15,10	Net.	31
Stirrups, all patterns	15,10	Net.	31
Stoves, Nos. 8, 9, 99	30,10,5	20	33
Stove polish	40	20	33
Screw-drivers	70,10,10,10,10	70 to 70,10	35 to 50
Spring cutters	90,40	90	66
Talking machines	50	Net.	100
Tape, cloth	35	25	16
Tapers, wax	35	25	16
Taps:			
Machine, hand	70,5	70	11
Machine, screw	80,5	80	11
Pipe taps and reamers	80,10,20	80,10	25
Thermometers:			
Common	85,10,5	85	15
Medium	50,10	50	12
Tooth powder and paste	20,5	5	25
Tube scrapers	70	60	33

PART I.—*Showing differences in discounts between export and home prices—Continued.*

Articles.	Export discount from list.	Home discount from list.	Difference.
Trucks:	*Per cent.*	*Per cent.*	*Per cent.*
Store	50	40,5	15
Platform	40	30	17
Railroad	30	20	15
Vises	60,10,10,5	60,10	20
Watches, gold and silver	20	Net.	20
Wheeljacks	45	30,10	15
Wrenches:			
Screw	60,10	60	11
Screw	60	50	25
Ratchet	50	40,10	8
Tap	15	Net.	15
S	50	40	20
Vulcan pipe	60,10	60	10
Alligator	75,10,2	70,10	22

PART II.—*Showing differences between export and home prices of certain specified articles.*

Articles and description.	Export. price.	Home price.	Difference.
Adzes:			*Per cent.*
Carpenters' square head, 4-inch, per dozen	$9.90	$11.00	11
Ship carpenters, per dozen	10.80	12.00	11
Coopers', per dozen	11.70	13.00	11
Axes and hatchets:			
Yankee, unhandled, 5 to 7 pounds, per dozen	6.75	7.50	11
Yankee, handled, up to 7 pounds, per dozen	6.30	7.00	11
Turpentine han., 4½ to 5½ pounds, per dozen	8.33	9.25	11
Miners' han., per dozen	5.62	6.25	11
Hatchets:			
Hunters' No. 3, per dozen	4.95	5.50	11
Carpenters' 4-inch, per dozen	5.85	6.50	11
Coopers', per dozen	5.85	6.50	11
Lathing No. 2, per dozen	4.50	5.00	11
Baking powder:			
Horsford's, 1-pound cans, per case	3.66	4.15	13
"Royal," 4-ounce cans, per dozen	1.17	1.30	11¼
"Royal," 6-ounce cans, per dozen	1.62	1.80	11¼
"Royal," 8-ounce cans, per dozen	2.16	2.40	11¼
Bit stocks (augur), per dozen	12.00	14.40	20
Braces:			
Drill, per dozen	23.09	24.30	17
Carpenters', 14-inch, per dozen	11.42	13.37	17
Brooms, No. 6, per dozen	2.10	2.60	25
Brushes:			
Painters' A quality, No. 2-0, per dozen	3.20	4.00	25
Painters' B quality, No. 2-0, per dozen	6.30	7.88	25
Painters' F quality, No. 2-0, per dozen	8.00	10.00	25
Dusting, A. H., per dozen	3.92	4.90	25
Window, X6, per dozen	10.00	12.50	25
Molders', No. 45, per dozen	4.88	6.10	25
Carpet, No. 27, per dozen	10.00	12.50	25
Horse, No. 48, army pattern, per dozen	3.61	4.25	18
Mane, No. 226, Hindoo, per dozen	3.82	4.50	18
Scrubbing, No. 76, double, per dozen	1.36	1.60	18
Stove, No. 100, handled curved, per dozen	3.40	4.00	18
Shoe, No. 76, handled, per dozen	8.50	10.00	18
Hair, No. 409, per gross	44.62	52.50	18
Bush hooks, No. 3, each	6.30	7.00	11
Canned goods:			
Best Baltimore beans, No. 2½, per dozen	.85	1.05	23
Best peaches, per dozen	1.60	1.75	9
Best peas, per dozen	.85	1.05	23
Best corn, G. R., per dozen	1.30	1.50	15
Best lobsters, flat, per dozen	3.50	4.00	14
Best 3-pound apples, per dozen	.80	1.00	25
Best 3-pound tomatoes, per dozen	.75	.85	12
Cartridges:			
U. M. C. Co., army, rev., per M	7.83	8.70	11
Rim fire, 22 short, per M	1.80	2.37	32
Primers, Berdan's, per M	.81	1.44	78
Caps, B. L. Sturtevant, per M	.81	1.52	88
Shells, loaded black powder, 200, New Club, per M	12.25	15.96	30
Wads, gun, black edge, 4-gauge, regular, per M	1.44	1.60	11
Chairs:			
Maple, cane seat, No. 2584, per dozen	13.00	17.50	35
Golden maple rocker, cane seat, No. 2586, per dozen	19.00	22.50	35
Golden maple arm, cane seat, No. 2585, per dozen	26.00	35.00	35
Wood seat, No. 4025, per dozen	4.25	5.75	35
Wood seat, No. 4026, per dozen	4.75	6.50	35
Wood seat, No. 4027, per dozen	4.75	6.50	35
Wood seat rocker, No. 4001, per dozen	14.50	19.50	35
Cane seat settees, No. 2583, per dozen	51.00	69.00	35
Counter stools, No. 1006, per dozen	16.00	21.50	35
Revolving stool, cane seat, No. 153, per dozen	22.75	30.50	35
Churns, cylinder, No. 4, each	2.00	2.47	23
Clocks:			
8-day Akron or Aldrich, each	1.50	2.00	33
Strike, each	.62	.80	31
Waverly, mantel, each	17.50	25.50	50
Chopin, mantel, each	5.67	8.50	50
Natal, strike, each	1.85	2.60	40

PART II.—*Showing differences between export and home prices of certain specified articles*—Continued.

Articles and description.	Export price.	Home price.	Difference.
Clocks—Continued.			*Per cent.*
Trinidad, strike, each	$2.02	$2.85	40
Drop octagon B. time, each	2.10	2.90	40
Octagon, rosewood, 6-inch, each	1.65	1.65	40
Condensed milk, Eagle brand	5.50	6.25	15
Copying pads, No. 1, letter, per dozen	.88	1.01	16
Corn shellers, Prairie, each	3.50	4.20	20
Corn planters, Boston, each	13.00	15.00	15
Crowbars, steel, per pound	.054	.06	11
Crucibles:			
4-gallon, No. 90	4.86	6.48	34
6-gallon, 3 quarts, No. 150	8.10	10.80	34
Style B, Brazing	6.75	9.00	34
Cultivators, Matthews, hand, each	4.20	4.90	17
Curry combs, 8 bars, open back, japanned, per dozen	.97	1.20	31
Cutlery:			
Table knives and 3-prong forks, bone handles, No. 632, per gross pairs	10.97	12.75	16
Table knives and 3-prong forks, bone handles, No. 1735, per gross pairs	15.14	17.63	16
Cutlery, table knives and 3-prong forks, bone handles, No. 4520, per gross pairs	42.12	48.96	16
Cutlery:			
Triple-plated table knives, No. 170, per dozen	2.34	2.74	16
Triple-plated table knives, No. 170C, per dozen	2.55	2.97	16
Triple-plated table forks, No. 170, per dozen	2.34	2.72	16
Triple-plated table forks, No. 170C, per dozen	2.45	2.85	16
Bread knives, No. 900	1.39	1.61	16
Carving knives (stag handle) per set	1.61	1.87	16
Butcher knives (beech handles, 12 inch), per dozen	4.50	5.10	16
Dried apples, selected quality, packed, per pound	.55	.06	9
Drilling machines, No. 3, each	26.00	30.00	15
Drills:			
Breast, Nos. 10-11, per dozen	23.40	27.54	18
Ratchet, 14-inch, each	3.25	3.75	15
Envelopes, manila mailing, 6 by 9, per box	4.25	4.88	16
Erasers, rubber:			
Nos. 880 to 887, per pound	.60	.80	33⅓
Typewriter, 40 to pound, per gross	2.92	3.90	33⅓
Disk, per gross	3.24	4.32	33⅓
Eyelet punches, No. 4, combined, per dozen	11.70	13.50	16
Eyelets, brass, No. 2, per M	.49	.56	16
Fan mills, Grant's, No. 2, each	17.60	21.80	21
Feather dusters, Bell:			
No. 8, turkey feather, per dozen	3.30	5.50	66⅔
No. 10, turkey feather, per dozen	4.20	7.00	66⅔
No. 11, turkey feather, per dozen	12.60	21.00	66⅔
Feed bags, leather bottom, ventilated, per dozen	6.46	8.00	31
Flavoring extracts:			
Vanilla, ½ pint, per dozen	7.58	8.43	12½
Vanilla, pints, per dozen	14.26	16.15	12½
Lemon, pints, per dozen	9.65	10.88	12½
Lemon, ½ pints, per dozen	5.49	6.16	12½
Florida water (in 1 dozen boxes)	2.75	5.00	82
Fountain pens:			
No. 12, plain, each	1.47	2.50	70
No. 14, plain, each	2.35	4.00	70
No. 14, gold mounted, each	2.94	5.00	70
No. 224, gold mounted and chased, each	4.70	8.00	70
Garden reels, each	4.20	4.66	11
Gas machines, acetylene:			
10 lights, each	28.80	48.00	66⅔
20 lights, each	60.00	100.00	66⅔
35 lights, each	90.00	150.00	66⅔
50 lights, each	120.00	200.00	66⅔
Gasoline, 86 degrees, per gallon	.15	.17	13
Glucose, 45 degrees gravity, per 100 pounds	1.91	2.87	50
Glue:			
In glass bottles, per dozen	.49	.56	16
Art paste, No. 2, per dozen	.52	.60	16
Glycerine, chemically pure, in 2-ounce bottles, per gross	8.40	10.20	22
Grain mills, horse, each	13.20	14.66	11
Hammers, blacksmiths, per pound	.22	.25	11
Harness:			
1-horse—			
Breast collar, nickel, No. 2000, per set	5.15	6.75	31
Breast collar, nickel, No. 2001, per set	9.18	12.00	31
Hame collar, No. 2012, per set	9.56	12.50	31
Russet, buggy, hame, No. 2012, per set	10.33	13.50	31
Coupe harness, nickel or brass, No. 2029, per set	19.76	27.00	31
Cart or dray, best quality, No. 2085	26.78	35.00	31
Riding bridles (without bits), covered buckles, per dozen	23.72	31.00	31
Military bridles, yellow front, brass trimmings, per dozen	36.72	48.00	31
Collars, horse or mule, hogskin, two buckles, No. 2481, per dozen	9.18	12.00	31
Hames, with tugs, nickeled, 1-inch, per dozen	2.30	3.00	31
Halters, black or russet leather, 1¼-inch, per dozen	5.10	6.25	31
Bits, Dexter snaffle, No. 2761, per dozen	4.84	6.00	31
Bits, Whitman, two-rein, nickel, per dozen	34.44	45.00	31
Hoes, horse, Knox, No. 2, each	4.95	6.00	21
Jackscrews, No. 10, each	1.98	2.23	12

PART II.—*Showing differences between export and home prices of certain specified articles*—Continued.

Articles and description.	Export price.	Home price.	Difference.
			Per cent.
Kerosene oil, in cases	$0.11	$0.15	36
Labels:			
Plain, per dozen boxes	.32	.38	16
Gummed, No. 247, per M	.65	.75	16
Lard, Red Cross brand, per pound	.06	.065	8
Leather belting:			
First quality, 6-inch, per foot	.38	.53	44
Second quality, 6-inch, per foot	.30	.48	60
Third quality, 6-inch, per foot	.26	.42	60
Leggins:			
Brown canvas, 4-strap and 3-button, per dozen	9.75	13.00	31
Russet grain, per dozen	27.92	36.50	31
Lubricants:			
Graphite axle grease in 10-pound pails, per pound	.70	.94	33⅓
Graphite, special, in barrels, per pound	.20	.26	33⅓
Graphite, oiled, in barrels, per pound	.19	.26	33⅓
Lumber, No. 2 shelving, dressed, per M	33.00	35.00	8
Mucilage in tubes, per dozen	.57	.66	16
Nail clippers:			
The "Apt" pattern, per gross	14.92	20.00	34
The "Snow" pattern, per gross	14.04	16.00	14
Naphtha, 76°, per gallon	.12	.14	16
Pails, wooden, 2-hook, oak grained, per dozen	1.35	1.75	30
Paper boxes, wedding cake, No. 7, per 100	1.95	2.25	16
Paper, crêpe, assorted, per roll	.06¾	.07¾	16
Paper fasteners, No. 5, round, per M	4.55	5.25	16
Paper napkins, medium, assorted, per dozen boxes	.87	1.13	16
Paper targets, No. 9, gallery, per M	1.95	2.25	16
Pencils, lead:			
Fine, round, per gross	2.25	3.00	33⅓
Fine, hexagon, per gross	3.24	4.32	33⅓
Fine, monarch, per gross	3.99	5.22	33⅓
Fine, artists', per gross	5.52	7.36	33⅓
Academic, black, per dozen	1.87	2.50	33⅓
Academic, hexagon, per dozen	2.43	3.24	32⅓
Scholastic, hexagon, per dozen	1.12	1.50	33⅓
Sun, silk finish, hexagon, per dozen	1.35	1.80	33⅓
Pencils, slate:			
Soapstone, 5-inch, per case	9.66	12.88	33⅓
Soapstone, in wood, per case	7.20	9.60	33⅓
Perfumery:			
"Edition de Luxe" extract, 2-ounce bottles, per dozen	15.60	17.85	15
"Fantasy" or "Dactillis," 3¼-ounce bottles, per dozen	8.24	9.35	15
"Fantasy" or "Dactillis," 2¼-ounce bottles, per dozen	5.26	5.95	13
"Violet," per dozen	11.70	13.38	15
"Cashmere Boquet," per dozen	4.10	4.55	11
Pistol holsters, McClellan, No. 2377, per dozen	53.55	70.00	31
Playing cards, class A:			
No. 999 Steamboat, per gross	4.28	10.00	134
No. 155 Ex Tourist, gold edge, per gross	11.97	26.00	120
No. 101X Ex Tigers, gold edge, per gross	9.12	20.00	120
Plows:			
2-horse Eagle W. & C., each	4.15	5.25	25
2-horse side hill, each	5.81	6.77	15
Heavy road, each	8.50	10.20	20
N. E. chilled 2-horse, each	7.20	8.40	17
Contractors' heavy grading, each	18.33	20.61	24
Steel beam, Nos. 52, 53, 54, 50, each	10.35	11.50	11
Printing presses, news and job:			
No. 5, each	780.00	850.00	10
No. 6, each	850.00	1,000.00	18
No. 7, each	1,000.00	1,100.00	10
Printing type:			
6-point Roman face, per pound	.41 6/10	.55	31
8-point Roman face, per pound	.33 9/10	.46	31
10-point Roman face, per pound	.30	.43	31
12-point Roman face, per pound	.27	.36	31
6-point job face, per pound	.75	.99	31
8-point job face, per pound	.58¼	.77	31
10-point job face, per pound	.48	.63	31
12-point job face, per pound	.43	.57	31
14-point job face, per pound	.40	.52	31
18-point job face, per pound	.39	.51	31
24 to 36 point job face, per pound	.36	.48	31
Revolvers, Colt's army, each	10.80	12.00	11
Roofing, slate, 8 by 16 inches to 20 by 26 inches, per square	4.87	5.52	14
Rope, manila, extra selected, per pound	.11	.13	22
Saddles:			
Ladies' hogskin seat, No. 2107, each	7.84	10.25	31
Men's, McClellan army style, No. 2241, each	6.81	9.00	31
Men's, English style, hogskin, first quality, No. 2274, each	10.33	13.50	31
Safes, 63 by 38 by 32 inches, each	149.62	175.00	17
Sarsaparilla (in boxes of 1 dozen), per gross	47.04	55.00	15
Saws:			
Circular, 22-inch, each	4.62	5.50	18
Mitre, 18-inch, each	4.27	5.13	18
Rip, 18-inch, No. 4, per dozen	14.18	18.00	27
Rip, 18-inch, No. 5, per dozen	11.81	15.00	27
Hand, 18-inch, No. 6, per dozen	11.81	15.00	27
Bench, 18-inch, No. 14, per dozen	8.87	11.25	27
Pruning, 18-inch, No. 64, per dozen	5.91	7.50	27
Pruning, double edge, 18-inch, No. 65, per dozen	6.19	7.88	27

PART II.—*Showing differences between export and home prices of certain specified articles*—Continued.

Articles and description.	Export price.	Home price.	Difference.
			Per cent.
Saws—Continued.			
Compass, 14-inch, No. 87, per dozen	$2.81	$3.57	27
Buck, 30-inch, No. 104, per dozen	7.00	8.40	20
Hack-saw blades, 10-inch, per gross	6.43	7.65	20
Hack-saw frames, No. 7, per dozen	6.50	7.50	15
Butcher saw blades, per dozen	.75	.90	20
Scales:			
Port. platform with wh. No. 23, each	22.06	25.80	17
Family brass scoop, No. 324, each	7.70	9.00	17
Grocers' U beam, No. 350, each	4.10	4.80	17
Scoops, furnace, No. 3, per dozen	4.00	5.40	30
Sealing wax:			
Bankers', per pound	.65	.75	16
Express, per pound	.26	.30	16
Seals, notarial:			
No. 13, colored, per M	.92	1.05	16
Gold or silver, per M	1.62	1.88	16
Seals, steel dies, ebony handles, each	3.90	4.50	16
Shipping tags:			
No. 2P, per M	.65	.75	16
Baggage No. 5P, per M	1.30	1.50	16
Shot, drop, from small to B size, per pound	.0325	.065	100
Shovels:			
D handle, R point, No. 3, per dozen	7.42	8.25	11
A1 No. 2, per dozen	6.25	8.40	33
Sledges, steel, per pound	.16	.18	11
Soap:			
Laundry (in 75-lb. boxes), per box	3.47	4.00	15
Do	3.09	3.85	25
Toilet, Violet, per gross	32.00	40.80	25
Toilet, Jockey Club, per gross	23.87	28.05	25
Toilet, Lettuce, per gross	19.50	22.44	15
Toilet, Vioris (large), per gross	16.62	19.12	15
Toilet, Sweet Lavender, per gross	14.04	19.12	35
Toilet, shaving stick (large), per gross	13.90	16.74	20
Toilet, honey, per gross	11.11	12.75	15
Toilet, cashmere bouquet (large), per gross	20.48	30.24	48
Toilet, white castile, per gross	9.94	12.11	25
Toilet, glycerine, per gross	8.34	12.75	52
Sozodont:			
Large size, per gross	54.72	68.40	25
Small size, per gross	18.24	22.80	25
Spades:			
A1, No. 2, per dozen	6.25	8.40	33
D handle, R. point, No. 2, per dozen	6.97	7.75	11
Spirit levels, 26 to 30 inch, each	1.80	2.11	30
Spurs, U. S. officers' fine brass, complete, per dozen pairs	34.51	41.50	31
Stirrups, men's round and fancy, polished, per dozen pairs	13.60	16.00	31
Stove polish:			
In ¼-gross boxes, per gross	3.50	4.66	33⅓
In bulk, per pound	.07¾	.09¾	27
Stoves, No. 8, square top, each	11.97	16.00	33
Talcum powder:			
Violet, large size, per dozen	1.39	1.60	16
Cashmere bouquet, ¼ pound, per dozen	1.39	1.60	16
Talking machines:			
Royal, each	7.50	15.00	100
Junior, each	12.50	25.00	100
Monarch, each	17.50	35.00	100
Tape, cloth, per dozen boxes	.87	1.13	16
Tapers, wax, per gross boxes	4.55	5.25	16
Thermometers, japanned tin case:			
Common, 7-inch, per dozen	.65	.75	15
Common, 8-inch, per dozen	.70	.83	15
Common, 10-inch, per dozen	.83	.98	15
Common, 12-inch, per dozen	1.03	1.20	15
Medium, 8-inch, per dozen	2.70	3.00	12
Medium, 10-inch, per dozen	4.05	4.50	12
Medium, 12-inch, per dozen	5.40	6.00	12
Tobacco:			
Plug, black pocket, per pound Pieces, 16 to pound, per pound Pieces, 14 to pound, per pound Pieces, 7s and 2½ to pound, per pound	.15 to .19	.25 to .30	66
Tooth paste, in tins, per gross	18.24	22.80	25
Tooth powder, in tins, per gross	18.24	22.80	25
Trucks:			
Store, each	3.00	3.42	15
Platform, No. 1, each	7.20	7.84	17
Railroad, each	23.10	26.40	15
Trunks:			
No. 105, 34 inch, each	4.25	5.00	18
No. 175, 28 inch, each	2.50	3.25	30
No. 176, 28 inch, each	3.00	3.75	25
No. 84, 28 inch, each	4.00	4.75	19
No. 83, 28 inch, each	2.75	3.50	27
No. 85, 28 inch, each	3.25	4.00	23
Tube scrapers, per inch	.30	.40	33⅓
Vaseline:			
Blue seal, No. 2 size, per dozen	.58¼	.70	20
Blue seal, No. 1 size, per gross	3.51	4.20	20
Pomade, 5-pound cans, per can	1.08	1.40	30
Pomade, No. 1 size	.82	1.25	50
Pomade, No. 2 size	1.64	2.08	25
Cold cream, No. 2 size	1.46	1.88	25
Camphor ice, tubes	.63	.75	25
Borated, No. 1 size	1.32	1.50	15
Vises, pipe, No. 1, each	1.25	2.00	60
Washboards, zinc, per dozen	1.75	2.25	27
Wash tubs, oak grained, 8 nest, per nest	1.80	2.25	25
Watches:			
18-carat gold, No. 2400, 18 size, hunting case, each	40.00	50.00	25

PART II.—*Showing differences between export and home prices of certain specified articles*—Continued.

Articles and description.	Export price.	Home price.	Difference.
Watches—Continued.			*Per cent.*
18-carat gold, No. 2400, 18 size, open face, each	$33.60	$42.00	25
14-carat gold, No. 2500, 18 size, hunting case, each	28.00	35.00	25
14-carat gold, No. 2500, 18 size, open face, each	24.00	30.00	25
14-carat filled case, No. 2740, 18 size, open face, each	8.40	10.50	25
Sterling silver case, 18 size, open face, each	5.60	7.00	25
Silveroid case, 18 size, open face, each	1.80	2.25	25
Electro case, 18 size, open face, each	1.80	2.25	25
Dollar Yankee watch, nickel, each	.60	.75	25
Defiance watch, nickel, each	.70	.85	21
Wheel jacks, No. 3, each	1.79	2.04	15
Witch hazel, 15 per cent standard, pints, per dozen	2.38	2.85	20
Wrenches, 10-inch, screw, per dozen	5.04	5.60	11

Mr. KAHN. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California makes the same request. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

To enable the Interstate Commerce Commission to keep informed regarding compliance with the "Act to promote the safety of employees and travelers upon railroads," approved March 2, 1893, including the employment of inspectors to execute and enforce the requirements of the said act, $85,000.

Mr. MANN. Mr. Chairman, I move to amend, in line 17, by striking out "eighty-five" and inserting "one hundred."

The Clerk read as follows:

Page 23, line 17, strike out "eighty-five" and insert "one hundred."

Mr. MANN. Now, Mr. Chairman, I understand the Committee on Appropriations has done the proper thing for that committee to do—not to go beyond the amount of the estimate. It is also true that we have been informed in our Committee on Interstate and Foreign Commerce that the force of inspectors for the enforcement of the safety-appliance act is too small. In the year 1904, which is the last year for which there is a report, there were 3,416 railway employees killed and 36,413 injured in train movement. In the same year there were 3,662 employees killed on the railroads and 67,067 injured. In the same year there were 10,046 persons killed on the railroads and 84,155 injured. Now, it does seem to me, when practically the only provision the Government makes for the safety of employees on railroads is the safety appliances, there ought to be a sufficient sum to employ an ample number of inspectors to see that the safety air brakes are in condition; that the grab irons are properly put on the cars; that the automatic couplers are properly installed on all cars and engines, and that the proper safety appliances, as required by the act, are provided by the railroads.

Mr. TAWNEY. Mr. Chairman, I trust the amendment offered by the gentleman from Illinois will not prevail. The committee has given to the Interstate Commerce Commission all the money for this purpose that the Commission estimated to be necessary and that the Commission believe they can expend properly. When the chairman of the Commission and the secretary of the Commission were before the committee, Mr. Moseley, the secretary, spoke directly to this point, and gave the reason why more money could not be advantageously expended. He said:

You know, Mr. Chairman, that I came up here and asked you for money in addition to the $75,000—

He was then referring to the increase of $10,000 allowed in the urgent deficiency bill at the beginning of the session—

that is, the unexpended balance which we had left over from the former year—

They expended about $8,000 less than the amount appropriated—

But I told you that I did not know whether we were going to spend it. I think we may be able to save it. Mr. MANN, of Illinois, on the floor some time ago said that this bureau ought to be largely increased. The difficulty is, sir, that this properly must be a matter of slow growth. We want to get the best men we can and we want to feel our way. We do not want to build up a great establishment like the Life-Saving Bureau, spending from $2,000,000 to $3,000,000 a year. We do not want to build up anything of that sort. We had the same amount of money last year, with the reappropriation given us, which we are asking this year.

Mr. KNAPP. I want to indorse that statement with a word of comment. Of course the secretary has taken a peculiar interest in this matter of the safety of railway employees, and, as everybody knows, his interest and activity had very much to do with the passage of the law, as it has to-day with its administration, but I think it would be very unwise for the Government to appropriate $500,000 or a million dollars for this purpose on the theory that if a little of this is a good thing a great deal of it would be better.

Now, I am in entire sympathy with the gentleman from Illinois in respect to the efficient inspection of cars and these safety appliances. But I do not believe that our sympathy should lead us to appropriate more money for the purpose of carrying out the provision of this law than those charged with administrating the law say can be expended wisely. There is no principle upon which such action could possibly be justified if the House or Committee of the Whole should attempt to take it. I trust that the amendment will not prevail.

The CHAIRMAN. The quesion is on the amendment offered by the gentleman from Illinois.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Transportation of fractional silver coin: For transportation of fractional silver coin, by registered mail or otherwise, $75,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Mr. KEIFER. Mr. Chairman, I move to amend this last paragraph by striking out the word "fractional" in line 22, page 24.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 24, line 22, strike out the word "fractional."

Mr. KEIFER. Mr. Chairman, I believe in every year heretofore, since we have been coining silver dollars, there has been a provision for their transportation from the mints where they are coined to the banks or other parties desiring them, at the expense of the Government.

In the sundry civil bill passed March 3, 1905, for the current year ending June 30, 1906, the language used in the law, under the head of the transportation of silver coin, was this:

For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, $120,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury to subtreasuries, free of charge, silver coin when requested to do so.

Now, in the bill as reported, the word "fractional" is put in to qualify what follows, "silver coin;" and if this bill as originally drawn should become a law there will be no free transportation of silver dollars for the fiscal year ending June 30, 1907.

There was an apparent deficiency in the matter of the transportation of silver dollars this year, and it will be remembered that I attempted to have a provision made to meet that apparent impending deficiency. I understand the Treasury Department has gotten along without having any particular trouble, and it has been transporting silver dollars. So, as I have already stated, it has been the custom from year to year to provide, in the sundry civil bill, an appropriation for the purpose of transporting silver dollars from the mints, or from the depositories where they are kept, to the banks and to parties desiring them. This is but just.

In the city of Philadelphia the banks get their silver coin free, because they are beside the mint. In the city of New York they do the same thing, because silver dollars are deposited in the custom-house there. And so, I might say, silver dollars are now coined in San Francisco; and so far as the city of San Francisco is concerned, it has these silver dollars ready for the banks; but between Philadelphia and San Francisco lies a large region of country where the banks and parties have hitherto had their silver dollars sent, on request, free. It has been the policy of the Government to distribute and utilize in circulation as far as possible the immense number of silver dollars that we have coined. It should be the policy now to utilize them as much as possible. It helps to build up the prosperity of the country everywhere to have these silver dollars used and in general circulation.

Mr. GAINES of Tennessee. As the gentleman is so familiar with this matter, I wish he would explain to me how we are going to send this coin by mail? We are taking away the right to send it by express, and I do not understand the physical operation of sending it by mail.

Mr. KEIFER. In the time I have I could not undertake to state how all these things have been done heretofore.

Mr. GAINES of Tennessee. I know how they have been done heretofore, but I want to know how they will be done hereafter.

Mr. KEIFER. In the law of last year we had a similar provision with reference to the transportation of silver dollars by registered mail or otherwise, and that will be the effect of this law if we strike out the word "fractional."

Mr. GAINES of Tennessee. How is the physical act done of sending silver by mail? That is what I want to know.

Mr. KEIFER. I have not time to go into that. That is an old matter. I am anxious to say a word in favor of the more general distribution of silver dollars in the United States, if possible, than we have had in the past.

I know, Mr. Chairman, that there is a portion of our country, perhaps east of a line drawn north and south through the city of Chicago, where the silver dollar is not so much used, but east of such a line, in Ohio, Indiana, and in Kentucky, we use silver dollars. When we come here and draw our pay, they give us new paper dollars, and it is a rare thing to see a silver dollar here in circulation. Conditions are wholly different in the West and Middle West. The people demand and require the silver dollar in common circulation. If the Government does not transport it free the banks will not have it, and it will go out of circulation practically. Banks can not afford to have it expressed at their own expense. In the Eastern States they use more paper money, but in the West our people like the silver dollar for convenience, and I have every reason to believe that throughout the entire southern portion of our country the silver dollar is very popular and found to be very convenient among all classes of people.

Mr. JOHNSON. In the South we have no bills, generally, of less than $5, and the only small currency used there is silver.

Mr. KEIFER. I have no doubt that statement is correct.

Mr. WILLIAMS. I just want to interrupt the gentleman long enough to reenforce and emphasize the statement he has just made. It is absolutely correct. Throughout the entire southern country, and especially in the cotton belt and in the sugar belt, we can hardly get along without the silver dollars.

Mr. KEIFER. I understand, Mr. Chairman, from the statements of gentlemen and otherwise, that the silver dollar is the only good dollar that is in circulation in that country.

Mr. BURGESS. I am in hearty sympathy with the object which the gentleman wishes to attain, but I believe that his amendment does not go far enough. It would strike out the fractional silver and leave no provision for the transportation of that. Would it not be better, instead of striking out the word "fractional," to add the word "dollars," thereby securing the free transportation of silver dollars and fractional silver also?

[The time of Mr. KEIFER having expired, by unanimous consent, at the request of Mr. GAINES of Tennessee, it was extended ten minutes.]

Mr. KEIFER. Mr. Chairman, answering the last suggestion, it is probable that there is something in it, because the language of the law last year was this:

For transportation of silver coin, including fractional silver.

But if my proposed amendment is adopted, I give notice that I will make the necessary motion to correct it in the respect suggested by the gentleman. If my present motion is determined favorably, the balance of it can easily be adjusted. The first question to be determined is whether it is the sense of this committee or of the House that silver dollars shall be transported free by the Government on request of banks or other parties throughout the country, as has been the custom in past years.

Mr. GAINES of Tennessee. Will the gentleman state what his amendment is? I did not catch it.

Mr. KEIFER. To strike out the word "fractional" in line 22, page 24, of the bill. That is all there is of it now. Last year we made an appropriation of $120,000 to transport silver coin, including fractional silver coin. This bill only provides for $75,000, but that is a matter that can be attended to later.

I am anxious to have the committee understand that this is a question of great interest. We have some of us steadily opposed the free coinage of silver, but some of us have also been in favor of the coinage of silver and the introduction of it into this country as a circulating medium. We should not have voted for it if it was to be cribbed up and kept where it was convenient only to a very small portion of our people, and they of that section of our country opposed to the coinage and use of silver.

I voted in 1878 for the bill that authorized the coinage of most of the silver coin we have now in existence. I voted for the bill against the veto of a Republican President. I have never regretted that. I am not now going to abandon these silver dollars. I want the common people, the laborers, the people in the shops, to have access to them, as many of them as they can possibly use.

The silver dollar is also valuable in the respect that it is clean money. We have a great deal of dirty paper money that comes to us out West, soiled by much handling, and it will be worse in the future, and we shall have to legislate to have more small paper currency if we do not continue to provide for the distribution of silver dollars as in former years. Our cities, like Cincinnati, Cleveland, Columbus, Dayton, and Toledo, in Ohio, all want silver and they now use it largely, as do the common people throughout our State. All our great business centers need and want the silver dollar in their business. They do not want to transport it at their expense, and be at a disadvantage as against banks and parties otherwise and more favorably located. And when you go farther west of these cities, even out in the mining regions of the Rocky Mountains, where they dig the silver out of the earth and send it back to Philadelphia to have it coined, it ought to be sent to them so that they can use it in their business. Why, as this bill provides, transport fractional silver and minor coinage, notes, bonds, and currency at the Government expense? It is of equal importance to transport free our silver dollars. I appeal to the House to do now only what has been the practice in past years. It never was needed more than now. [Applause.]

Mr. GAINES of Tennessee. Mr. Chairman, just a word. A few weeks ago, in some bill that was under consideration here at this session, Congress struck out a deficiency appropriation to defray the expense of transporting silver dollars to the bankers and people of the country.

Mr. KEIFER. We did not strike out the provision. The House simply refused to put it in.

Mr. GAINES of Tennessee. Inside of ten days after that bill became law I received letters from nearly every banker in my district, which is composed of Davidson County, where the city of Nashville is located, and the counties of Cheatham, Montgomery, Robertson, and Stewart, protesting against the failure to make this usual appropriation. I want to say that I suppose that nine-tenths of those bankers in those counties voted against me in 1896; but if a vote could be taken to-day, tenninths of them would vote for me. [Applause.]

But I want to say, Mr. Chairman, that this unwise elimination of this small appropriation is weighing heavily not only upon the bankers, but upon the farmers of the South, the tobacco growers and the cotton growers, the white and black population, who prefer to use the silver dollar. There is a magic in the "dollar of the daddies" to them all; and let me tell you that whatever affects—hurts—cotton, to move or buy it, hurts all sections of the country. In fact, we move our crop South by using the silver dollar. Now, if you want to help the negro, who is at home in the cotton patch, do not cripple the use of the old dollar.

A negro would rather have a plug hat, a red cravat, and a silver dollar and a drink than anything else on earth. [Laughter.] As a rule, up to a few years ago, the banker in our country got to be a poor Republican or a worse Democrat. Many of them voted for the lamented McKinley and against Bryan on the gold question. But they are anxious to have this appropriation reinstated because the want of it distresses their business. We are struggling for prosperity you gentlemen have in the West and in the East; and the cotton growers are struggling; white and black are struggling side by side in the field, in the factory, in the woods, and elsewhere in life's great race, and I, gentlemen, with great pleasure and sincerity, indorse the words of the gentleman from Ohio [Mr. KEIFER], who was the friend of silver in 1878, the friend of free coinage a little before that, and who now stands here to-day speaking for the great majority of the people of the United States in this matter. [Laughter.]

Mr. KEIFER. Mr. Chairman, I must disclaim that last statement.

Mr. GAINES of Tennessee. Oh, I think the gentleman has forgotten, for I looked up the record a few days ago.

Mr. SMITH of Iowa. Did not the gentleman from Ohio vote for the Bland Act?

Mr. KEIFER. I stated a little while ago I voted for it over a President's veto.

Mr. SMITH of Iowa. Well, the Bland Act provided for the free and unlimited coinage of silver at the ratio of 16 to 1.

Mr. MADDEN. Mr. Chairman, during the consideration of the urgent deficiency bill the fact was developed that in the transportation of silver dollars by express, where a banker in Yonkers made a request for a certain amount of silver coin, that silver was transported from New York to Binghamton, back from Binghamton to Albany, from Albany to Yonkers, and four express companies were paid for carrying that coin, whereas if it was sent directly from the subtreasury, a small distance would have to be traversed in the transportation, at but one express charge.

The development of that information led the members of the Appropriations Committee to the conclusion that no appropria-

tion whatever should be made for the transportation of silver coin. If the bankers of the country require paper money, they make a request on the subtreasuries of the country for the amount they need, and they are obliged to pay the cost of the transportation. Why should silver be put in a different position from any other currency of the country? The fact of the matter is that the bankers frequently make application for silver dollars with which to pay the obligations they owe other people, because they can get silver transported free, and then they dump a cargo of silver on some unsuspecting creditor, and force him to accept it, and he is obliged to pay for the shipment of that silver coin back to the subtreasury. It seems to me that there ought not to be under any condition of circumstances an appropriation made for the transportation of this character of coin any more than there is for the transportation of any other money of the country.

Mr. BURGESS. Mr. Chairman, this is a matter of more moment than members of this great committee think, and with all respect to these gentlemen, I do not think the reason they give for abandoning the wise practice is sufficient. It strikes me as rather remarkable that a great committee like this should say that because here and there some bankers are standing in with the express companies and shipping forward and backward and beating the Government that therefore we will abandon the whole thing. It seems to me that that is rather remarkable.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. BURGESS. Certainly.

Mr. TAWNEY. I would like to ask the gentleman, if he were a member of the Committee on Appropriations what he would consider it his duty to do in respect to this appropriation in view of the action of the House at this session of Congress, which emphatically rejected the proposition of continuing the free transportation of silver dollars?

Mr. BURLESON. We believe that that action of the House was wrong.

Mr. TAWNEY. The committee had to respect the action of the House as the sense of the House, which was taken, and overwhelmingly in favor of abandoning the free transportation of silver.

Mr. BURGESS. I would suggest, in reply to the gentleman, that that is no answer to the merits of the question. The real question is, Will any wise business purpose be subserved by continuing the appropriation? That is the real question.

Now, the facts are these: Every man with a wink of sense, regardless of his view on the money question—whether he was for or against the free coinage of silver—will concede that many men do not like to take any considerable amount of silver in payment of any check or debt, and that it rather has to be nurtured and fostered in order to get silver dollars in circulation in any considerable amount. Now, we have the coin in the Treasury, and if we can get it out among the people, in circulation, undoubtedly the country will be benefited and the Treasury will be relieved. Speaking for Texas, I know what I am talking about. We have in the fall there something like 3,000,000 bales of cotton picked out in four or five months. The Mexican laborer and the negro laborer, who largely do the picking, are shy of paper dollars. They look upon them with suspicion. The negro and the Mexican know a silver dollar when they see it, and that is what they want.

Now, the landlord, the man who raises the crop, goes to the banker and says: "I must have so much in silver dollars and so much fractional silver to pay off my laborers," and the banker must in some way get it. The question is, Would it not be better to continue this practice and keep these dollars in circulation than it would be to abandon it upon the flimsy excuse that here and there in rare instances some express company is skinning the Government a little bit? Would it not be easy to change the verbiage and vest discretion in the Secretary of the Treasury, so that that kind of thing could not happen, and let the good results follow? We have been continuing from year to year this appropriation. It is just a simple business question. It does not cost very much, and I think it does a very great deal of good to the whole country in a way. I get letters from my constituents, as does the gentleman from Tennessee [Mr. GAINES]. I received them after the action was taken by the House to which the chairman has alluded. Bankers from all over my district write me respecting it, and my colleagues tell me the same, that they receive similar letters, all taking exactly the same position. It will not do to say that these men are urging this appropriation in order to benefit any express company, because they do not care one single cent about that feature of the matter at all. The bankers believe that their customers will be benefited, and therefore they ask for its continuance.

Mr. JOHNSON. Mr. Chairman, I move to strike out the last word. A few weeks ago the bankers of my State met in convention and passed very strong resolutions in favor of the Government resuming the practice of sending silver coin to the banks. This appropriation is necessary in order to put the bankers of the country on an equality. Those banks that are located where there are subtreasuries can go to the subtreasuries and get their silver coin. The Government can not have a subtreasury in every community. We should so adjust the finances of the country as to give the bankers in the interior the same advantages that bankers at and near the subtreasuries have.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman permit a question?

Mr. JOHNSON. Yes.

Mr. SMITH of Iowa. Is anything that the gentleman has said not equally applicable to the duty of the Government, then, to forward all kinds of currency that it exchanges to the people all over the United States?

Mr. JOHNSON. Perhaps when we reach that question we will discuss it.

Mr. SMITH of Iowa. Is there any distinction, in the gentleman's judgment?

Mr. JOHNSON. We are now discussing the silver question, and you have a provision in this bill to transport the silver of smaller denominations than $1. On what principle did you put that in the bill?

Mr. SMITH of Iowa. Well, we will cheerfully tell the gentleman when we come to that question and when we come to argue the matter before the committee. Will the gentleman tell me any reason why the Government, making gratuitous exchange of money with the citizen, should, wishing to exchange some kind of money for another and giving it gratuitously, bear the expense of that transaction with reference to the silver dollar more than with other kinds of money?

Mr. JOHNSON. Mr. Chairman, I have already stated that those bankers located in the neighborhood of subtreasuries can get this exchange without expense, and while the Government can not put subtreasuries in every community, it can transport the coin and put the bankers on an equality.

Mr. SMITH of Iowa. Would the gentleman pardon me——

Mr. JOHNSON. I have but five minutes.

Mr. SMITH of Iowa. Very well, I do not wish to interrupt the gentleman if it is not agreeable, of course.

Mr. JOHNSON. In the country in which I live we rarely see a one-dollar or a two-dollar bill. For all transactions under $5 we use fractional silver or the silver dollar. The people are used to it and it is necessary in the transaction of our business. All that we ask is that the Government shall treat these bankers in the interior where this coin is needed just as they treat the bankers who are more fortunately situated in reference to the subtreasuries. If it is right to transport the minor coin, why not the dollars?

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration a joint resolution to supply deficiencies in an appropriation for assistant custodians and janitors of public buildings, and had directed him to report the same with a recommendation that it do pass; also that said committee had had under consideration the sundry civil appropriation bill, and had come to no resolution thereon.

Mr. TAWNEY. Mr. Speaker, I move the adoption and passage of the joint resolution reported from the Committee of the Whole.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

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

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I call up the bill (H. R. 17686) making appropriation for the naval service for the fiscal year ending June 30, 1907, and for other purposes, with Senate amendments, and ask unanimous consent that the House disagree to the Senate amendments and request a conference with the Senate.

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

The Chair announces the following conferees.

The Clerk read as follows:

Mr. FOSS, Mr. LOUDENSLAGER, and Mr. MEYER.

EXTENSION OF REMARKS.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I ask unanimous consent to insert in the RECORD pages 1361, 1362, 1363, and part of 1364 of the hearings for the Appropriations Committee on the sundry civil appropriation bill, being a statement in the form of a letter by the Secretary of the Interior, Mr. Hitchcock. I do this because in view of the remarks of yesterday the Secretary believes that his defense should be spread upon the records. I must add, however, that the committee read this letter over carefully and that it did not change its opinion of the illegality of the Secretary's procedure by reason of anything contained in that letter.

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

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 16, 1906.

The CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,
House of Representatives.

SIR: Referring to the statement made by me on the 10th instant, before your committee, relative to the fund derived from the sale of town lots in the towns of Hobart, Lawton, and Anadarko, in the Territory of Oklahoma, under the act of March 3, 1901 (31 Stat. L., 1093–1094), some additional matters have occurred to my mind in connection therewith that I desire to bring to your attention.

The sale of said town lots was but an incident to the opening of the Kiowa and Comanche lands in the Territory of Oklahoma that occurred in 1901. Hon. W. A. Richards, then Assistant Commissioner, now Commissioner of the General Land Office, was placed in charge of that opening; and the plan and regulations relating to said opening were prepared in the office of the Assistant Attorney-General of this Department, and given the personal supervision of that officer.

The act providing for the sale of said lots was a distinct departure from any legislation with which the Interior Department had ever had to do. It was as stated by one of the members of your committee sui generis. It provided for the creation of counties and establishment of their boundaries, and for the creation of county seats in each of said counties, and the survey, subdivision, and sale of the town lots in said county seats. It placed duties upon the Secretary of the Interior such as had never before been placed upon that officer. It provided that the proceeds from the sale of said lots, after the expenses of survey, subdivision, and sale had been paid therefrom, should be disposed of under his direction for the purpose of building bridges and roads, a courthouse, and such other public improvements as the Secretary of the Interior might deem advisable; and it provided that he should pay the expenses actually necessary to the maintenance of the county governments in each of said counties until such time as the local taxes provided a sufficient revenue for that purpose.

Plenty of acts had been passed by Congress prior to this one, making an appropriation of moneys, the disposition and expenditure of which was placed under the direction and control of the Secretary of the Interior, but they were for funds already in the Treasury. A number of special acts had been passed authorizing and directing the Secretary of the Interior to sell certain portions of the public land at public auction, but the sales as a rule were for the purpose of obtaining revenue for the General Government, and the proceeds thereof went into the hands of the receiver of public moneys at the respective local land offices in the usual way, and thence into the Treasury.

Some idea may be gathered as to the idea of Congress in the matter by a glance at the proceedings while the bill (H. R. 12901) was pending before it. In the report of the House committee (56th Cong., 2d sess., Rept. No. 2274) the following statement is found in regard to this feature of the bill:

"An entirely new method is provided for disposing of the town lots. Heretofore, whenever town sites have been reserved, they have been opened to occupancy to anyone who, in the mad rush for possession, was able to settle upon it first. This method has always led to opportunities for violations of law, blackmail, threats, and in many cases compelled intruding settlers in the towns to equip themselves with six-shooters and Winchesters; in fact, in many cases the settler who could equip himself as a walking arsenal usually obtained possession of choice lots and was not interfered with.

"This bill provides that all the lots in the county-seat towns shall be sold at public auction and the proceeds applied to erecting a courthouse, costing not to exceed $10,000, and the balance of the money is to be used in making roads, erecting bridges, and for such other purposes as may be deemed necessary. It is expected that in no case will the receipts from the sales of these county-seat lots be less than $100,000 for each county seat. This fund will pay all the expenses of the county and equip its government with all facilities and prove a godsend to those who may settle in either the town or county.

"In the past every county in Oklahoma had a debt represented by county warrants of from $50,000 to $100,000 before the people elected their own county officials. Under this bill no indebtedness can be contracted, unless approved by the Secretary of the Interior, in any county prior to the election by the people of their own officials at the next general election. The bill further provides that the necessary officers, made necessary by the laws of Oklahoma, shall be appointed by the Secretary of the Interior."

Also, in the debate on the bill in the House, February 18, 1901, on which day it passed that body under suspension of the rules, Mr. LACEY, chairman of the Committee on Public Lands, in explaining this feature of the bill to the House, made this statement:

"The bill provides that the proceeds of the sales of the town lots shall go into the *county fund* for the building of bridges and courthouses. This is a great improvement over the previous laws under which other parts of Oklahoma have been opened." (The emphasis is mine.)

And again he said:

"The allotments are to the Indians, and the balance will be opened under the homestead law; but if the town lots are taken without any compensation the result would be that individuals would get the benefit of the unearned increment, whatever it may be. Under this amendment they will be sold and the value of the town lots will go to the counties to be used for county purposes."

In view of the report of the House Committee on Public Lands above quoted (there was no discussion in the Senate) showing how the proceeds from the sale of these lots would enrich the counties affected thereby, and the statements of Mr. LACEY that the proceeds were to go into the county fund, I beg to submit to you, was it not reasonable to conclude that Congress passed this bill with the understanding that none of these proceeds were to be deposited in the Treasury, but were to be expended by the Secretary of the Interior, as trustee, for the immediate benefit of the counties affected thereby? This is item No. 1.

On July 19, 1901, instructions were prepared by the Assistant Attorney-General for the signature of the Acting Secretary, which were addressed to Mr. Richards, advising him as to the manner of his procedure in the sale of said town lots.

Those instructions, among other things, directed Mr. Richards to deposit the proceeds from the sale of said lots in the United States subtreasury at St. Louis to the credit of the Secretary of the Interior as trustee for the various town sites.

The deposits were made in that way, but on August 10, 1901, a deposit having been made or tendered by Mr. E. P. Holcombe, townsite trustee for the town of Hobart, the assistant treasurer of the United States at St. Louis, being in doubt as to his authority to accept the deposit in that way, wrote the Secretary of the Treasury, on or about that date, in regard to the matter, with the result that on August 12, 1901, the Secretary of the Treasury wired the assistant treasurer at St. Louis to accept the deposit. The evidence of this will be found in certain correspondence addressed to Mr. E. P. Holcombe, left by me with your committee, and is important, in that it shows that the Secretary of the Treasury not only knew the manner in which the moneys were deposited, but directed that such deposits be received. This is item No. 2.

The funds having been deposited in the manner above stated, and with the knowledge if not by direction of the Secretary of the Treasury, it is apparent that they could be checked out only or disbursed only by the official check of the Secretary of the Interior; and if that was a proper deposit, then the propriety of all the following procedure must follow as a matter of course, for the entire control of the matter was thereby put in the hands of the Secretary of the Interior, who was answerable to no one for the manner of his procedure, except the authority that created the trust he was executing, namely, the Congress of the United States. This is item No. 3.

On January 22, 1902, the Acting Secretary of the Interior, Judge Ryan, addressed a communication to the Secretary of the Treasury, as follows:

The SECRETARY OF THE TREASURY.

SIR: I have the honor to request that this Department be furnished with a book of 500 checks on the United States assistant treasurer, St. Louis, Mo., for use of the Secretary of the Interior in the disbursement of the fund derived from the respective sales of town lots in Oklahoma, as provided in the act of March 3, 1901 (31 Stat., 1093–1094).

Respectfully, THOS. RYAN, *Acting Secretary.*

In response to that request the Secretary of the Treasury furnished a check book, and has since furnished other check books of a similar character, upon a similar request, for the same purpose. This is deemed important, in connection with the other items above set forth, as showing that the Treasury Department, from the beginning, had knowledge, not only of the manner in which the deposit of the proceeds from the sale of said town lots was made, but was given notice of the manner in which it was proposed to disburse said proceeds, and that it offered no objection or criticism thereto, and hence must, in all justice, be held to have acquiesced therein. This is item No. 4.

In connection with the four items above mentioned, your attention is called to the fact that every month, as I am advised, the assistant treasurer at St. Louis in transmitting his monthly report or accounting to the Treasury Department transmits, among other things, the checks that have been drawn by the Secretary of the Interior upon said townsite funds. These checks, from the beginning, were notice to the accounting officers of the Treasury Department of the manner in which those funds were being disbursed, and no notice has ever come from that Department to the Interior Department that there was any irregularity in the procedure, or that anything was ever done that should not be done—a further evidence, in my judgment, that the Treasury Department must be held as having notice of and acquiesced in the procedure of this Department in the disbursement of said fund. This is item No. 5.

In December of 1904 a committee, appointed one by the Auditor for the Interior Department and one by the Comptroller of the Treasury, examined the vouchers on file in this Department, and not only found no irregularities of moment in connection with said disbursements, but, on the contrary, you will find the following statement in the body of their report:

"The vouchers were generally in proper form as evidence of payment and of that for which payment was made; the purposes for which expenditures were made being within the statutes providing for the expenditures. The vouchers for salaries and allowances of county officers and other expenses for county government bear the approval of the county commissioners and governor of the Territory of Oklahoma, and indicate the close scrutiny of the latter, his approval in many cases being for a reduced amount, which in all cases was followed in the payment of vouchers."

A copy of that report, dated January 23, 1905, was transmitted under cover of a letter to me by the Secretary of the Treasury, without comment or criticism, and without any suggestion that the course that had been pursued by the Interior Department in the disbursement of this fund was in any way irregular. Another item, if you please, which justified this Department in believing that the Treasury Department concurred in the course it was pursuing in this matter. This is item No. 6.

Something was said by one of the members of your committee on the question of publicity; and in this connection I desire to say that the annual report of the Secretary of the Interior every year since these disbursements began has contained a full and complete report of the condition of said fund, showing the amount of money received, the amount disbursed, and the purposes for which disbursed, and the amount remaining on hand in each portion of the fund. This matter has not been done in a corner. There has been no effort to conceal anything, but every effort has been made to give it the widest publicity consistent with proper administration. This is item No. 7.

Something was also said by one of the members of the committee by way of a comparison between the town-lot act and the reclamation act.

In reply to that I desire to say that a comparison between the two acts at the time these questions were presented was impossible, for

the reason that the reclamation act was not passed until fifteen months after the town-lot act became a law, and, as stated, there was no precedent of any similar law for the guidance of the Department.

The construction which the assistant attorney-general for this Department seems to have put upon the act appears to have been that it created a trust which the Secretary of the Interior, and he alone, was required by the law to execute. It is upon that theory, apparently, that the funds were deposited in the manner stated, and that theory has been followed since in the administration of the act, and I am by no means convinced that it is not the correct one. The act provides that the proceeds from the sale of said lots shall, after certain preliminary expenses are paid therefrom, "be disposed of under the direction of the Secretary of the Interior in the following manner;" then follows the purposes for which said expenditures are to be made. There seems to be no uncertainty or ambiguity about that language, which justifies, apparently, the theory on which this Department has proceeded.

Something was also said by your committee—that a trustee must make a showing or accounting. That is true; to the power that creates the trust and him; and this trustee is ready to make a showing or report at any time to the power that created him as such trustee, to the Congress of the United States, to your committee, or to any other body or individual authorized by law to receive it.

Every dollar of this fund that has been disbursed has been legitimately expended for the purposes contemplated by the act and none other, and the claims submitted have been carefully and conscientiously audited, the more so, perhaps, because of the nature of the trust. I can within a very brief time furnish your committee, if required to do so, an itemized statement of every penny expended, and I can in fifteen minutes show the exact condition of the fund.

Very respectfully,

E. A. HITCHCOCK, *Secretary*.

EXTENDING PROVISIONS OF ACT OF MARCH 3, 1901, TO CERTAIN OFFICERS OF THE NAVY AND MARINE CORPS.

Mr. MEYER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 17663.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17663) to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1506 and 1605 for eminent and conspicuous conduct in battle.

Be it enacted, etc., That officers of the Navy and Marine Corps advanced in rank for eminent and conspicuous conduct in battle or extraordinary heroism, and who since such advancement have been or may hereafter be promoted, shall from the date of the passage of this act be carried as additional numbers of each grade in which they serve.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to know what this is and who it affects.

Mr. MEYER. I will state, Mr. Speaker, at present it affects about two officers directly in the Marine Corps, and who have received additional numbers by reason of conspicuous conduct in battle in the Philippines and in China.

Mr. GROSVENOR. Will not the gentleman from Louisiana speak a little louder? We can not hear a word.

Mr. MEYER. In pursuance of the provisions of sections 1506 and 1605 of the Revised Statutes, and in recognition of "eminent and conspicuous conduct in battle or extraordinary heroism" during the Spanish war, a number of officers of the Navy and Marine Corps were advanced upon the navy list. Such advance, while intended merely to benefit the officers so advanced, incidentally worked hardship upon the officers who, while perhaps equally patriotic and competent, had been assigned to duty under circumstances affording no opportunity to achieve especial distinction, and who consequently found themselves, after the war, in lower relative places on the naval list than they would have occupied if the war had not occurred.

Such promotions for special gallantry were therefore made at the expense not of the Government, but of the unfortunate officers over whose heads others were promoted. To remedy these conditions a clause was inserted in the act making appropriations for the naval service approved March 3, 1901 (31 Stat., 1108), as follows:

That the advancement in rank of officers of the Navy and Marine Corps, whensoever made, for services rendered during the war with Spain, pursuant, respectively, to the provisions of sections 1506 and 1605 of the Revised Statutes, shall not interfere with the regular promotion of officers otherwise entitled to promotion; but officers so advanced by reason of war service shall, after they are promoted to higher grades, be carried thereafter as additional to the numbers of each grade to which they may at any time be promoted; and each such officer shall hereafter be promoted in due course contemporaneously with and to take rank next after the officer immediately above him, and all advancements made by reason of war service shall be appropriately so designated upon the navy list: *Provided, however*, That no promotion shall be made to fill a vacancy occasioned by the promotion, retirement, death, resignation, or dismissal of any officer who at the time of such promotion, retirement, death, resignation, or dismissal is an additional member of his grade under the foregoing provisions.

This provision is, however, limited in its application to services rendered "during the war with Spain." Certain officers of the Navy and Marine Corps have been advanced for gallantry in action in the Philippines and in China since the close of the Spanish war, and with respect to these officers and others on the lists below them the objectionable conditions above set forth now exist. If the remedy provided by the act of March 3, 1901, above quoted, was desirable in the case of advancements made for services during the war with Spain, it would appear to be equally appropriate whensoever like advancements are made. Upon this subject the Chief of the Bureau of Navigation, in a report dated January 27, 1906, says:

As the matter now stands, the advancements of officers of the Navy and Marine Corps which have been made for service other than in the war with Spain are entirely at the expense of the officers who have lost numbers by reason of these advancements, and it appears to the Bureau that the reward for one officer should not be made at the expense of another. Officers who did not have an opportunity to earn an advancement certainly should not suffer the loss of promotion to which they would otherwise be entitled but for the advancement over them of other officers.

The Bureau recommends that Congress be asked to enact legislation providing that all officers of the Navy and Marine Corps who have been or may be advanced under the provisions of sections 1506 and 1605 of the Revised Statutes shall, after they are promoted to a higher grade, be thereafter additional to the number of the grade to which they may at any time be promoted.

The bill, Mr. Speaker, has received the recommendation of the Navy Department and a unanimous report from the Committee on Naval Affairs.

Mr. PAYNE. Mr. Speaker, we can not hear the gentleman over here. I would like to ask the gentleman a question—If this bill is not to correct promotions which were made on account of services in the Spanish-American war or services in the Philippines of some officers or members of this Marine Corps?

Mr. MEYER. It applies to officers who have received promotion by extra numbers for conspicuous gallantry in the war with China and the war in the Philippines. Such legislation has been enacted in favor of officers who gained distinction in the Spanish-American war, but does not apply to similar cases in the wars with China and in the Philippines.

Mr. PAYNE. Then this extends the same privileges and rights in reference to promotion to men who rendered conspicuous service in the war in the Philippines and in China as has already been extended by law to men promoted for the same character of service in the Spanish war.

Mr. MEYER. Yes. Really it does not give any advantage or additional favor to the officers thus promoted, but is in justice to the officers over whom they were promoted. It provides them as extra numbers.

Mr. MANN. This does not refer to any war in the future.

Mr. MEYER. It provides that officers of the Navy and Marine Corps, advanced in rank for eminent and conspicuous conduct in battle or extraordinary heroism, and who since such advancement have been or may hereafter be promoted, shall be carried as additional numbers of each grade in which they serve.

Mr. PADGETT. I would like the gentleman to state who declared the war with China.

Mr. MEYER. Wars are frequently engaged in without any declaration of war.

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

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

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11543. An act to correct the military record of Benjamin F. Graham;

H. R. 15332. An act to incorporate the National Society of the Sons of the American Revolution;

H. R. 17576. An act to provide for the entry of agricultural lands within forest reserves;

H. R. 4546. An act ceding to the city of Canon City, Colo., certain lands for park purposes;

H. R. 14397. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1907;

H. R. 13917. An act to remove the order of dismissal from the military record of Robert W. Liggett;

H. R. 18502. An act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto; and

H. R. 239. An act relating to liability of common carriers in the District of Columbia and Territories and common carriers engaged in commerce between the States and between the States and foreign nations to their employees.

The Speaker announced his signature to enrolled bills of the following titles:

S. 6288. An act to create a new division of the western judi-

cial district of Texas, and to provide for the terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes;

S. R. 54. Joint resolution authorizing a change in the weighing of the mails in the fourth section;

S. R. 20. Joint resolution directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow;

S. 6329. An act authorizing James A. Moore, or his assigns, to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington;

S. 5489. An act to provide for sittings of the circuit and district courts of the southern district of Florida, in the city of Miami in said district;

S. 4698. An act for the preservation of American antiquities;

S. 4370. An act 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;

S. 2623. An act for the extension of Euclid street, in Meridian Hill, District of Columbia;

S. 4299. An act to amend section 4421 of the Revised Statutes of the United States, inspection of steam vessels;

S. 685. An act for the erection of a monument to the memory of John Paul Jones;

S. 333. An act in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor; and

S. 86. An act for the erection of a monument to the memory of Commodore John Barry.

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. 5924. An act 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.

S. 2969. An act to authorize the Attorney-General and certain other officers of the Department of Justice and special assistants and counsel to begin and conduct legal proceedings in any courts of the United States and before any commission or commissioner or quasi-judicial body created under the laws of the United States—to the Committee on the Judiciary.

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. 6067. An act to change the records of the War Department relative to Levi A. Meacham;

H. R. 13245. An act to correct the military record of Henry Gude;

H. R. 13735. An act for the relief of John Purkapile;

H. R. 14184. An act to extend the irrigation act to the State of Texas;

H. R. 1982. An act granting a pension to Ada Collins;

H. R. 5911. An act granting a pension to Edward D. Lockwood, alias George E. McDaniel;

H. R. 6120. An act granting a pension to Harriet M. Smithers;

H. R. 6533. An act granting a pension to Horace Salter;

H. R. 6878. An act granting a pension to Lucy Brown;

H. R. 13824. An act granting a pension to Noah Myers;

H. R. 14678. An act granting a pension to James A. Boggs;

H. R. 16272. An act granting a pension to William D. Willis;

H. R. 16595. An act granting a pension to James R. Hicks;

H. R. 16918. An act granting a pension to Matilda J. Williams;

H. R. 17340. An act granting a pension to Julia Walz;

H. R. 17940. An act granting a pension to Rhetta Florence Tilton;

H. R. 18034. An act granting a pension to Mary A. Montgomery;

H. R. 18426. An act granting a pension to Elizabeth Hathaway;

H. R. 18460. An act granting a pension to Benjamin F. Tudor;

H. R. 18966. An act granting a pension to John W. Ward;

H. R. 19005. An act granting a pension to Gideon M. Burriss;

H. R. 612. An act granting an increase of pension to George W. Kohler;

H. R. 1034. An act granting an increase of pension to John Logan;

H. R. 1178. An act granting an increase of pension to Herman Buckthal;

H. R. 1247. An act granting an increase of pension to Columbus Botts;

H. R. 1438. An act granting an increase of pension to Oliver T. Smith;

H. R. 1614. An act granting an increase of pension to Jacob H. Lynch;

H. R. 1650. An act granting an increase of pension to Frank B. Watkins;

H. R. 1736. An act granting an increase of pension to Charles A. Walker;

H. R. 1788. An act granting an increase of pension to William D. Christy;

H. R. 2092. An act granting an increase of pension to Franklin M. Hill;

H. R. 2237. An act granting an increase of pension to Martin Pool;

H. R. 2247. An act granting an increase of pension to Anthony Sanspeur;

H. R. 2265. An act granting an increase of pension to Hudson J. Van Scoter;

H. R. 2785. An act granting an increase of pension to Margaret Bonynge;

H. R. 3243. An act granting an increase of pension to John H. Anderson;

H. R. 3351. An act granting an increase of pension to George King;

H. R. 3488. An act granting an increase of pension to Egbert J. Olds;

H. R. 3495. An act granting an increase of pension to Charles F. Tower;

H. R. 3572. An act granting an increase of pension to William L. Riley;

H. R. 3588. An act granting an increase of pension to William H. Riggin;

H. R. 4161. An act granting an increase of pension to Robert Beatty;

H. R. 4241. An act granting an increase of pension to David B. Coleman;

H. R. 4597. An act granting an increase of pension to Martin Ellison;

H. R. 4715. An act granting an increase of pension to John H. Whiting;

H. R. 4956. An act granting an increase of pension to James C. Bryant;

H. R. 5040. An act granting an increase of pension to Joseph Montgomery;

H. R. 5560. An act granting an increase of pension to Henry Chubb;

H. R. 6059. An act granting an increase of pension to Elias Hanes;

H. R. 6205. An act granting an increase of pension to Lucy E. Engler;

H. R. 6208. An act granting an increase of pension to William D. Conner;

H. R. 6422. An act granting an increase of pension to Anthony Van Slyke;

H. R. 6505. An act granting an increase of pension to Mary C. Chapman;

H. R. 6596. An act granting an increase of pension to Alex. O. Huffman;

H. R. 6774. An act granting an increase of pension to John Platt;

H. R. 7147. An act granting an increase of pension to Bronson Rothrock;

H. R. 7244. An act granting an increase of pension to Christopher S. Guthrie;

H. R. 7402. An act granting an increase of pension to Edwin M. Todd;

H. R. 7535. An act granting an increase of pension to John L. Moore;

H. R. 7836. An act granting an increase of pension to Alexander G. Patton;

H. R. 8155. An act granting an increase of pension to Henry E. Seelye;

H. R. 8232. An act granting an increase of pension to James M. Jared;

H. R. 8722. An act granting an increase of pension to Arthur M. Lee;

H. R. 8736. An act granting an increase of pension to Lowell M. Maxham;

H. R. 8795. An act granting an increase of pension to Orrin A. A. Gardner;

H. R. 8817. An act granting an increase of pension to Calvin M. Latham;

H. R. 8852. An act granting an increase of pension to Frederick W. Clark;
H. R. 9243. An act granting an increase of pension to Joseph A. Barnard;
H. R. 9531. An act granting an increase of pension to Eliza Rogers;
H. R. 9609. An act granting an increase of pension to Jesse M. Auchmuty;
H. R. 9828. An act granting an increase of pension to John Broughton;
H. R. 9844. An act granting an increase of pension to John J. Erick;
H. R. 9862. An act granting an increase of pension to William B. Warren;
H. R. 10794. An act granting an increase of pension to Jacob Schultz;
H. R. 10828. An act granting an increase of pension to Michael Lennon;
H. R. 10865. An act granting an increase of pension to Alexander Caldwell;
H. R. 11057. An act granting an increase of pension to Lewis J. Post;
H. R. 11152. An act granting an increase of pension to Theodore S. Currier.
H. R. 11161. An act granting an increase of pension to Michael Aaron;
H. R. 11260. An act granting an increase of pension to James H. Van Camp;
H. R. 11457. An act granting an increase of pension to Cyrus Vanmatre;
H. R. 11855. An act granting an increase of pension to Mary Ann Shelly;
H. R. 12184. An act granting an increase of pension to Joseph Sprauer;
H. R. 12330. An act granting an increase of pension to Hester A. Van Derslice;
H. R. 12336. An act granting an increase of pension to Margaret A. Montgomery;
H. R. 12418. An act granting an increase of pension to Thomas P. Crandall;
H. R. 12879. An act granting an increase of pension to Catharine Myers;
H. R. 12971. An act granting an increase of pension to Matthew H. Brandon;
H. R. 13069. An act granting an increase of pension to Friend S. Esmond;
H. R. 13149. An act granting an increase of pension to Ida L. Martin;
H. R. 13443. An act granting an increase of pension to James E. Hammontree;
H. R. 13594. An act granting an increase of pension to Jonathan Snook;
H. R. 13993. An act granting an increase of pension to Joseph Watson;
H. R. 14264. An act granting an increase of pension to John H. Eversole;
H. R. 14661. An act granting an increase of pension to John B. Bussell;
H. R. 14702. An act granting an increase of pension to Christian Schlosser;
H. R. 14729. An act granting an increase of pension to David Ford;
H. R. 15056. An act granting an increase of pension to James Ramsey;
H. R. 15104. An act granting an increase of pension to Thomas E. Owens;
H. R. 15126. An act granting an increase of pension to William K. Trabue;
H. R. 15288. An act granting an increase of pension to Benjamin F. Finical;
H. R. 15613. An act granting an increase of pension to William W. Combs;
H. R. 16005. An act granting an increase of pension to Hezekiah J. Reynolds;
H. R. 16073. An act granting an increase of pension to John Ginther;
H. R. 16109. An act granting an increase of pension to Jacob Cline;
H. R. 16252. An act granting an increase of pension to Adam Dixon;
H. R. 16441. An act granting an increase of pension to Joseph J. Goode;
H. R. 16492. An act granting an increase of pension to John M. Logan;
H. R. 16496. An act granting an increase of pension to Thomas Dailey;
H. R. 16525. An act granting an increase of pension to Mary Amanda Nash;
H. R. 16565. An act granting an increase of pension to George H. Gordon, alias Gorton;
H. R. 16662. An act granting an increase of pension to Van Buren Beam;
H. R. 16682. An act granting an increase of pension to William Hammond;
H. R. 16812. An act granting an increase of pension to Dudley McKibben;
H. R. 16842. An act granting an increase of pension to Thomas H. Thornburgh;
H. R. 16915. An act granting an increase of pension to Orange Bugbee;
H. R. 16977. An act granting an increase of pension to Isabel Newlin;
H. R. 16998. An act granting an increase of pension to Elijah Curtis;
H. R. 17170. An act granting an increase of pension to Jackson D. Turley;
H. R. 17171. An act granting an increase of pension to David H. Parker;
H. R. 17210. An act granting an increase of pension to Daniel M. Vertner;
H. R. 17309. An act granting an increase of pension to John W. Chase;
H. R. 17346. An act granting an increase of pension to Newton S. Davis;
H. R. 17374. An act granting an increase of pension to Isom Wilkerson;
H. R. 17388. An act granting an increase of pension to Patrick McCarthy;
H. R. 17390. An act granting an increase of pension to Mary Sheehan;
H. R. 17445. An act granting an increase of pension to William H. Farrell;
H. R. 17466. An act granting an increase of pension to James P. Hall;
H. R. 17476. An act granting an increase of pension to Henry Ballard;
H. R. 17542. An act granting an increase of pension to John Cain;
H. R. 17590. An act granting an increase of pension to Jacob Woodruff;
H. R. 17637. An act granting an increase of pension to Gardiner K. Haskell;
H. R. 17678. An act granting an increase of pension to Alexander Moore;
H. R. 17772. An act granting an increase of pension to John W. Henry;
H. R. 17825. An act granting an increase of pension to Bolivar Ward;
H. R. 17872. An act granting an increase of pension to Allen D. Metcalfe;
H. R. 17891. An act granting an increase of pension to Eliza M. Buice;
H. R. 17920. An act granting an increase of pension to Sallie E. Blanding;
H. R. 17922. An act granting an increase of pension to Thomas D. Adams;
H. R. 17934. An act granting an increase of pension to Thomas J. Byrd;
H. R. 17935. An act granting an increase of pension to Andrew C. Woodard;
H. R. 17938. An act granting an increase of pension to Clarissa L. Dowling;
H. R. 17999. An act granting an increase of pension to Samuel Yehl;
H. R. 18038. An act granting an increase of pension to Erastus W. Briggs;
H. R. 18039. An act granting an increase of pension to John W. Stephens;
H. R. 18041. An act granting an increase of pension to William R. Hiner;
H. R. 18073. An act granting an increase of pension to Mary McFarlane;
H. R. 18076. An act granting an increase of pension to Elizabeth Bartley;
H. R. 18105. An act granting an increase of pension to John A. Lyle;
H. R. 18106. An act granting an increase of pension to Mary E. Patterson;

H. R. 18121. An act granting an increase of pension to John W. Jones;

H. R. 18132. An act granting an increase of pension to John W. Blanchard;

H. R. 18184. An act granting an increase of pension to John J. Howells;

H. R. 18239. An act granting an increase of pension to Bryant Brown;

H. R. 18243. An act granting an increase of pension to Jacob S. Rickard;

H. R. 18249. An act granting an increase of pension to Hiram G. Hunt;

H. R. 18262. An act granting an increase of pension to John H. Broadway;

H. R. 18308. An act granting an increase of pension to Clay Riggs;

H. R. 18310. An act granting an increase of pension to Virgil A. Bayley;

H. R. 18319. An act granting an increase of pension to Newton Kinnison;

H. R. 18355. An act granting an increase of pension to Rachel A. Webster;

H. R. 18356. An act granting an increase of pension to William A. Custer;

H. R. 18357. An act granting an increase of pension to William E. Starr;

H. R. 18367. An act granting an increase of pension to John Wilkinson;

H. R. 18378. An act granting an increase of pension to Martha A. Dunlap;

H. R. 18399. An act granting an increase of pension to Pauline Bietry;

H. R. 18400. An act granting an increase of pension to Elmira M. Gause;

H. R. 18402. An act granting an increase of pension to Lucy W. Powell;

H. R. 18447. An act granting an increase of pension to Elijah G. Gould;

H. R. 18449. An act granting an increase of pension to Hannah R. Jacobs;

H. R. 18467. An act granting an increase of pension to Rudolph W. H. Swendt;

H. R. 18469. An act granting an increase of pension to Samuel C. Dean;

H. R. 18486. An act granting an increase of pension to William F. Walker;

H. R. 18505. An act granting an increase of pension to M. Belle May;

H. R. 18509. An act granting an increase of pension to Ellen L. Stone;

H. R. 18510. An act granting an increase of pension to Hugh R. Rutledge;

H. R. 18524. An act granting an increase of pension to Julius Rector;

H. R. 18539. An act granting an increase of pension to Angeline R. Lomax;

H. R. 18542. An act granting an increase of pension to Sarah Ann Day;

H. R. 18551. An act granting an increase of pension to William D. Drown;

H. R. 18560. An act granting an increase of pension to John Hamilton;

H. R. 18572. An act granting an increase of pension to Allamanza M. Harrison;

H. R. 18573. An act granting an increase of pension to John M. Quinton;

H. R. 18605. An act granting an increase of pension to William Lawrence;

H. R. 18627. An act granting an increase of pension to Elizabeth A. Anderson;

H. R. 18628. An act granting an increase of pension to William E. Chambers;

H. R. 18633. An act granting an increase of pension to Jennie F. Belding;

H. R. 18651. An act granting an increase of pension to Elizabeth Thomas;

H. R. 18654. An act granting an increase of pension to Robert D. Gardner;

H. R. 18655. An act granting an increase of pension to Leander Gilbert;

H. R. 18678. An act granting an increase of pension to Evans P. Hoover;

H. R. 18696. An act granting an increase of pension to Louisa C. Gibson;

H. R. 18697. An act granting an increase of pension to Martha L. Beesley;

H. R. 18702. An act granting an increase of pension to Edward B. Prime;

H. R. 18724. An act granting an increase of pension to Alfred Gude;

H. R. 18730. An act granting an increase of pension to William C. Mahaffey;

H. R. 18746. An act granting an increase of pension to Isaac Howard;

H. R. 18747. An act granting an increase of pension to William H. Colegate;

H. R. 18794. An act granting an increase of pension to William C. McRoy;

H. R. 18795. An act granting an increase of pension to James E. Raney;

H. R. 18821. An act granting an increase of pension to Eliza Jane Witherspoon;

H. R. 18822. An act granting an increase of pension to Sophie S. Parker;

H. R. 18862. An act granting an increase of pension to Joseph H. Weaver;

H. R. 18887. An act granting an increase of pension to Alexander W. Carruth;

H. R. 18910. An act granting an increase of pension to Philo E. Davis;

H. R. 18930. An act granting an increase of pension to Eliza J. Mays;

H. R. 18935. An act granting an increase of pension to Mima A. Boswell;

H. R. 18959. An act granting an increase of pension to Albert G. Packer;

H. R. 18976. An act granting an increase of pension to Nelson S. Preston;

H. R. 19001. An act granting an increase of pension to Elizabeth A. McKay; and

H. R. 18052. An act granting a pension to John Lewis Bernard Breighner.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DUNWELL, for one week, on account of important business.

To Mr. MCCREARY of Pennsylvania, for one week, on account of important business.

SPONGES.

The SPEAKER laid before the House the bill (S. 4806) to regulate the landing, delivery, cure, and sale of sponges, with a House amendment nonconcurred in by the Senate.

Mr. GROSVENOR. Mr. Speaker, I move that the House adhere to its amendment, and agree to the conference asked.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HINSHAW, Mr. WILSON and Mr. SPIGHT as conferees on the part of the House.

Mr. TAWNEY. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Sallie D. Stamper against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for expenses of the Commission to the Five Civilized Tribes—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11044) authorizing and directing the Secretary of the Treasury, in certain contingencies, to refund to receivers of public moneys

acting as special disbursing agents amounts paid by them out of their private funds, reported the same without amendment, accompanied by a report (No. 4886); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19571) to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo., reported the same without amendment, accompanied by a report (No. 4887); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8440) granting 5 per centum of the land sales on military land warrants to the public-land States, reported the same without amendment, accompanied by a report (No. 4888); 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. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9107) granting a pension to James W. Russell, reported the same with amendment, accompanied by a report (No. 4880); which said bill and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11157) to compensate E. C. Sturges for property lost during the Spanish-American war, reported the same with amendment, accompanied by a report (No. 4881); 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. 16515) for the relief of Robert Gray, reported the same without amendment, accompanied by a report (No. 4882); 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. BURTON of Delaware: A bill (H. R. 20043) to fix the pensionable status of the Fifth and Sixth Regiments of Delaware Volunteers—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 20044) to extend to the port of Knoxville, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement—to the Committee on Ways and Means.

By Mr. BONYNGE: A bill (H. R. 20045) to amend section 4896 of the Revised Statutes of the United States—to the Committee on Patents.

By Mr. TAWNEY: A bill (H. R. 20046) to amend an act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," by defining the boundaries of the forest reserve, and for other purposes—to the Committee on Indian Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 20047) to authorize the construction of a bridge across the Tennessee River at the city of Chattanooga, State of Tennessee—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 20048) providing for the use of $3,000,000 of the money that would otherwise become a part of the reclamation fund for the drainage of certain lands in the State of Florida, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. HEPBURN: A bill (H. R. 20049) to reappropriate the proceeds from the sale of public lands belonging to the United States in the State of New York for use during the fiscal year 1907—to the Committee on Appropriations.

By Mr. SHERMAN: A bill (H. R. 20050) to amend and further extend the benefits of the act of Congress approved February 28, 1891, being an act in relation to the allotment of land in severalty to Indians on the various reservations—to the Committee on Indian Affairs.

By Mr. GREENE: A bill (H. R. 20051) authorizing Ira J. Baker to install water mains in the streets of the subdivision of Langdon, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SOUTHARD: A bill (H. R. 20052) to amend section 490 of the Revised Statutes of the United States—to the Committee on Patents.

By Mr. LOUDENSLAGER: A resolution (H. Res. 569) to pay to the widow of Robert Richardson a certain sum of money—to the Committee on Accounts.

By Mr. SULZER: A resolution (H. Res. 570) concerning the sale of the custom-house property in Wall street, New York City—to the Committee on the Judiciary.

By Mr. SMALL: A joint resolution (H. J. Res. 171) authorizing the Postmaster-General to investigate and report plans for a safe, substantial, and fireproof mail car—to the Committee on the Post-Office and Post-Roads.

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. BONYNGE: A bill (H. R. 20053) for the relief of Oliver P. Wiggins—to the Committee on War Claims.

Also, a bill (H. R. 20054) granting a pension to Oliver P. Wiggins—to the Committee on Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 20055) granting an increase of pension to Isaac A. King—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 20056) granting an increase of pension to William D. Smith—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 20057) granting an increase of pension to Cynthia Marsh—to the Committee on Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 20058) for the relief of S. H. Williamson—to the Committee on Claims.

By Mr. LACEY: A bill (H. R. 20059) granting an increase of pension to William C. Cathey—to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 20060) granting an increase of pension to Anna E. Hughes—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 20061) granting an increase of pension to Caswell York—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 20062) granting an increase of pension to Philip Lape—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 20063) granting an increase of pension to Jane Sherman—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 20064) granting an increase of pension to William C. Arnold—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 20065) to grant an extension of certain letters patent to Louie J. Harris—to the Committee on Patents.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Edward Lauterbach and other American citizens, protesting against legislation for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ACHESON: Petition of geologic and topographical survey commission of Pennsylvania, School of Engineers, State College, against reduction of appropriations for hydrographic investigations, for testing of fuel, and for geological survey work—to the Committee on Appropriations.

Also, petition of Emerson Smith & Co., Beaver Falls, Pa., for eight-hour law on manufactories engaged in Government work—to the Committee on Labor.

Also, petition of F. A. E. Division 565, Brotherhood of Locomotive Firemen, New Castle, Pa., and Monongahela Valley (Pa.) Lodge, No. 277, against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS: Petition of members of Magdalena Lodge, Brotherhood of Locomotive Firemen, members of Order of Railway Conductors and Railway Employees of New Mexico, and J. H. Barton, secretary Brotherhood of Locomotive Firemen, against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BATES: Petition of May E. Moore and 31 others, of Waterford, Pa., for investigation into affairs of Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Publishers League, New York City, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Civic Club of Pittsburg, Pa., for passage of

pure-food bill and preservation of Niagara Falls—to the Committee on Interstate and Foreign Commerce.

Also, petition of James N. Taylor, chairman legislative committee, Builders' Exchange, Erie, Pa.; S. T. Brindley, president Erie Manufacturing Association, Erie., Pa., and Erie City Iron Works, Erie, Pa., against passage of the eight-hour bill—to the Committee on Labor.

Also, petition of J. C. Wagner, secretary Brotherhood of Trainmen, Meadville, Pa.; H. C. Phillips; J. A. Billington; J. F. Woodbine, secretary Division No. 282, Brotherhood of Locomotive Engineers, Albion, Pa.; J. C. Benson, secretary Railroad Trainmen, Erie, Pa.; D. W. Dykes, secretary Brotherhood of Locomotive Firemen, Lodge No. 207, Meadville, Pa.; C. M. Comstock, secretary Fellowship Lodge, Railway Trainmen, Albion, Pa., and T. M. Crowley, master of Brotherhood of Locomotive Firemen, Erie, Pa., against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BRADLEY: Petition of Orange County board of supervisors, New York, relative to need of a public school for children of enlisted men stationed at West Point—to the Committee on Military Affairs.

By Mr. CURRIER: Protest of citizens of New Hampshire, against passage of Senate bill No. 529—to the Committee on Merchant Marine and Fisheries.

By Mr. DAWSON: Petition of Clinton Lodge, No. 34, Brotherhood of Locomotive Trainmen, of Clinton, Iowa, against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Retail Merchants' Association, Cherokee County, Iowa, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DEEMER: Petition of Parkhurst Memorial Presbyterian Church, Elkland, Pa., for amendment to Constitution prohibiting polygamy in the United States—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Wilbur F. Crafts, for Sunday closing of Jamestown Exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. GROSVENOR: Petition of business firms protesting against passage of eight-hour bill from the following cities, to wit: Akron, Ohio; Lorain, Ohio; St. Joseph, Mo.; Sheboygan, Wis.; St. Paul, Minn.; Bridgeport, Conn.; Pittston, Pa.; Erie, Pa.; York, Pa.; Fort Wayne, Ind.; Alliance, Ohio; High Point, N. C.; Bellaire, Ohio; Atlanta, Ga.; Rockford, Ill.; Lima, Ohio; Beloit, Wis.; Spokane, Wash.; Peru, Ind.; Bristol, Conn.; Bennington, Vt.; Oshkosh, Wis.; Norristown, Pa.; South Bend, Ind.; San Francisco, Cal.; Bridgeport, Conn.; Seattle, Wash.; Chicago, Ill.; Shelbyville, Ind.; Cleveland, Ohio; Rochester, N. Y.; Chattanooga, Tenn.; Covington, Ky.; Buffalo, N. Y.; Troy, N. Y.; Baltimore, Md.; Cincinnati, Ohio; Pittsburg, Pa.; Syracuse, N. Y.; New York, N. Y.; Dayton, Ohio; Evansville, Ind.; Boston, Mass., and Toledo, Ohio—to the Committee on Rules.

By Mr. WILLIAM W. KITCHIN: Papers to accompany bill (H. R. 20036) granting an increase of pension to Oliver T. Westmoreland—to the Committee on Invalid Pensions.

By Mr. KINKAID: Protests of citizens of Nebraska, against Post-Office Circular No. 25, issued by Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Petition of Oskaloosa Lodge, No. 71, Railway Trainmen, against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. REYNOLDS: Petition of Brotherhood of Railway Trainmen, Johnstown; Brotherhood of Railway Trainmen, Altoona; Division 466, Brotherhood of Locomotive Engineers, Bellewood; Division 51, Order of Railway Conductors, Tyrone; Division 467, Brotherhood of Locomotive Engineers, Tyrone; Division 172, Order of Railway Conductors, Conemaugh; Division 498, Brotherhood of Locomotive Firemen, Bellewood, and George F. Ribblett, Kittanning, all in the State of Pennsylvania, against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry railway employees of Altoona, Pa., against the antipass amendment to the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Iowa: Petition of citizens of Guthrie County, Iowa, and Audubon County, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMITH of Maryland: Petition of Washington Camp, No. 48, Patriotic Order Sons of America, for bill H. R. 17941—to the Committee on Rules.

By Mr. STERLING: Petition of C. C. Lewis, for amendment to post-office laws making legitimate all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *June 8, 1906.*

Prayer by Rev. CHARLES CUTHBERT HALL, D. D., of the city of New York.

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

The VICE-PRESIDENT. The Journal stands approved.

ORDINANCES OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, certified copies of certain ordinances granted by the executive council of Porto Rico with the approval of the governor thereof; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17686) making appropriation for the naval service for the fiscal year ending June 30, 1907, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. LOUDENSLAGER, and Mr. MEYER managers at the conference on the part of the House.

The message also announced that the House insists upon its amendment to the bill (S. 4806) to regulate the landing, delivery, cure, and sale of sponges, disagreed to by the Senate, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HINSHAW, Mr. WILSON, and Mr. SPIGHT managers at the conference on the part of the House.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 17663. An act to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1506 and 1605 for eminent and conspicuous conduct in battle; and

H. J. Res. 170. Joint resolution to supply a deficiency in the appropriations for assistant custodians and janitors of public buildings.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 267) to prohibit aliens from fishing in the waters of Alaska.

ENROLLED BILLS SIGNED.

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

S. 86. An act for the erection of a monument to the memory of Commodore John Barry;

S. 333. An act in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor;

S. 685. An act for the erection of a monument to the memory of John Paul Jones;

S. 2623. An act for the extension of Euclid street, in Meridian Hill, District of Columbia;

S. 4299. An act to amend section 4421 of the Revised Statutes of the United States, inspection of steam vessels;

S. 4370. An act 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;

S. 4698. An act for the preservation of American antiquities;

S. 5489. An act to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Miami in said district;

S. 6288. An act to create a new division of the western judicial district of Texas, and to provide for the terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes;

S. 6329. An act authorizing James A. Moore, or his assigns, to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington;

H. R. 239. An act relating to liability of common carriers in the District of Columbia and Territories and common carriers engaged in commerce between the States and between the States and foreign nations to their employees.