By Mr. McNARY: A joint resolution (H. J. Res. 180) amending an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June —, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Ohio: A resolution (H. Res. 606) directing the Clerk of the House to pay to Harry West a certain sum of money for extra services as janitor to the Committee on Rivers and Harbors—to the Committee on Accounts.

By Mr. BENNET of New York: A resolution (H. Res. 607) requesting certain information from the Secretary of the Navy—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENNETT of Kentucky: A bill (H. R. 20382) granting an increase of pension to George W. Garrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20383) granting an increase of pension to Robert H. Brammer—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 20384) granting an increase of pension to Mary Wilson—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 20385) for the relief of A. L. Hays—to the Committee on Claims.

By Mr. DUNWELL: A bill (H. R. 20386) to remove the charge of desertion from the naval record of Herbert W. George—to the Committee on Naval Affairs.

By Mr. HASKINS: A bill (H. R. 20387) granting an increase of pension to Harriet B. Nichols—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 20388) for the relief of Edward W. Whitaker—to the Committee on Military Affairs.

By Mr. HINSHAW: A bill (H. R. 20389) granting an increase of pension to John Conner—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 20390) granting an increase of pension to James A. Darrough—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 20391) granting an increase of pension to Mary Jane Meldrein—to the Committee on Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 20392) granting a pension to John E. Caldwell—to the Committee on Pensions.

Also, a bill (H. R. 20393) granting a pension to Daniel Moran—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 20394) granting a pension to John Whidden—to the Committee on Pensions.

Also, a bill (H. R. 20395) granting an increase of pension to William Leggett—to the Committee on Pensions.

Also, a bill (H. R. 20396) granting an increase of pension to Edward C. McGeachy—to the Committee on Pensions.

Also, a bill (H. R. 20397) granting an increase of pension to John F. Thompson—to the Committee on Invalid Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 20398) granting a pension to Isabel Clary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20399) to remove the charge of desertion from the record of James Clary, or Cleary—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of Springville Canning Company, Springville, N. Y., and of New York State Canned Goods Packers' Association and Hamburg (N. Y.) Canning Company, for the pure-food bill without requiring that the weight or measure of canned-goods' packages appear thereon—to the Committee on Interstate and Foreign Commerce.

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

By Mr. BARCHFELD: Petition of Republican county committee, county of New York, for the defeat of the Dillingham-Gardner immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Robert H. Brammer and George W. Garrett—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Petition of several thousand citizens of New York, against the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BURKE of Pennsylvania: Petition of Republican county committee of New York County, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. BURNETT: Paper to accompany bill for relief of Adelia Converse—to the Committee on Invalid Pensions.

Alsa, paper to accompany bill for relief of A. L. Hayes—to the Committee on Claims.

By Mr. CAMPBELL of Ohio: Petition of citizens of Van Wert County, Ohio, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DUNWELL: Petition of Central Federated Union, New York, against passing the Littlefield pilotage bill as a rider to ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. FLETCHER: Petition of Chicago Federation of Labor, against bill H. R. 18752 (Pearre bill)—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Mid-Continent Oil Producers' Association, against pipe-line clause in rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of District Assembly No. 49, Knights of Labor, against immigration bill (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of Republican county committee, of New York County, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. KELIHER: Petition of Common Council, city of Boston, for the defeat of the immigration bill—to the Committee on Immigration and Naturalization.

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

Also, petition of National American-German Alliance, for the furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

By Mr. LEVER: Paper to accompany bill for relief of Mary Jane Meldrein—to the Committee on Pensions.

By Mr. ROBERTSON of Louisiana: Paper to accompany bill for relief of Daniel Moran—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John E. Caldwell—to the Committee on Pensions.

By Mr. SIBLEY: Petition of producers and independent refiners of petroleum, protesting against the pipe-line clause in rate bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *June 25, 1906.*

Prayer by Rev. JOHN VAN SCHAICK, Jr., of the city of Washington.

On request of Mr. HALE, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 19749) to prescribe the duties of deputy collectors of customs; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 12987. An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; and

H. R. 18198. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the House had agreed to the

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report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes; further insists upon its disagreement to the amendment of the Senate numbered 13, upon which the committee of conference were unable to agree; agrees to the further conference asked for by 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 further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAVIDSON, Mr. ROBERTS, and Mr. BURNETT managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution requesting the President to return to the House the bill (H. R. 18608) ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington; in which it requested the concurrence of the Senate.

The message further returned to the Senate, in compliance with its request, the bill (S. 3245) creating the Mesa Verde National Park.

ENROLLED BILLS SIGNED.

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

H. R. 13543. An act for the protection and regulation of the fisheries of Alaska; and

H. R. 16953. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes.

LIST OF CLAIMS.

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

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a schedule of all claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowance of those heretofore reported to Congress at the present session; also a list of judgments rendered by the Court of Claims not heretofore reported to Congress.

LIST OF JUDGMENTS.

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

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered against the United States by the circuit and district courts of the United States under the provisions of the act to provide for bringing suits against the Government of the United States, approved March 3, 1887.

INDIAN DEPREDATION CLAIMS.

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

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases requiring an appropriation by Congress not heretofore reported at the present session.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Hiram Baldwin, Joseph De France Baldwin, and Richard Robert Baldwin, heirs of Robert Bradley, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS.

Mr. PLATT presented sundry petitions of citizens of Corning, N. Y., praying that the clause providing for an educational test of immigrants be included in the so-called "immigration bill;" which were ordered to lie on the table.

Mr. WHYTE. I present a petition of the Board of Trade of Baltimore, Md., praying for the enactment of legislation relative to the increase of the number of enlisted men in the Coast and Field Artillery of the United States. As this subject is now before the Committee on Military Affairs, I move that the petition be referred to that committee.

The motion was agreed to.

PROJECTED INTERCONTINENTAL RAILWAY.

Mr. CULLOM. I present a communication from Hinton Rowan Helper, of Washington, D. C., relative to the construction of a projected intercontinental railway through the three Americas. I move that the communication be printed as a document.

The motion was agreed to.

JOHN BRADY.

Mr. MORGAN. I present a letter from Elliot Woods, superintendent of the United States Capitol building and grounds, relative to the claim of John Brady, an employee in his office. This subject will be under consideration by the Committee on Appropriations, and I move that the letter be referred to that committee without printing.

The motion was agreed to.

CONSIDERATION OF UNOBJECTED HOUSE BILLS.

Mr. GALLINGER. Mr. President, I rise to request that after the routine morning business, not to interfere with appropriation bills, time be given for the consideration of unobjected House bills on the Calendar.

Mr. HALE. Not to interfere with appropriation bills or conference reports.

Mr. GALLINGER. Not to interfere with appropriation bills or conference reports.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that after the close of the routine morning business to-day the Senate shall proceed to the consideration of unobjected House bills on the Calendar, that agreement not to interfere with appropriation bills or conference reports. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 46) to classify the officers and members of the fire department of the District of Columbia, and for other purposes;

A bill (S. 61) amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia," approved April 22, 1904;

A bill (S. 63) to amend sections 713 and 714 of the Code of Law for the District of Columbia, relating to savings banks;

A bill (S. 2269) to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897; and

A bill (S. 4305) amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia," approved April 22, 1904.

Mr. FOSTER, from the Committee on Commerce, to whom was referred the bill (H. R. 7083) to repeal section 5, chapter 1482, act of March 3, 1905, reported it without amendment.

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

A bill (H. R. 18432) granting an increase of pension to David Dirck;

A bill (H. R. 675) granting an increase of pension to Daniel Morrissey;

A bill (H. R. 19100) granting an increase of pension to Asa G. Brooks;

A bill (H. R. 2014) granting an increase of pension to Enoch McCabe;

A bill (H. R. 19662) granting an increase of pension to Joseph Kircher; and

A bill (H. R. 16575) granting a pension to Taylor Bates, alias Baits.

AUTHORITY OVER INSURANCE BUSINESS.

Mr. SPOONER. I am instructed by the Committee on the Judiciary to submit a report, and I ask that the resolution and the report may be read.

The Secretary read the resolution submitted by Mr. CULBERSON and referred to the Committee on the Judiciary on December 6, 1905, as follows:

Resolved, That the Committee on the Judiciary of the Senate be, and is hereby, directed to consider and report to the Senate, as soon as may be practicable, whether the Congress has authority under the Constitution to supervise and regulate the business of marine, fire, and life insurance.

The Secretary read the report, as follows:

The Committee on the Judiciary, which has had under consideration the foregoing resolution, beg leave to report that it is the unanimous opinion of the committee that the Congress is without authority under

the Constitution to supervise and regulate the business of marine, fire, and life insurance, except in the District of Columbia, the Territories, and the insular possessions of the United States. At another and more convenient time the committee will report fully the reasons upon which this opinion is based.

The VICE-PRESIDENT. The resolution and report will be placed on the Calendar.

CODE PREPARED BY THE STATUTORY REVISION COMMITTEE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the concurrent resolution of the House of Representatives reported on the 23d instant by the Committee on the Revision of the Laws of the United States, reported it without amendment, and it was considered by unanimous consent and agreed to, 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 and other 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 deemed necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and the House of Representatives.

Mr. KEAN. I ask that the Senate resolution No. 30, which I send to the desk, be indefinitely postponed.

The SECRETARY. Senate concurrent resolution providing for the appointment of a joint special committee to consider and make recommendations to Congress on the work of the commission to codify the laws of the United States.

The VICE-PRESIDENT. Without objection, it will be postponed indefinitely.

Mr. CLARK of Wyoming. From the Committee on the Judiciary, I report back favorably House bill 19607, and I am directed by that committee to ask for its immediate consideration.

Mr. LA FOLLETTE. Mr. President, I supposed when the Chair submitted the question with respect to the indefinite postponement of the resolution reported by the Senator from New Jersey that the Senator from Wyoming, who was on his feet, had risen to address the Senate with respect to that question. I discovered that he had not, when he presented something else. I therefore ask that that question be again submitted to the Senate.

The VICE-PRESIDENT. It is an open question if any Senator desires to have it so considered.

Mr. LA FOLLETTE. I wish to say something about it.

The VICE-PRESIDENT. The Senator from New Jersey moves the indefinite postponement of the concurrent resolution. Does the Senator wish to have it read?

Mr. GALLINGER. I should like to hear it read.

Mr. LA FOLLETTE. I think it ought to be read for the information of the Senate.

The VICE-PRESIDENT. The Secretary will read the concurrent resolution.

The SECRETARY. Senate concurrent resolution referred to the Committee to Audit and Control the Contingent Expenses of the Senate, June 7, 1906, submitted by Mr. CARTER.

Mr. LA FOLLETTE. I am informed by Senators about me that another resolution was passed in lieu of the one which was introduced by the Senator from Wyoming. If that is the case I do not wish to have the question again submitted.

Mr. CLARK of Wyoming. I did not introduce the resolution.

Mr. CARTER. The resolution just stated was introduced by me.

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

Mr. LA FOLLETTE. I do.

Mr. CARTER. The resolution which was passed by the House of Representatives, reported favorably by the Committee to Audit and Control the Contingent Expenses of the Senate, and just passed, is an exact duplicate of the resolution which has been indefinitely postponed. I prepared both the resolutions and I know exactly what they contain.

Mr. LA FOLLETTE. Mr. President, I find it is not the resolution which I supposed it was. I understood that the Senator from New Jersey was to report this morning the resolution which had been introduced by the Senator from Wyoming with respect to an investigation touching the coal lands in the Indian Territory, and the Secretary having read just the heading, I was led to believe it was the resolution I supposed the Senator from New Jersey was to report this morning. So I withdraw the request I made for the reading of the resolution.

The VICE-PRESIDENT. Without objection, the resolution is indefinitely postponed.

ACKNOWLEDGMENT OF DEEDS.

Mr. CLARK of Wyoming. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 19607) for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories, to report it favorably without amendment, and I am also directed by the committee to ask for its present consideration.

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

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

JURIES IN NEW MEXICO.

Mr. SPOONER. In the public interest I ask unanimous consent for the consideration of the bill (H. R. 19379) providing for the manner of selecting and impaneling juries in the United States courts in the Territory of New Mexico.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

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

Mr. SPOONER. Mr. President, I wish to say a word about this bill, and only a word. In the Judiciary Committee I moved to amend the bill so as to provide—

That no person shall be eligible for jury service in the Territory of New Mexico who does not understand the English language sufficiently, in the opinion of the court, to qualify him for such service.

The Judiciary Committee adopted that amendment.

On Saturday I was waited upon by the United States attorney for New Mexico, a gentleman of some distinction and entire reliability, who appealed to me to ask the Senate to strike out the proviso relating to the qualification of jurors in New Mexico. I asked him for his reasons, and he informed me that in ten out of the twenty-five counties in the Territory of New Mexico it would be absolutely impossible under this proviso to secure a jury; that in those counties the testimony of witnesses, the arguments of counsel, and the charge of the court must be interpreted to the jury.

I believe that, Mr. President, to be true, and that in the ten counties of New Mexico, which Territory is proposed to be admitted into the Union as a State, it is impossible to secure a jury for the trial of civil or criminal causes capable of understanding the proceedings of the court and the language in which they are conducted.

I submitted the question to the Judiciary Committee this morning, and I am authorized to ask the Senate, in view of this fact, to disagree to the committee amendment.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 1, line 10, after the word "United States," the Committee on the Judiciary reported to insert the following proviso:

Provided, That no person shall be eligible for jury service in the Territory of New Mexico who does not understand the English language sufficiently, in the opinion of the court, to qualify him for such service.

The VICE-PRESIDENT. Without objection, the amendment will be disagreed to.

Mr. SPOONER. Nothing remains but to concur in the action of the House.

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

SILETZ POWER AND MANUFACTURING COMPANY.

Mr. LONG. For the junior Senator from Minnesota [Mr. CLAPP] I report back favorably with amendments from the Committee on Indian Affairs the bill (H. R. 12080) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, and I submit a report thereon. I call the attention of the senior Senator from Oregon to the bill.

Mr. FULTON. The bill simply gives a right of way over an Indian reservation, and I ask for its present consideration.

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

The amendments of the Committee on Indian Affairs were, on page 1, line 8, before the word "lands," to strike out the word "the;" in the same line, after the word "lands," to strike out the words "of the United States," and to strike out all of section 3; so as to make the bill read:

Be it enacted, etc., That the right of way is hereby granted, as hereinafter set forth, to the Siletz Power and Manufacturing Company, a corporation organized and existing under the laws of the State of

Oregon, and its successors and assigns, for the construction, operation, and maintenance of a water ditch or canal through lands in the Siletz Indian Reservation, in Oregon, beginning at a point on the right bank of the Siletz River, in lot 13 of section 9, township 10 south, range 10 west of Willamette meridian; running thence in a northeasterly direction through said section and terminating at a point on the right bank of the Siletz River, in lot 30 of section 4, township 10 south, range 10 west of Willamette meridian: *Provided*, That no rights hereunder shall attach until the Secretary of the Interior shall have determined to his satisfaction that the interests of the Indians and the public will be promoted thereby.

SEC. 2. That the right of way hereby granted shall be 50 feet in width on each side of the central line of such water ditch or canal.

SEC. 3. That the rights herein granted shall be forfeited by said corporation unless the water ditch or canal shall be constructed through the said lands within three years from the passage of this act.

The amendments were agreed to.

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

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

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 6522) to authorize the Alaska Pacific Railway and Terminal Company to construct a railroad trestle across tide and shore lands in Controller Bay, in the Territory of Alaska; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6523) to authorize the Alaska Pacific Railway and Terminal Company to construct a bridge across the Yukon River, in the Territory of Alaska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DICK introduced a bill (S. 6524) to provide for the purchase of a site and the erection of a public building thereon at Mansfield, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FULTON introduced a bill (S. 6525) granting an increase of pension to James R. Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6526) to extend the provisions of "An act regulating the duties and fixing the compensation of the customs inspectors at the port of New York;" which was read twice by its title, and referred to the Committee on Commerce.

Mr. WETMORE introduced a bill (S. 6527) to remove the charge of desertion from the naval record of John McLaughlin; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. McLAURIN introduced a bill (S. 6528) for the relief of Mrs. Emily Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 6529) granting a pension to William F. Wyble; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. McCUMBER submitted an amendment proposing to appropriate $750 to pay Ormsby McHarg for indexing and for extra services as clerk to the Committee on Pensions, and also $1,000 to pay Dennis M. Kerr for services as assistant clerk, by detail, to the Committee on Pensions, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURNHAM submitted an amendment proposing to appropriate $3,000 to pay George M. Esterly, of Valdez, Alaska, in full for the gasoline launch *Marilla*, destroyed by fire at Snug Corner Cove, Prince William Sound, Alaska, in July, 1905, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

AMENDMENTS TO OMNIBUS PUBLIC BUILDINGS BILL.

Mr. FULTON submitted an amendment intended to be proposed by him to the omnibus public buildings bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. HOPKINS submitted two amendments intended to be proposed by him to the omnibus public buildings bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. MARTIN submitted an amendment to be proposed by him to the omnibus public buildings bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PROPOSED DRAINAGE INVESTIGATIONS.

Mr. LATIMER. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Whereas there is in the United States between fifty and one hundred million acres of swamp, tidal, and overflowed lands which are now, for lack of drainage, unproductive and a prolific source of malarial and other diseases, and the Secretary of Agriculture having for the past three years conducted drainage investigations in this country and abroad and accumulated a large amount of valuable data on the subject: Therefore, be it

Resolved, That the Secretary of Agriculture be, and he is hereby, authorized and directed to prepare and submit to the Senate on or before December 1, 1906, a report on drainage, to include the following:

First. The location and area of lands in the United States that are swamp and overflowed and susceptible of being drained and made fit for agriculture.

Second. The effect of drainage on such land and on the public health and upon agriculture.

Third. The area of land which has been drained under the laws of the different States and the benefits which have resulted therefrom.

Fourth. The summary of the legislation of the different States and of the legal and business methods under which drainage works have been constructed and maintained.

Fifth. A review of the drainage laws and policies of the leading agricultural countries of Europe, and their results.

Mr. KEAN. Let the resolution go over.

The VICE-PRESIDENT. Under objection, the resolution will lie over.

Mr. LATIMER. I hope the Senator from New Jersey will not object. It is simply a resolution asking for information from the Secretary of Agriculture and involves no expenditure.

Mr. KEAN. I should like to look at it.

The VICE-PRESIDENT. The resolution will be printed and lie on the table.

REPORT ON BEET-SUGAR INDUSTRY.

Mr. PROCTOR submitted the following concurrent resolution; which, with the accompanying paper, was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 12,000 copies of the Report on the Progress of the Beet-Sugar Industry in the United States in 1905; 1,000 copies for the use of the Senate; 3,000 copies for the use of the House of Representatives, and 8,000 copies for the use of the Department of Agriculture.

RECORDING DISTRICT IN INDIAN TERRITORY.

Mr. TALIAFERRO. I ask unanimous consent for the consideration of the bill (S. 6418) to establish an additional recording district in the Indian Territory.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. We have passed the statehood bill and I do not think we ought to be interfering with those people.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. I object.

The VICE-PRESIDENT. Objection is made.

SUITS UNDER ANTITRUST LAW AND INTERSTATE-COMMERCE LAW.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted by Mr. LONG on Saturday, as follows:

Resolved, That the Attorney-General be directed to furnish the Senate with a statement of all suits instituted by the Department of Justice under the Sherman antitrust law and the interstate-commerce law, and the disposition made of such suits.

The VICE-PRESIDENT. To this resolution two amendments have been offered. The amendment offered by the Senator from Ohio [Mr. FORAKER] will be read.

The SECRETARY. Add at the end of the resolution:

Including all suits brought under the so-called "Elkins law," when brought, character, and final disposition thereof.

The VICE-PRESIDENT. The Secretary will also read the amendment proposed by the Senator from Georgia [Mr. BACON].

The SECRETARY. Add at the end of the resolution the following:

The Attorney-General is further directed to report to the Senate what portion of the special appropriation of $500,000 heretofore made to enforce said laws has been disbursed, and the manner of such disbursement.

The VICE-PRESIDENT. Does the Senator from Kansas accept the amendments?

Mr. LONG. I do.

The VICE-PRESIDENT. The amendments are accepted. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to, as follows:

Resolved, That the Attorney-General be directed to furnish the Senate with a statement of all suits instituted by the Department of Justice under the Sherman antitrust law and the interstate-commerce law and the disposition made of such suits, including all suits brought

under the so-called "Elkins law," when brought, character, and final disposition thereof.

The Attorney-General is further directed to report to the Senate what portion of the special appropriation of $500,000 heretofore made to enforce said laws has been disbursed, and the manner of such disbursement.

ELEVATOR, GRAIN BUYING, AND FORWARDING BUSINESS.

Mr. LA FOLLETTE. I desire to call up a concurrent resolution which I introduced with the request that it be permitted to lie on the table until I could have an opportunity to call it up for consideration. It is the resolution which I introduced on the 5th of June.

The VICE-PRESIDENT. The Chair will recognize the Senator from Wisconsin for that purpose as soon as the morning business is concluded.

Mr. McCREARY. I wish to submit a resolution.

Mr. LA FOLLETTE. May I make a parliamentary inquiry? It is a concurrent resolution. I wish to amend the resolution by making it a Senate resolution.

The VICE-PRESIDENT. The Senator has that right.

Mr. LA FOLLETTE. I supposed I could do that while still under morning business.

The VICE-PRESIDENT. It is within the Senator's control. The Chair will state that the Senate by unanimous consent agreed that unobjected House bills on the Calendar should be taken up after the morning business. The Chair will recognize the Senator from Wisconsin, if there is no objection, to call up his resolution at the present time. Is there objection?

Mr. SCOTT. Did I understand that we had unanimous consent to take up unobjected House bills after the morning business?

The VICE-PRESIDENT. The Chair has so stated. The morning business is not yet closed.

Mr. SCOTT. I shall have to insist upon that unanimous-consent agreement being adhered to on account of the large number of pension and other bills on the Calendar.

The VICE-PRESIDENT. The morning business is not yet closed.

LUDWELL M'KAY AND OTHERS.

Mr. McCREARY. I submit a resolution and ask unanimous consent for its immediate consideration.

The resolution was read, as follows:

Resolved, That the petition of Ludwell McKay and certain other Kentucky drafted men, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a findings of fact in accordance with the decision of said court in the case of John H. Marshall, under the terms of the act of March 3, 1887, and generally known as the "Tucker Act," and to be considered in connection with and as a part of Senate bill No. 7168, third session Fifty-eighth Congress, which was referred to that court by resolution of the Senate March 3, 1905, and is numbered Congressional 11889 in said court.

Mr. McCREARY. I showed the resolution to the chairman of the Committee on Claims and he has no objection to it.

Mr. KEAN. Is it reported from a committee?

Mr. McCREARY. No, sir; but it is a Senate bill——

Mr. KEAN. Then I think it ought to go to a committee.

Mr. McCREARY. If the Senator from New Jersey will listen just a moment——

Mr. KEAN. Certainly.

Mr. McCREARY. It is Senate bill 7168, which was referred to the Court of Claims by resolution of the Senate March 3, 1905.

This resolution provides that the petition of Ludwell McKay and other drafted men and all accompanying papers be referred to the Court of Claims. There was an illegal draft in Kentucky in 1864. This is simply to bring those matters before the Court of Claims.

Mr. KEAN. Such matters should go first to the Committee on Claims.

The VICE-PRESIDENT. Is there objection to the consideration of the resolution?

Mr. KEAN. I object.

The VICE-PRESIDENT. Objection is made, and the resolution will lie over.

ELEVATOR, GRAIN BUYING, AND FORWARDING BUSINESS.

Mr. LA FOLLETTE. I offer a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved by the Senate, That the Interstate Commerce Commission is hereby directed to make a thorough investigation of the elevator and grain buying and forwarding business of this country to determine to what extent these special favors have been granted; the influence which the monopolizing of this branch of business has had upon the market, the injury it has worked to the grain producers, the extent to which the railroads, their officers, directors, stockholders, and employees own or control the grain buying and grain forwarding companies, and the manner in which these railroads, their officers, directors, stockholders, and employees secured their holdings in these grain buying, storing, and forwarding companies, and to report the same to the Congress at its next session.

Mr. LA FOLLETTE. The resolution is subject to consideration and adoption at this time as a substitute.

The VICE-PRESIDENT. Without objection.

Mr. McCUMBER. Mr. President, as I heard it read I could not tell exactly what it contains. I did not hear everything in it, but there was a resolution introduced having for its object the same thing, I understand, which was referred to the Committee on Agriculture and Forestry, and that committee has been considering it. I should like to know whether this is not covering the same subject, and if we are not liable to have two or three different Departments of the Government investigating probably the same question? I should like to ask if the resolution has been printed or if it has been referred to a committee?

Mr. LA FOLLETTE. Mr. President, I will say to the Senator from North Dakota that this is a resolution which I introduced on the 5th of June. The purpose of it is to broaden the investigation now being conducted by the Interstate Commerce Commission under the Tillman-Gillespie resolution, so called, so that it may include the practices with respect to the management of grain elevators and the buying of grain and any possible collusion which may exist between the owners of elevators, the buyers of grain, and the railroads.

Mr. SCOTT. Let the resolution go over and be printed. I object to its consideration.

Mr. LA FOLLETTE. Mr. President, the resolution has been printed. It has been upon the table since the 5th of June. I have simply had stricken out so much of it as made it a concurrent resolution in order that it might be considered and passed by the Senate at this time. When introduced as a concurrent resolution it provided for an appropriation. I have since learned from the Interstate Commerce Commission that it is not necessary to provide any further appropriation in order that this investigation should be made. The Commission, I am informed, will be able, if directed by the Senate, to proceed to this investigation without any such appropriation. I have, therefore, simply changed the resolution, which has been printed and has been lying upon the table for weeks, by striking out portions of it so as to make it a Senate resolution. So that, in its amended form, it presents nothing new to the Senate for its consideration.

Mr. GALLINGER. Mr. President——

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

Mr. LA FOLLETTE. Certainly.

Mr. GALLINGER. I presume I have the correct copy of the resolution which was introduced by the Senator on the 5th of June. I will ask the Senator if he has stricken out the preamble of the resolution? If he has not, I would suggest that he strike out of it the paragraph which asserts certain things which I think are in controversy. The preamble recites that:

Whereas certain corporations and individuals engaged in the buying, storing, forwarding, and selling of grain——

Mr. LA FOLLETTE. I am entirely willing to strike out the preamble.

Mr. GALLINGER. I trust it may be stricken out.

Mr. LA FOLLETTE. I am willing to do so, because I think I shall be able in a few moments to demonstrate the existence of the conditions as asserted in the preamble.

Mr. GALLINGER. The preamble manifestly ought to go out.

Mr. SCOTT. Mr. President, does not that make the resolution a new resolution? If so, I object to its consideration.

The VICE-PRESIDENT. The Chair thinks the Senator from Wisconsin has a right to modify his resolution introduced on June 5.

Mr. SPOONER. Mr. President, will my colleague yield to me for a moment?

The VICE-PRESIDENT. Does the junior Senator from Wisconsin yield to his colleague?

Mr. LA FOLLETTE. Certainly.

Mr. SPOONER. I think, if the Senator amends his resolution so as to make it simply a Senate resolution, it would be entirely ineffective. The Interstate Commerce Commission is a Commission created by law, whose duties are defined by law, and I do not think a resolution of either House acting alone can impose any duty or authority upon that Commission.

Mr. LA FOLLETTE. I will say to my colleague, Mr. President, that the resolution does not seek to confer any additional authority upon the Commission. It is simply, as now proposed to be amended, an expression by the Senate of a desire that this investigation be made.

Mr. SCOTT. I rise to a parliamentary question.

The VICE-PRESIDENT. The Senator will kindly state his parliamentary question.

Mr. SCOTT. Does not the changing of a resolution from a

concurrent resolution to a Senate resolution make it new business—a new resolution?

The VICE-PRESIDENT. It is a modification of the original resolution.

Mr. SCOTT. But does it not change it from a concurrent resolution to a Senate resolution?

The VICE-PRESIDENT. The Chair understands the Senator from Wisconsin simply to modify his original resolution in that regard.

Mr. SCOTT. Then, does the Chair rule that a change of a resolution from a concurrent to a Senate resolution does not make it new matter?

The VICE-PRESIDENT. It does not change the Senator's right to alter or modify his resolution. Under what rule would the Senator from West Virginia think it did?

Mr. SCOTT. I have not anything further to say, Mr. President.

Mr. LA FOLLETTE. Mr. President, I was about to say further, in reply to my colleague [Mr. SPOONER], when interrupted by the Senator from West Virginia [Mr. SCOTT], that, while I am aware that this resolution does not confer any additional power upon the Interstate Commerce Commission, I am equally certain that, if adopted, it will have the effect of securing the performance of an important service which will result in the adoption of such measures as will protect the farmers of the whole country from the extortion to which they are now compelled to submit when they dispose of their grain products. The resolution, if adopted, will indicate that the Senate is sensible of the conditions which demand this investigation. It will express authoritatively the sentiment of the Senate that such an investigation should be made. The Commission has a sufficient appropriation and ample power to conduct the investigation, and I am advised that they will do so if the resolution is adopted by the Senate. The Commission does not need an expression from both Houses of Congress. It will act upon the request of the Senate alone.

Mr. FORAKER. Mr. President——

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

Mr. LA FOLLETTE. Yes.

Mr. FORAKER. Can the Senator tell us how much of the time of the Commission would probably be occupied in making this investigation?

Mr. LA FOLLETTE. I am not able to say. I do not know how wide a field of investigation will be developed. The Commission, of course, will not conduct the investigation to the detriment of any of the other business in which it may be engaged, and which may be of greater importance.

Mr. FORAKER. That is what I wanted to make inquiry about. My opinion as to the proper duty of the Commission is that it is investigation; and I should be glad to keep it investigating all the while. I think they do more good in that way than they can possibly do in any other; but, at the same time, I recognize that they have other duties imposed upon them by the statute now in force, which they would have to neglect if such an investigation as is proposed would require an undue portion of their time. I do not object on that ground; I only want to call it to the Senator's attention. I do not know anything about this matter; but in view of what the Senator says, it probably ought to be investigated and I do not propose to offer any objection to that. I think, however, it is well to take into consideration in this connection the point made by the Senator's colleague [Mr. SPOONER], that if this Commission, constituted by law enacted by both Houses, can be set to special work by the order of one House, it might be that all the time of the Commission would be taken up by these special directions, and there would be no time left for the general duties which are imposed by statute.

But, as I say, I am glad to know that the Senator wants the Commission directed to investigate. The best work the Commission have done since they were first created has been that of investigation, bringing to knowledge conditions that ought to be looked after by the Department of Justice, where they can be properly dealt with, and the only place where they can be properly dealt with.

Mr. GALLINGER. Mr. President——

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

Mr. LA FOLLETTE. Well, Mr. President——

Mr. GALLINGER. If the Senator is about to address the Senate, I will not disturb him.

Mr. LA FOLLETTE. Mr. President, I was about to address the Senate; and I think I shall have to ask Senators to permit me to do so in order that I may take up no more of the morning hour than is necessary to lay before the Senate the important matters which I wish to present.

The country has been astounded, I think, by the revelations which have been made by the investigation conducted under the so-called Tillman-Gillespie resolution with respect to the alliances between the coal-mining companies of this country and the coal-carrying railways and their officials. In whatever field that investigation has been prosecuted, it has uncovered corruption. The whole system of railway management seems to have been permeated with graft growing out of a desire on the part of these large coal-producing companies to secure undue and unlawful advantages over their competitors in shipping their product. Mr. President, I am satisfied that an investigation into the grain-buying and grain-shipping business of this country will disclose conditions substantially similar to those which have been uncovered in the coal-mining industry of West Virginia and Pennsylvania.

EVIDENCE OF FEDERAL COMMISSIONS.

The Interstate Commerce Commission said in its report for 1902:

> While the investigations of the Commission have not fully covered this aspect of the case as yet, it is a matter of common information, and we know from repeated complaint received, that some one firm or one individual purchases substantially all of the grain which is handled by a given line of railway, and the claim is made, and the inference is almost a necessary one, that this firm or individual must receive concessions which enable him to underbid other buyers in the same market.

It has been stated, as a result of the investigation conducted by the Industrial Commission, that the great grain-producing sections of this country have been divided into districts and allotted by the railroads to certain favored elevator companies, and that those elevator companies, through an alliance with the railroads which excludes competition, have been given the monopoly of the grain buying throughout all of that territory. The testimony taken by the Industrial Commission shows that, on the Rock Island Railroad, Charles Counselman & Co. have been given special privileges which enabled that company to obtain substantially a monopoly of the grain-buying business along that line of road; that the Bartlett-Frazer Company and the Peavy Elevator Company had such privileges and such connections with the Northwestern Railroad as to place them in substantially the same position of advantage on that road; that upon the Chicago, Burlington and Quincy road and the Chicago, Milwaukee and St. Paul road the Armour Elevator Company maintained exactly the same control of the grain-buying business, and that like favors were given by the Santa Fe Railroad to Mr. Richardson, and by the Union Pacific to the Peavy Elevator Company.

COMPETITION DESTROYED IN THE FARMERS' MARKET.

I recall, sir, as a young man on the farm, driving to the city of Madison, which was our nearest market, the loads of grain which from time to time we had to sell. I recall how, at that time, the grain buyers, or representatives of the different grain-buying firms, would gather about the wagon of every farmer, examine the grain, and bid against each other for its purchase. That condition exists no longer. Within the last few years the system of marketing our grain crops has completely changed. Every farmer contrasts the old with the new method. In the days of an open market he drove to town with a load of grain, the buyers gathered around his wagon, tested the grain, and bid for it one against the other. The bidding was genuine, and the grain was sold to the highest bidder in a real competitive market. To-day the farmer must hunt the different buyers in their offices and ask the price. Each quotes him the same price. They have little concern as to which one buys the grain, as the profits are pooled. If any buyer purchases more than his share, he is subject to a penalty.

The purpose of this system and its result is to increase the profits of dealers. Under the competitive system the dealers were satisfied with a margin of 1 cent a bushel; under the trust system the dealer's margin is from 3 to 8 cents a bushel. The average increase in the dealer's margin and the necessary reduction in the farmer's price brought about by this change in method is estimated to be from 3 to 5 cents on every bushel of grain sold. It amounts on the entire crop to many millions of dollars annually.

The farmer has no alternative. He must sell his grain to one of the elevators at his local station. He can not ship it himself. The railroad will not give him cars, and if he could get cars he could hardly find a dealer who would handle his grain in the market. The need of the farmer for money is in almost all cases urgent. The merchant is impatient for a settlement of his account; the banker demands payment of his notes; the harvest hands must be paid in cash.

These conditions compel him to accept the market most ac-

cessible to him. It is important that this be a competitive market. Only such a market will assure him a fair and honest price for his products.

This change which has destroyed competition in the farmer's market for his grain products is due to the power which the grain trust wields through the unlawful combinations and special favors from the railroads. From the time the farmer comes to market with his grain in his wagon until the grain reaches its final destination the grain trust retains control over it. The trust makes the price paid for the grain by itself and by its so-called "competitors." This price is fixed by a few large dealers who constitute the grain trust, and who, working in combination at the central market, dominate the entire system. The advantages which these men enjoy on account of the extensive scale of their operations and the favors which they receive from the railroads place them in a position to completely dominate the market.

ADVANTAGES TO FAVORED ELEVATOR COMPANIES.

Generally there are two or more elevators to which the farmers may sell grain. One of these is usually owned and operated by a small dealer engaged in the business of buying locally and selling to a dealer at the nearest large market. Such are known as "local dealers" and their elevators as "local elevators." One elevator at every station, and sometimes all, are owned by a large grain-dealing corporation owning similar elevators at every station along the line of road upon which it operates and large storage and transfer elevators at the terminals of the road and at the central grain markets. Such a company is known as a "line elevator company" or a "terminal elevator company." A line company usually operates several terminal elevators. Its local elevators are operated by a manager, who is paid a monthly salary.

These "line companies" have memberships in the leading boards of trade of the world. Their central offices are in the leading grain-dealing center, and they have branch offices in most other cities having grain markets. They have contracts with the railroads on which their elevators are located to operate the public elevators and most of the private elevators at the terminal markets on the tracks of the several companies. Each "line company" has built up an extensive business system extending over the entire country and to foreign countries. Many operate other elevators at terminal points that are not market points, but where grain must be transferred to cars of connecting railroads to be forwarded to market. They have elevators at the ports of the Great Lakes, the Atlantic Ocean, and the Gulf of Mexico, where transfers are made for water shipments. Many of these elevators are owned by the railroad companies and furnished without cost to the favored elevator companies.

Grain bought at a local station by either the "local elevator" or the "line elevator" is forwarded to a central market. When it reaches the terminal of the road upon which the shipment originates it is taken from the car by the terminal elevator company. For this transfer a fee of about a cent a bushel is allowed by the railroad company to the elevator company.

If the grain is stored in the elevator over ten days, the owner must pay the elevator company for storage. If the shipment belongs to the elevator company, of course there is no expense to the owner, especially when the railroad provides the elevator rent free. When ready for reshipment, the elevator company may demand another allowance from the road hauling it out for loading the grain into cars.

At the large central market the grain usually goes into storage to wait until there is a demand for its shipment to some domestic or foreign point where it will be consumed. When thus shipped out again, it pays another transfer fee to the elevator company. These fees are collected by the railroad as a part of the freight charge and turned over to the elevator company.

The transfer and storage of this grain is an incident to its transportation. It is a monopoly on each line of railroad, and is given over by the railroad to the favored elevator company operating elevators on its line. It gives the elevator company having the terminal elevator a profit on all the grain handled by its competitors, and complete knowledge of its competitor's business. It carries immunity from storage charges on its own grain. It guarantees illegitimate profits in the form of transfer allowances not permitted to any competitor. It enjoys other advantages peculiar to the business. For example, the grain of competitors, before going into the elevator, is inspected by State authority or a board of trade official and given a certain grade. It is put in the elevator and a storage certificate is issued against it calling for so many bushels of that certain grade. The grain of the competitor may have been a little above the grade allowed, and yet not good enough to entitle it to the next higher grade. Now, when the elevator dealer sells grain to the miller or foreign dealer, he sells by sample, and if the grain is a little above the grade, he receives a premium over the grade price. It is charged that the elevator dealers take the best grain that comes to the elevator to fill their own orders and deliver to their competitors, on certificates of storage, the poorest grain that will satisfy the grade specified thereon. This has led to a vigorous and protracted struggle on the part of the commission men and independent dealers to have the public elevator business handled by disinterested parties; but the railroads refuse to heed this demand, and the elevator dealers' monopoly is continued.

HOW THE GRAIN TRUST DOMINATES.

These many advantages enjoyed by the favored dealers, coupled with other forms of railroad favoritism, are sufficient to enable those having terminal elevators to control the markets. One firm on each line of road is given these advantages. The dealers on the various lines cooperate and work in harmony to control prices. Small dealers can buy only small amounts, and these only under the prices and regulations established by the trust. The business of any who refuse to submit is destroyed by the trust paying for a limited time prices other dealers can not meet. One-half of the local elevators are owned by the trust and the remainder so controlled that it is business ruin to refuse to comply with the terms of the trust.

The line elevators control the local market. The "local dealer" is permitted to buy only a certain amount of the grain that comes to his station. He is compelled to pay the price fixed, and on other.

If the independent dealer refuses to observe the trust regulations, the trust simply puts up the price at its line elevator at his station, so that he can not compete for the grain. If he does not surrender, his expenses soon eat up his investment, and he must abandon the business. If the small dealer proves resourceful and makes a good fight, the railroad comes to the aid of the elevator company and informs him that the "disturbance" which he is making is very distasteful to the railroad management, is upsetting traffic adjustments with surrounding roads, and that he must come to the terms of the line elevator company or move his elevator off the right of way. The trust, meantime, is making up any losses it may sustain by shading prices at the scores of its other line elevators and from its elevator allowances and other favors accorded to it by the railroad. The result is that the little fellow, if he wants to survive, surrenders. He buys what grain he is told to buy and when he is told to buy it. He pays the price he is told to pay for it. He sells his grain, for the most part, to the line company and ships it to the line company's elevator at the terminal market. His only reason for being in the business, so far as the public is concerned, is to make more complete the trust monopoly and to keep up an appearance of competition to deceive the farmers.

"ELEVATOR ALLOWANCES."

Probably the worst form of railway discrimination which operates to build up the grain trust is the so-called "transfer allowance" paid by the railroads to the terminal elevator companies to get grain loaded and unloaded from cars. At Chicago three-fourths of a cent a bushel is usually paid; at Kansas City it is 1¼ cents per 100 pounds; at Omaha the Union Pacific pays 1¼ cents to the Omaha Elevator Company; at Burlington, Iowa, 1 cent was paid; at New Orleans 2 cents was paid for transferring to boat; at St Louis no allowance is paid. The matter of elevator allowances has been partially investigated on several occasions by the Interstate Commerce Commission. Significant developments in the testimony, particularly that of last year, were that the payment of the allowance was not uniform—some dealers could get it while others could not; for favored dealers it was paid by some companies several times on the same grain at different points where the favored dealer had an elevator; that the payment accrued to the benefit of particular companies who had contracts for the transfer with the railroad; that the transfer allowance was used by the favored dealers to control the business and drive out competitors. In one case allowances amounting to as much as 4 cents per 100 pounds were paid the favored dealer in transfer fees. The dealer who was not so favored was excluded from competition. The vicious effect of such discriminations is made manifest when you consider that a difference of only a small fraction, one-eighth or one-sixteenth of a cent a bushel, will determine who shall receive the business in a grain deal.

Some elevator companies contend that the transfer allowances are not compensatory. The prevailing rate for transferring grain at Buffalo is only one-half cent a bushel, and in a recent case it developed that one elevator company was paying a 25 per cent rebate out of that amount to get the business. It

would seem that these allowances would afford a large margin of profit, particularly at Kansas City, where the elevators are, as a rule, provided rent free by the railroads.

RAILROAD OFFICIALS IN THE GRAIN BUSINESS—A WISCONSIN CASE.

After introducing this resolution, I received from many who are interested in this question communications, some of which I wish to submit to the Senate. They demonstrate, I believe, not only the existence of special privileges granted to particular firms and individuals which give to them a monopoly in the grain-buying business, but that the individuals thus favored, as a general rule, are identified with the management of the railroad upon the line of which they conduct business. There is every indication, Mr. President, of a joint ownership in the trade that is thus built up between these privileged elevator companies and the railroads and railroad officials, to the great detriment of the farmers, who produce the grain and are entitled to have a free and open market in which to sell it.

One of these communications is from the railroad commissioner of Wisconsin, who for over two years has been investigating railway discriminations and rebates in that State. He says:

Instances of officers or employees being interested in shipment of freight over the line of road with which they are connected is illustrated by the Northern Supply Company—

The Northern Supply Company is a grain company of Wisconsin—

located at Emery, Wis., on the Minneapolis, St. Paul and Sault Ste. Marie Railway Company's line. At the same time I made this investigation over one-fourth of the stock of this company was owned by the claim agent and assistant solicitor of this railway company and one-fourth was owned by the son of the second vice-president and general manager of the road; three shares of the stock were owned by the father-in-law of this son; the remaining shares were owned by two employees in the service of this company. The information furnished me showed that every private elevator company on this line have been forced out of business where it competed with the Northern Supply Company.

JOHN W. THOMAS,
Railroad Commissioner, Wisconsin.

During the campaign in Wisconsin two years ago I recall, Mr. President, stopping for a midday meeting at a station on the St. Paul road. I was entertained by the owner of a small elevator. He informed me that a few years before he had elevators on the lines of the St. Paul road at many stations in Wisconsin, in North Dakota, and in South Dakota. Year by year he had been driven by the Milwaukee Elevator Company, which is a branch of the Armour Elevator Company, of Chicago, from station to station and compelled to abandon his elevators. The Milwaukee Elevator Company, in Wisconsin, and the Armour Elevator Company, of Chicago, throughout the sections of the Northwest where the St. Paul lines extend forced this gentleman—and I would give his name except for the fact that he has a small elevator left and should I do so he would be subjected to further and greater embarrassment—I repeat he was forced to abandon the business of buying grain in two States and at every station except one in another State of this Union, because of the special privileges which had been given in one way and another to a rival company.

Mr. President, the reasons for the conferring of these special privileges are not far to seek. In the first place, the railroad company would rather have one big shipper handling all of a given product upon its line than to have 10,000 small shippers. In a measure it simplifies its business.

But there is another reason, and if this investigation is made by the Interstate Commerce Commission it will disclose that reason, and I do not hesitate to predict the country will be startled by the evidences of collusion between the ownership of these privileged elevators and of the railway companies which will be laid bare. Take the Milwaukee Elevator Company, of Wisconsin, and the Armour Elevator Company, extending its business wherever the St. Paul Railway lines run, and a very ready explanation is suggested why that company is given the monopoly of the grain-buying business on that road when it becomes known that Mr. Armour is one of the heaviest stockholders of the Milwaukee and St. Paul road and one of the directors of that company.

THE GRAIN TRUST OF THE WEST—STATEMENT BY EX-RAILROAD COMMISSIONER CAMPBELL, OF IOWA.

I received some days ago a letter from Mr. Frank T. Campbell, formerly a member of the railroad commission of Iowa. Mr. Campbell was one of the first railroad commissioners of that State. The interest with which he became imbued as a result of his connection with investigations undertaken by that commission led him to keep in close touch with all the problems which are involved in transportation. There are probably few men who are better acquainted than he with the conditions existing in Iowa in relation to the subjects with which this resolution deals.

Mr. McCUMBER. Mr. President, I should like to ask the Senator from Wisconsin if, under the statement he has made, it is not now the duty of the Interstate Commerce Commission, under the Elkins law, to investigate that very subject?

Mr. LA FOLLETTE. Mr. President, I want to make the best use possible of my time in submitting to the Senate the information which I have, and I want to get it in during this morning hour. Otherwise, I should be glad to yield to Senators. I have had some difficulty in getting this subject before the Senate. I believe some good will come of the presentation of these facts to the Senate and to the country. But, conceding all that is implied by the question propounded to me by the Senator from North Dakota, a complete answer to it is this: That whatever power the Interstate Commerce Commission has, it probably would not have laid aside other work in which it was engaged and given its attention to the investigation of the collusion existing between the railroads and the coal-producing companies of this country, excepting for the passage of the resolution proposed here in the Senate by the Senator from South Carolina [Mr. TILLMAN].

Mr. McCUMBER. I hope the Senator will allow me to say that I am in sympathy with what he desires to secure. I asked him simply as a matter of law if the investigations which he proposes are not already provided for. The conditions to which he has referred certainly ought to be investigated.

Mr. LA FOLLETTE. It is not the purpose of this resolution to confer any authority upon the Commission. They already have authority to make this investigation. The purpose of this resolution, if it is adopted, is to express to the Commission the sense of the Senate that they should as soon as may be take up this investigation and prosecute it.

Mr. McCUMBER. I hope they will, Mr. President.

Mr. LA FOLLETTE. I will read Mr. Campbell's letter. It is as follows:

LIMA, OHIO, *June 8, 1906.*

Hon. R. M. LA FOLLETTE, *Washington, D. C.*

DEAR SENATOR: I am sure you are on the right lead and will strike "pay dirt" with your joint resolution asking an investigation by Congress into the relation of the railroad corporations of the country with and to those of the elevators and grain interests generally, and to ascertain in what way the public are affected by any collusion between corporations as against the producer or individual shipper, and the results—a resolution along the same line as that adopted by Congress regarding coal-carrying roads.

From twenty-five years' work in rate making and enforcing in the West, my experience assures me an investigation of this nature (and to cover lumber also) will result in uncovering a system of collusion and copartnership between carriers and large shippers now consolidated into interstate grain lines that has resulted in a complete monopoly, both of rates and prices, and the elimination of the producer and his friend the independent shipper, with great lines of transportation in control of the markets, and the producer and the public at the mercy of the consolidation in every way. I am sure such an investigation is as much a necessity and that it will reveal a greater field demanding remedial legislation than that in the coal transportation matters.

Where formerly for a quarter of a century independent grain buyers and shippers, handling grain, coal, lumber, lime, and other products the public were generally interested in, transacted business in the interest of the shipper, producer, and carrier, and in many instances the producer was permitted to eliminate the "middleman" and ship direct to market (a strong competitive factor), all these elements of trade have been changed. The granger is eliminated, grange elevators idle or in the hands of large transportation companies, the small, independent shipper frozen out, competition choked to death, and combination "division and silence" have superseded them, followed by increased rates, diminished prices, and impaired facilities, until there is no such thing as "competition in buying, shipping, or selling grain," and the great producing interests of the country are as completely at the mercy of the large grain monopolies and their allies, the corporations, as are the independent coal interests, and even more so.

As to the methods by which this has been brought about, an investigation will establish:

First. That competition in buying grain has been almost entirely eliminated all over the great grain-growing sections of the country, and one buyer at a station, the agent of a great interstate grain company, such as the Great Northern, International, Northwestern Grain Company, etc., fixes prices, regulates shipments, grants or withholds accommodations, discriminates between large and small shippers and producers, between competitive points, to the great disadvantage of towns having only one railroad, discriminations in cars and facilities, until to-day the great West is absolutely dominated by corporate grain combines, which are grinding monopolies that demand drastic remedial legislation, or revolution in methods will surely come outside of Congress if refused there.

Second. Grain inspection, grading, storage, insurance, are all dictated absolutely by the grain combines.

Third. Coal and lumber and similar interests formerly handled by producers in their own cars and houses have gone with those of the independent shipper and grain buyer, frozen out by—

(*a*) Refusal of railroads to furnish sites for elevators;

(*b*) Refusal of location for coal houses on side tracks; and

(*c*) Discriminations in furnishing cars, the corporation shipper getting the lion's share and all the big cars, quick shipment when prices were up, and in a hundred ways discriminated against, until in absolute despair they laid down and went out of business. Upon the wrecks of such disappointed hopes monopolies have built up great grain combines that to-day control rates and prices and stand as huge toll-gates between producer and consumer, to the detriment of both. And it is this condition that faces the country to-day, by which the combines take one-third to one-half of the farmer's products to transport the

remainder to market, and the producer and consumer are farther removed from each other.

It is in vain that State legislatures have enacted rates to govern these matters or right the wrongs. An immediate rise in interstate rates has always followed, with increased profits to the corporations, and Congressional legislation is an absolute necessity if the great producing interests are to be protected against the injustice and robbery that have been practiced against them in recent years. As to the conditions which exist to-day, an investigation will reveal—

First. Complete monopoly in buying, selling, and shipping grain, stock, lumber, etc.

Second. Large grain combines, in collusion with carriers and railroad officials, dictating rates, prices, and sharing in the unfair rake-offs obtained.

Third. Competition almost unknown, and independent buyers, sellers, and shippers eliminated.

Fourth. Discriminations against towns and cities in grain, stock yards, and other shipping facilities.

These are only pointers to the investigators, who, if given an opportunity, will uncover a system of combination and collusion between corporate and grain magnates by which they have obtained absolute control of these great interests, to the exclusion of everybody else. The result is of course increased railroad and storage rates and decreased prices to the producer.

The country will be gratified if Congress shall make the investigation along the lines proposed by your joint resolution, and I assure you there will be unearthed a system of injustice now practiced against western grain raisers that will startle the country and lead to much-needed legislation by Congress governing these matters which State laws or commissions can not reach. Forty-six years in Iowa gave me an insight into these matters that enables me to speak knowingly on these questions.

Sincerely, yours, FRANK T. CAMPBELL,
Ex-Railroad Commissioner of Iowa.

THE GRAIN TRUST IN MINNESOTA.

A few years ago, Mr. President, an investigation of this subject was ordered by the Minnesota legislature. That investigation resulted in the presentation of testimony which disclosed that in the grain districts of that State there were 1,500 elevators in complete combination, and that every morning there went out to those elevators from a central agency an order fixing the price of grain for that day. As a result of that combination and the favors which it received from the railroads, competitive buying within that great district had been destroyed. As a consequence of that, it was stated—and there was ample testimony to support the statement—that the farmers of that district had been compelled to take something like an average of 6 cents less per bushel for their grain than a fair market price, and that the loss to the wheat-producing section tributary to those 1,500 elevators was something like $4,500,000 annually.

This may seem like a matter of little importance to Senators representing the manufacturing States of the East, whose manufacturers, through combinations, fix arbitrarily the price of their products and sell them to the people in the grain-producing sections of the West. Those people, on the other hand, must raise their products and sell them to a combination, which compels them to take less that a fair market price for what they sell. Then they must pay trust prices for the manufactures of the East, and besides that, in order to make returns to eastern holders of "watered" railroad stocks, they are compelled to pay for the transportation of what they produce and consume freight charges that are excessive and extortionate to the extent of more than $400,000,000 annually.

It was stated in the report made by the committee of investigation in Minnesota that there was at that time no power in the country, except the strong arm of the State, that could liberate the grain producers of that section from the dominion and tyranny of the grain elevator trust. The investigations of that committee resulted in the adoption of a statute in Minnesota for State elevators. That statute was afterwards held to be unconstitutional, and the relief which it had promised in the index was found wanting in its execution.

THE GRAIN TRUST IN DAKOTA.

Just as an evidence of the widespread and complete monopoly of the grain-buying business throughout the grain-producing States, I want to take the time of the Senate to read a letter written to me from Geddes, S. Dak., by Mr. C. W. Lindell:

GEDDES, S. DAK., *June 11, 1906.*

Senator LA FOLLETTE, *Washington, D. C.*

MY DEAR SIR: I see by the press that you are intending to introduce a measure into the Congress looking to the investigation of the grain and elevator trust. It is my purpose in addressing this letter to you to aid you in the important work in which you are engaged.

I have bought grain in the market in Armour—

Armour is the name of a station in South Dakota on the St. Paul road—

and Geddes, S. Dak., since 1891, and give my experience with the trust from that time till now. In 1891 I located in Armour for the purpose of buying grain. I commenced in a humble way, rented a small warehouse off from the track. I bought during that season eighty cars of grain and loaded it with team and wagon. I thought then that I had sufficient ability to conduct an elevator, and accordingly applied to Supt. L. B. Beardsley, of the Chicago, Milwaukee and St. Paul Railroad, for a site for an elevator. To this he replied that there were no more needed, and thus turned my application down. The next year, however, he granted a site to Bender Brothers, at Spencer, Iowa, and a site to C. E. Floeta, a banker. Later Johnson Brothers, who owned a flouring mill, asked for a side track to the mill, but were refused. Still later, after C. E. Johnson was elected State senator, in 1895, and was put on the railroad committee, the mill obtained the side track and an elevator site also. There have been five elevator sites granted in Armour since my application.

In 1900 the Milwaukee built an extension from Tyndall, in Bonhomme County, to Platte, Charles Mix County. Then I applied again for an elevator site at Geddes and Platte, but was turned down. Sites were granted to the Western Elevator Company, of Winona, Minn., to Knutson, of Iowa, and L. N. Loomis, at that time a State senator in the South Dakota legislature. No site was granted to anyone in the county, although application was made by several men of large means in this county. In the fall of 1905 I again made application for a site at Geddes, but was refused by Superintendent Beardsley, who granted the site to a man by the name of King, of Iowa.

I have applied in like manner in other towns, but met with the same success—turned down. The farmers at Platte made application last fall, but were refused.

The above narrative is only a little of the methods used by the Chicago, Milwaukee and St. Paul Railroad in this section, but I have written you for what good it will do. My experience, covering a period of fourteen years, has convinced me that no one but a member of the trust can obtain a foothold.

Yours, humbly, etc., C. W. LINDELL, *Geddes, S. Dak.*

THE GRAIN TRUST IN KANSAS.

It is impossible, Mr. President, to seek information anywhere in what are known as the "grain-producing States" of the West without finding that the same conditions prevail. A writer in the Review of Reviews for February, 1902, Mr. C. H. Matson, describes the grain trust as it operates in the State of Kansas. The conditions related tally almost exactly with those stated with respect to the grain-trust operations in the State of Nebraska. The result was that the elevator companies were enabled to increase their margins of excessive profits, at the expense of the farmers, from 3 to 8 cents on every bushel of grain marketed, amounting on the entire crop of the State to many millions of dollars annually.

Permit me to quote from Mr. Matson's article:

And it was useless for the farmer to attempt to get more. Instead of having a group of buyers gather around his wagon to bid against one another, as they had done a few years before, he had to hunt up the buyers in their offices and ask them the price. Every buyer gave him the same figure, and it was immaterial to the buyer which one got the wheat, as the profits were probably pooled.

Because the railroads would not give him cars and because if he got cars his shipment would be boycotted by the commission men in the terminal markets—

the farmer had absolutely no alternative except to sell his wheat to a local buyer—i. e., a member of the trust—or keep it in his bins.

Investigations made by the Industrial Commission indicate similar conditions in other States. In all parts of the grain-producing country the grain trade seems to be under the domination of the line elevator companies. These companies have the terminal elevators at the terminal markets on each of the lines of railroad. They buy about one-half of the grain where it grows and nearly all of it when it comes to the terminal markets.

THE GRAIN TRUST IN NEBRASKA.

I found a very interesting booklet upon this subject in the Congressional Library. It is a late contribution, published in 1905. It was written by Thomas Worrall, of Omaha, Nebr. The statements in that book are so important that I addressed a communication to the attorney-general of Nebraska to ascertain something with respect to the entire reliability of Mr. Worrall. I learned that Mr. Worrall was prosecuting cases in the Nebraska courts against the grain trust of that State and the terminal elevator companies of Chicago to recover damages for injury done by them to his business, and that, owing partly to disclosures made in the testimony in this litigation, the attorney-general of Nebraska had instituted prosecutions on behalf of the State to punish the line elevator companies and other members of the Nebraska Grain Dealers' Association for violating the State laws and conspiring in restraint of trade. Accordingly, I wrote to Mr. Norris Brown, the attorney-general, and received in reply the following letter:

STATE OF NEBRASKA,
OFFICE OF ATTORNEY-GENERAL,
Lincoln, June 20, 1906.

Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.

DEAR SENATOR: In reply to your inquiry, I beg to say that I am sending you by express to-day a copy of the principal testimony taken in a suit brought by the State to dissolve the Nebraska Grain Dealers' Association and to restrain its members from carrying out a conspiracy in restraint of trade.

The chief defendants in this suit are corporations owning terminal elevators at Omaha. The prayer of the petition also asks that these terminal elevators be restrained from receiving from the railroad companies a cent and a quarter per hundredweight on all grain shipped from Omaha to Mississippi River points and beyond. I am not sending you the testimony with respect to this charge, which the State contends is a rebate, for the reason that the elevator men themselves admitted collecting it from the railroad companies. I see by the press dispatches that since the institution of this suit the railroad companies have abolished this cent and a quarter rebate, and the freight rate is now

open to everybody on equal terms. Our court has not yet passed on the question.

With regard to Mr. Worrall, I beg to say that his testimony was undisputed on the trial, and while he has been subjected to severe criticism by the defendants in this case, yet, in my judgment, he has the confidence of the public, and his book is generally accepted as being a true exposition of the operations of the grain combine.

Very truly, yours,

NORRIS BROWN, *Attorney-General.*

I have to say that that express package has not been received by me up to the present time, and I am not able to submit to the Senate the important matters which it would disclose.

Mr. Worrall in his book states that he began business as an independent dealer, operating on a very small scale in his home town. His competitor was a line elevator owned by the Omaha Elevator Company, a subsidiary concern of the Peavey Company, of Minneapolis. Because of his personal acquaintance he was able to buy more grain than the line elevator. The line company demanded an equal division of the traffic and an agreement to maintain prices. Mr. Worrall refused. The line company began a war of extermination. The result was that after a protracted struggle, in which Mr. Worrall was losing constantly while the line company was able to recoup its losses through rebates and elevator allowances from the railroad, and in which the pressure of three railroads was brought to bear to have the "disturbance" stopped, he was compelled to capitulate to save himself from bankruptcy. He joined the trust, signing a contract to divide the business equally and to maintain the prices established by the line company. He posted his forfeit of $100 to guarantee the faithful performance of his agreement.

His next step was to join the Nebraska Grain Dealers' Association. This association, originally organized to secure better weights and inspection at terminal markets, had developed into an instrument for the upbuilding of monopoly and the destruction of competition. It was absolutely under the control and domination of the line elevator companies, backed by the railroads.

Meanwhile, Mr. Worrall, having once been brought into the fold because of his ability, grew fast in the favor and the confidence of the trust and became active manager of one of the large terminal elevators. He therefore speaks from knowledge gained "on the inside" when he relates how section after section of the State was brought under the complete domination and control of the trust. He tells of the arguments used on the local dealers in secret meetings behind closed doors. "In all their operations," he declares, "the large elevator companies had the assistance of the railroad companies, whose officials seemed to have, and in many instances I do not doubt did have, a personal interest in the matter. Generally speaking, they would absolutely refuse to permit competition with the large companies if the latter objected."

Of one instance cited by the writer as occurring at Madison, Nebr., on the Union Pacific, I give the following summary:

J. B. Hume, an independent dealer, who, in competition with the line elevator of the Omaha Elevator Company, bought more than one-half of the grain coming to Madison, refused to comply with the usual demands of the trust to divide the grain equally and agree upon prices. Another dealer was put in the field, and, with the line elevator, made a demand for two-thirds of the business. Mr. Worrall says:

Finally a division meeting was held at Norfolk, and Mr. Hume was induced to attend. * * * J. F. Barron, traveling freight agent of the Union Pacific, was there to back up the Omaha company, which was represented by its manager, Mr. Jacquith. Secretary of the association, A. H. Bowsher, was also present. * * * Pressure was at once brought to bear on Hume to consent to a pooling of business and prices. Hume flatly refused, and the more they argued and threatened and wheedled him the more determined he was in his refusal. Then they put the screws on him. Mr. Barron notified him that he had been instructed by the Union Pacific officials to notify Hume that unless he consented to the demands of the other two buyers he would have to move his elevator off their right of way. He said the fight was very distasteful to the Union Pacific officials, and they had adopted this means of settling it. Hume then saw that everybody was against him and that his case was absolutely hopeless. All his years of honest dealing and the reputation he had earned and the friendships he had made were worth not a penny to him, as a stranger could come in and compel him to divide equally on all the business coming to that market. He capitulated, came into the trust, and business thereafter at Madison was done strictly on trust principles.

Many similar instances of local dealers being forced into the trust or out of business are set forth in detail in this book. Names, dates, and places, and copies of signed agreements between dealers to divide business and maintain trust prices are given. Conditions generally in the State of Nebraska are described as follows:

I am not overstating the facts when I say there is scarcely a station in Nebraska where the local man has not been forced to divide his business with the line companies, and at every grain station where there are none but line companies the business is always divided and the same prices paid all the time, except in cases where one buyer was stronger than the others and got more than his share. In this case the buyer who was ahead would reduce his price one-half cent or 1 cent a bushel until his competitor could buy enough to catch up.

By October, 1902, the organization of the trust was so far perfected that the whole State was divided into districts and the relation of prices between the various districts agreed upon. A price committee, composed of the five large line elevator companies, with their offices connected by private wires, made the prices for that entire State, and through conjunction with a similar organization in Kansas, for part of the State of Kansas also. Dealers' margins were increased; prices to the farmers were reduced. The farmers became restive. They could see no relief unless they built elevators and handled their own grain. Their demands upon the railroads for sites for their elevators were refused. They went to the legislature and asked for legislation compelling the railroads to furnish sites. The trust went into politics. It went after the legislature, and succeeded in defeating nearly all legislation demanded by the farmers, and in so amending whatever legislation was enacted as to make it absolutely worthless.

As a result of the manipulation of the prices to the farmers by the grain trust, Mr. Worrall computes that the farmers of Nebraska received for their corn and wheat in 1903 nearly sixteen millions of dollars less than they would otherwise have received, and for their wheat and corn crops in 1904 over twenty-one and a half millions of dollars less than they would have received had there been free competition in the sale and purchase of those crops.

COMBINATION AND COMMUNITY OF INTEREST—FAVORED ELEVATORS AND THE RAILROADS.

A matter which demands investigation and which is of deep public concern is the question of the extent to which officials and employees of railroad companies may have, by stock ownership or otherwise, any personal interest in the elevator companies doing business on their respective lines, and to what extent such personal interests may account for the favoritism accorded to certain companies on certain lines of railroad. The suspicion that such community of interests exists is deep seated and persistent, and there are many facts which indicate that it is well founded. If such a condition exists, no legislation that Congress may attempt with a view of securing equality of opportunity and fair treatment among dealers and shippers and a competitive market for the producer can be of any possible value unless based upon a full knowledge of these facts and conditions.

Mr. J. Ogden Armour, of Armour & Co. and its several subsidiary corporations, is a director and the controlling power of the Armour Grain Company. He is also a director and, because of his large holdings of stock, his great industrial interests, and the vast traffic which he controls, a power in the directorate of the Chicago, Milwaukee and St. Paul Railway. I am aware that it was stated before the Industrial Commission by the president of the Armour Elevator Company that despite his extensive railway holdings and interests, Mr. Armour is not favored by the railroads. Subsequent disclosures respecting the Armour private car lines would seem to discredit this denial. It is a significant fact, according to another statement submitted by the same man before the Industrial Commission, that the entire public elevator service on the St. Paul tracks at Chicago, with an aggregate storage capacity of 4,000,000 bushels, is, or was at that time, under the control and operation of the Armour company. Of the private elevators on the Chicago tracks of this company, having a total capacity of 1,410,000 bushels, 1,200,000 bushels, or over 85 per cent, was in the hands of the Armour company. Testimony taken at various times shows that many of these elevators were built by the railroad company. In testimony given last year before the Interstate Commerce Commission the vice-president of the Armour Grain Company admitted that his company had the use of several of these elevators at a nominal rental. The evidence before the Industrial Commission showed that, with a single exception, every elevator owned by the Chicago, Milwaukee and St. Paul Railway at Milwaukee was "rented" to the Milwaukee Elevator Company, a company owned and controlled by Armour.

There were no elevator facilities available to the public on the Chicago, Milwaukee and St. Paul tracks at Chicago except the Armour elevators; the private elevator capacity not controlled by Armour is inconsiderable. Substantially the same condition prevails, or did prevail, on the tracks of the St. Paul road at Milwaukee. This means that practically all grain shipments originating along the lines of the Chicago, Milwaukee and St. Paul Railway seeking an outlet through these markets must pass through the hands of this company and pay tribute to it in the form of elevator, storage, and transfer charges.

The Armour company has a similar monopoly of the elevator facilities on the Chicago, Burlington and Quincy tracks at Chicago. Of the six elevators on the tracks of this company at Chicago, having a total capacity of 3,900,000 bushels, five elevators, with a total capacity of 3,800,000 bushels, or 97 per cent

of the total, are operated by Armour. The remaining elevator is a private concern. To what extent the Chicago, Burlington and Quincy elevators at Chicago are leased to the Armour company for nominal rentals I do not know, but it was testified by the vice-president of the Armour Grain Company last year that their Southwestern elevator at Kansas City was leased from the Chicago, Burlington and Quincy Railroad, rent free, as a "device" to enable the Armour company to levy a transfer fee of 1¼ cents per 100 pounds on every bushel of grain moved in or out of Kansas City on that line.

On the Illinois Central tracks at Chicago, the entire public elevator service is monopolized by the Central Elevator Company. Two-thirds of the private elevator capacity at Chicago on this road is in the hands of Carrington, Hannah & Co. It is understood among grain men that the ownership of these two companies is identical. Together they operate over 85 per cent of the total elevator capacity, public and private, on the tracks of the Illinois Central at Chicago. Meanwhile the publication known as the "Directory of Directors of Chicago" gives Mr. J. T. Harahan as a director and the vice-president in charge of traffic of the Illinois Central Railroad and as a director and the vice-president of the Central Elevator and Warehouse Company.

On the Wabash tracks at Chicago, the Chicago Elevator Company operates the entire public elevator capacity. The private elevator capacity on this line is insignificant.

On the Rock Island tracks, a total elevator capacity, public and private, of 6,200,000 bushels, with the exception of 250,000, bushels is divided about equally between the South Chicago Elevator Company and Charles Counselman & Co. What community of interest there may exist between these two companies, if any, or between them and the railroad are legitimate matters for public inquiry.

On the Chicago and Northwestern tracks, the Chicago Railway Terminal Elevator Company had the absolute monopoly of all elevator facilities, with a total storage capacity of 3,200,000 bushels.

On the tracks of the Elgin, Joliet and Eastern, the entire elevator capacity, amounting to 4,075,000 bushels, with the exception of private elevator capacity amounting to 175,000 bushels, or about 4 per cent of the total, was monopolized by Bartlett, Frazier & Co.

On the tracks of the Wisconsin Central, McReynolds & Co. have the absolute monopoly of the elevator facilities, while the Santa Fe grants a like privilege to Richardson & Co.

Thus it is evident that the grain shipped in over any one line goes practically to only one dealer. A few companies get it all. To what extent these companies may be acting in conjunction with one another or under community of interest to control business and prices and prevent competition are matters of deep public concern. There is practically no public information on this point. There are hints, suggestions, and a few significant facts. That is all.

As already stated, it is known that the Armour Grain Company controls the Milwaukee Elevator Company and the Southwestern Elevator Company of Kansas City. The Central Elevator Company is said to be owned by Carrington, Hannah & Co., of which T. W. Carrington is a director and vice-president. Mr. Carrington is at the same time a director and the president of Carrington, Patten & Co. Of this latter firm William H. Bartlett is a director and vice-president, and at the same time a director and the president of the Calumet Elevator Company. These names appear again in the firm of Bartlett, Frazier & Carrington. This firm, while it may be in competition with the Armour company, at Chicago, is a partner with the Armour company in the ownership of a large elevator at Buffalo.

GOVERNMENT INVESTIGATION DEMANDED.

Now, Mr. President, I only wish to add just a few words. I have been able within the time remaining of the morning hour to submit only a portion of the matters which have come into my hands resulting from the introduction of this resolution. But that these conditions exist in Wisconsin, in Iowa, in Kansas, in Nebraska, in the two Dakotas, and throughout the entire grain-producing section of the West and Middle West there is little room to doubt. The importance of laying bare to the public the exact facts existing between these privileged elevator companies and the railroad companies can not be overstated, and the value of the disclosures which will result from such an investigation can not be overestimated.

The difficulty of ascertaining anything by any investigation that any individual can make is practically insurmountable, and it is for that reason that there ought to be an investigation by the Interstate Commerce Commission. I believe the Senate should indicate that it is conscious of these conditions, and give such an expression of sentiment upon this matter as will warrant the Commission, having the power, to turn aside from other things and take up and prosecute an investigation of this most important subject.

I trust, Mr. President, that the resolution will be adopted.

Mr. GALLINGER. Mr. President, I rose a moment ago and thought from the manner of the Senator from Wisconsin he had the impression I was going to oppose the resolution. I had no such purpose. I want to call the Senator's attention to the phraseology of the resolution, with a view of having it corrected.

I understand that it has been changed to a simple Senate resolution, so that the phrase that was in the original one "that the President request the Interstate Commerce Commission" has been stricken out, and the Interstate Commerce Commission is directed to make this investigation.

Mr. LA FOLLETTE. That is true.

Mr. GALLINGER. If the Senator will look at line 5, he will observe the words "these special favors." I suggest to the Senator that the word "these" be stricken out, and after the word "granted" the words "to them by railroad companies" be inserted; so as to read: "to what extent special favors have been granted to them by railroad companies."

Mr. LA FOLLETTE. That is accepted.

Mr. GALLINGER. And, Mr. President, I think the Senator ought to agree that the word "alleged" should be inserted before the word "monopolizing;" so as to read "alleged monopolizing."

Mr. LA FOLLETTE. That is accepted.

Mr. GALLINGER. If the Senator will turn to the next page, line 6, where it says "and employees secured their holdings," will the Senator agree to have the word "their" stricken out and have it read: "and employees secured holdings, if any, in these grain buying, storing, and forwarding companies?"

Mr. LA FOLLETTE. That is entirely acceptable.

Mr. GALLINGER. That is all I meant to say about the resolution. I have no objection to it whatever.

Mr. FORAKER. Mr. President, I shall occupy but a very few minutes. This resolution is based, of course, upon the theory that it is necessary to make this investigation in order that the Congress may know how better to regulate interstate commerce. I have no doubt but that the evils complained of and depicted by the Senator from Wisconsin have been practiced to a greater or less degree and that something ought to be done in respect thereto.

But, Mr. President, the necessity for the Senator's resolution exists only because the existing law says that when the Interstate Commerce Commission has reasonable ground to believe that any such practice as this is being engaged in it may cause a petition to be filed and a suit to be prosecuted to break it up. It is because the statute says the Commission "may" take that action. The Commission is supposed to have an option about it, and inasmuch as the practice has been going on and the Commission has had authority which it has not exercised, we are bound to presume that it has exercised its option to do nothing, and therefore it is necessary for the legislative department of the Government to direct that it shall in certain cases take the proper action by investigation and by requiring suits to be brought.

Earlier in the progress of this session I undertook to have the law amended in that respect. I offered an amendment to strike out the word "may" and insert the word "shall," so that whenever it might appear to the Commission on complaint of anybody, even from a speech made by a Senator in Congress, that practices of this kind were being engaged in, the Commission should at once proceed to have that practice broken up by instituting the proper proceedings in the courts. That amendment, offered in that spirit and to accomplish that purpose, was voted down in this Chamber, the Senator himself voting in the negative, very much to my regret at the time.

If the Senator had voted to put the word "shall" instead of the word "may" in the Elkins law, it would not have been necessary to have offered this resolution. It would have been the duty of the Interstate Commerce Commission—it would have had no option about it—to have proceeded at once upon the receipt of such letters as the Senator from Wisconsin has been reading to the Senate and has put in the RECORD this morning.

Now, I intend to vote for the Senator's resolution in order that there may be this investigation, in order that the facts may be uncovered, that they may be disclosed, and in order that, having been thus established, it shall be the duty of those charged with the enforcement of the law to proceed to break up these practices, of which shippers and all others interested have so just a right to complain.

But, Mr. President, I can not forbear to call attention in this connection to the fact how completely the law as it now stands

covers all that the Senator complains of, except only that the little word "may" is found in the statute where the word "shall" ought to be found, and where it would be found to-day if the amendment I offered to the statute had been adopted.

Mr. NELSON. Mr. President, I desire to say, and I can take up the time of the Senate but a moment, that from my own knowledge and experience, I know there is good ground for the investigation urged by the Senator from Wisconsin.

The evils he complains of have been rampant in the Northwestern States, in the wheat-raising States, for a great many years. They were a grievous evil in the State of Minnesota. We found years ago that the railroads gave special privileges to certain so-called "line elevators" and allowed them to construct elevators along their right of way and refused all others. The result was that in 1893 our legislature passed a law compelling the railroad companies to grant sites for elevators to anybody who wanted to build on the right of way, and if there was not room on the right of way the elevator could be built outside of the right of way and the railroads should be compelled to make track connections. Since we got those laws passed the evil has to a large extent diminished, but I am not prepared to say that that legislation has entirely cured it.

Our legislation went even further. We compelled them to build platforms along their stations, so that farmers who desired to ship their grain in carload lots might unload on the track from the wagon into the car. Then, in addition, where the tracks of different companies intersected, we compelled them to build connections, so that you could transfer loaded cars from one road to another.

But, Mr. President, until we got that legislation conditions were exactly in the State of Minnesota as the Senator from Wisconsin has described. I have no doubt but what if this resolution passes and the Interstate Commerce Commission proceed to investigate the subject they will find just such conditions existing between the grain-elevator companies and the railroads as we found existed in the coal fields in Pennsylvania—a combination between the different coal companies and the Pennsylvania Railroad.

In years gone by we had numerous cases of that kind investigated in Minnesota. As I said, we have attempted to cure it by legislation, but we could not entirely cure it, because to a large extent it is a matter of interstate commerce. A good deal of our grain is shipped from Minnesota over to Superior, and it passes for about 15 to 20 miles through the State of Wisconsin. That has the character of interstate traffic, and hence they have immunity from the State legislation.

I sincerely trust that no objection will be made by any Senator to the passage of this resolution, and I sincerely trust that the Interstate Commerce Commission will proceed to investigate this question as thoroughly as they have investigated the matter of the coal roads in Pennsylvania.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to, as follows:

Resolved by the Senate, That the Interstate Commerce Commission is hereby directed to make a thorough investigation of the elevator and grain buying and forwarding business of this country to determine to what extent special favors have been granted to them by railroad companies, the influence which the alleged monopolizing of this branch of business has had upon the market, the injury it has worked to the grain producers, the extent to which the railroad, their officers, directors, stockholders, and employees own or control the grain buying and grain forwarding companies, and the manner in which these railroads, their officers, directors, stockholders, and employees secured holdings, if any, in these grain buying, storing, and forwarding companies, and to report the same to the Congress at its next session.

HOUSE BILL REFERRED.

H. R. 19749. An act to prescribe the duties of deputy collectors of customs was read twice by its title, and referred to the Committee on Commerce.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On June 22:

S. 1442. An act to increase the efficiency of the militia and promote rifle practice; and

S. 1649. An act providing for the retirement of petty officers and enlisted men of the Navy.

On June 23:

S. 3263. An act to amend an act entitled "An act to establish a port of delivery at Salt Lake City, Utah;

S. R. 47. Joint resolution granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan;

S. R. 66. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. José Martin Calvo, of Costa Rica;

S. 3044. An act to promote the efficiency of the Revenue-Cutter Service; and

S. 6243. An act to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands.

On June 25:

S. R. 52. Joint resolution authorizing the Secretary of War to donate to the board of trustees of Vincennes University, Vincennes, Ind., such obsolete arms and other military equipments now in possession of said university, to be used in military instruction;

S. 1540. An act to increase the efficiency of the Ordnance Department of the United States Army;

S. 5989. An act to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont.;

S. 6234. An act to authorize the Chicago, Milwaukee and St. Paul Railway Company of Montana to construct a bridge across the Missouri River in Lewis and Clarke County, Mont.; and

S. 6451. An act to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing over the dams between St. Paul and Minneapolis, Minn.

PRESERVATION OF NIAGARA FALLS.

Mr. LODGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18024) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, and 5; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out the said amendment numbered 1 and insert in lieu thereof the following: "or contracted to be used in factories the buildings for which are now in process of construction, not exceeding to any one individual, company, or corporation, as aforesaid, a maximum amount of eight thousand six hundred cubic feet per second, and not exceeding to all individuals, companies, or corporations, as aforesaid, an aggregate amount of fifteen thousand six hundred cubic feet per second; but no revocable permits shall be issued by the said Secretary under the provisions hereafter set forth for the diversion of additional amounts of water from the said river or its tributaries until the approximate amount for which permits may be issued as above, to wit, fifteen thousand six hundred cubic feet per second shall for a period of not less than six months have been diverted from the waters of said river or its tributaries in the State of New York;" also insert in line 13, after the word "act," the following: "under the limitation relating to time above set forth;" and the Senate agree to the same.

H. C. LODGE,
JOHN T. MORGAN,
Managers on the part of the Senate.
T. E. BURTON,
R. P. BISHOP,
T. H. BANKHEAD,
Managers on the part of the House.

Mr. HOPKINS. Mr. President, I regret very much that the conferees on the part of the Senate have felt constrained to recede from the amendment which was offered by me and accepted by the Senate to the section of the bill providing for an international agreement with reference to the waters of the Great Lakes. In order that the Senate may properly and fully understand the scope and character of that amendment I will read the same to the Senate. After the section that looks to an international agreement it says:

Provided, however, That nothing contained herein shall be construed to hold or concede that the waters of Lake Michigan shall be or are subject of international agreement.

The reason why I offered that amendment when this bill was pending in the Senate arises from the fact that the International Waterways Commission, which has been appointed under the authority of Congress by the President, have made a report in which they have included the waters of Lake Michigan, and they held it was the subject of international agreement, the same as the waters of Lake Ontario, or Lake Erie,

or any of the lakes that are the dividing line between Canada and the United States.

It seems that the legislature of the State of New York has authorized the use of a certain number of cubic inches of water per second for manufacturing purposes. The contention of the Canadian commissioners is that all the waters that flow down the Niagara River should be equally divided between Canada and the United States. They insist that because Chicago is using a certain number of cubic inches of water per second for sanitary and domestic purposes that that amount of water should be considered in determining the rights of Canada or Great Britain upon the one hand and of the United States upon the other.

Now, Mr. President, I contend as a representative from Illinois that the waters of Lake Michigan are not a subject of international agreement. That great lake is no part of the dividing line between Canada and the United States. It is wholly within the limits of the United States and subject entirely to the laws of our country. The waters are not owned by the United States. Those waters are owned by the States that border upon that great lake. Every person who is familiar with the boundary lines of the great State of Illinois knows that when that Territory was admitted as a State the territorial lines were extended at the southern extremity of Lake Michigan to the center of the lake, and then north 51 miles, and then west to the Mississippi River, giving us the southwestern portion of that lake as a part of the territory of Illinois.

The supreme court of our State has held that that water is just as much a part of the State of Illinois as the land itself; that it is just as much within the jurisdiction of Illinois as any portion of the land lying within the limits of that great territory. So much for that.

Now, this International Waterways Commission, in their report to the President, use this extraordinary language, showing that they have disregarded not only the rights of Illinois as to her intersts in Lake Michigan, but also the rights of the States of Wisconsin, Michigan, and Indiana. In their report they say:

3. The Commission therefore recommend that such diversions, exclusive of water required for domestic use or the service of locks in navigation canals, be limited on the Canadian side to 36,000 cubic feet per second and on the United States side to 18,500 cubic feet per second, and in addition thereto a diversion for sanitary purposes not to exceed 10,000 cubic feet per second be authorized for the Chicago Drainage Canal, and that a treaty or legislation be had limiting these diversions to the quantities mentioned.

So you can see, Mr. President, that the Commission in negotiating with the commissioners appointed by Great Britain have assumed that the people of Chicago had no more right in the waters of Lake Michigan bordering upon that great city than had the people who lived down upon the St. Lawrence River; that we have no more rights to divert any water from that great lake than the people at Cleveland, Ohio; or at Buffalo; or upon the Canadian side as the water flows down the Niagara River.

In this contention, Mr. President, I claim that they have ignored the well-recognized domestic law of the country, and international law as well. I claim that under the domestic law the State of Illinois is entitled to that lake, or that portion of it within its territorial boundary, and is entitled not only to 10,000 cubic feet per second, if the sanitary and domestic needs of Illinois require that amount, but is entitled to double and treble that amount if at any time in the future the necessities of its great commercial center shall demand a doubling or a trebling of this quantity of water.

Yet these Commissioners, who have been appointed by the President to represent the Government of the United States, have conceded to the commissioners of Great Britain that Chicago should be limited in any legislation or in any treaty that may be negotiated between the two countries to 10,000 cubic feet per second. It is against that that I raise my voice in protest, and it is because of that that I protest against the confirmation of this report here to-day, which excludes the amendment that was adopted by the Senate providing that the waters of Lake Michigan shall not be the subject of international agreement.

I say, Mr. President, it is high time that the people of this country should understand that a great inland lake like that should not be subject to international agreement, and it is high time that the people of Illinois, and Wisconsin, and Michigan, and Indiana should awaken to their rights and not see them legislated away either in this bill or by any arrangement that may be made by the American Commissioners who are now negotiating upon this subject.

Mr. President, I contend that this Commission have made another great error against the interests of the people of the city of Chicago. In their report here they have assumed that the waters of the Great Lakes are primarily for navigation. I deny that as a principle of law. I contend, Mr. President, that under the well-recognized law of our country the primary use of the Great Lakes is for sanitary and domestic purposes, such purposes as these waters are being used by the people of Chicago, and that the interests of navigation must be subordinated to these great interests of the people of Chicago and Milwaukee and other cities that border upon this great inland sea.

If the Commissioners are to continue their negotiations with the commissioners appointed by Great Britain, they ought to be told in no uncertain terms that the people who own the waters here, representing the four States I have named, will never submit to any arrangement by which their interests will be subordinated either to the navigation interests of the Great Lakes or to any claim that may be made by Canada through Great Britain.

To benefit navigation the Straits of Mackinac and the Detroit River have been improved and lowered, so that a greater flow of water is taken from Lake Michigan through these channels to Lake Erie and down the Niagara River than would flow there in the state of nature. The people of Chicago and Illinois have much greater reason to complain of this diversion of water from the lake than have those who are interested in navigation on the Great Lakes to complain of the sanitary district taking 10,000 cubic feet of water per second or any other amount of water for sanitary or other purposes. If any question is raised by those interested in navigating the Great Lakes that the mean level will be lowered by reason of the diversion of the water for the sanitary district of Chicago, they certainly should be reminded of the fact that the first and most important diversion of the waters of that great lake was made in the interests of navigation at the Straits of Mackinac and in the Detroit River. The people of Canada and Great Britain should be made to understand that the flow of water from Lake Michigan now down the Niagara River is produced by artificial means, and that they have no legal concern in what shall be done with the waters of Lake Michigan in a state of nature by the people of Chicago or the people of any other city bordering upon that great lake.

I trust, Mr. President, that this report will be voted down.

Mr. LODGE. Mr. President, I had supposed that the Senator from Illinois [Mr. HOPKINS] realizes that the report of this bill in its present condition would not in any way endanger the rights of Chicago to have water from the lake. Certainly I should have adhered to the amendment if I had thought that the drainage canal of Chicago would have been in any way endangered by the Commission. The House would not accept this amendment. It is attached to a clause which requests the President to enter upon negotiations. It, of course, is merely advisory. Congress can not possibly restrict the powers of the Executive in making a treaty. The result of putting on this clause beforehand would have been to have made any negotiations impossible. No country would enter into negotiations with a limitation on the other side like that.

The first section of the bill protects the rights of Chicago. No treaty would be made by our Commissioners which would impair or infringe those rights.

Moreover, Mr. President, the fact that it must be a matter of treaty, while it is a protection also, I think, warrants me in saying that what Canada desires is not to limit in any way the outflow of water at Chicago, but to be able to have a corresponding amount credited to her when they come to an agreement as to how much water each country may divert from the stream.

I think, Mr. President, it would be a very great misfortune if the report should be rejected. Every right is safeguarded. The conferees were as anxious as the Senator from Illinois could possibly be to protect the drainage canal at Chicago, but they did not feel warranted in allowing the whole legislation for such an important object to fail.

Mr. SPOONER. Mr. President——

Mr. LODGE. The amendment, I may add, the Senator from Illinois objects to our reading from was not put on the bill by the Committee on Foreign Relations. It was put on the bill afterwards in the Senate.

Mr. SPOONER. The last time I saw the bill it provided that the water should be taken for manufacturing purposes from Niagara River under permits granted by the Secretary of War. Those permits were to be revocable. Has that been changed?

Mr. LODGE. It has not; that is, permits above a certain amount. There is a certain amount under existing charters. That has been preserved in the original bill and in this; it is not changed at all.

Mr. SPOONER. Does this law make it revocable even as to the existing amount?

Mr. LODGE. No; it is not revocable as to existing amount up to 15,600 feet taken for power at Niagara, which is now being taken. That is not revocable.

Mr. SPOONER. That is not revocable.

Mr. LODGE. It is not revocable under the bill.

Mr. SPOONER. But it was revocable without the bill. It is made irrevocable by the bill.

Mr. LODGE. No; it was not revocable without the bill. We had no power over it whatever without the bill. They were State grants.

Mr. SPOONER. If we had no power over it without the bill, where do you get the power over it now?

Mr. LODGE. We assume the power, because it is an international waterway.

Mr. SPOONER. Had none ever been exercised by the United States before?

Mr. LODGE. None. All the provisions there were were provisions of the State of New York.

Mr. SPOONER. So far as the arrangement for the use of the water made between the United States and Great Britain is concerned, that will be a matter of treaty. It will be considered by the Senate, and it would require two-thirds of the Senate to ratify it; so I have not allowed myself to be kept awake nights because of any possible danger from that standpoint which could arise from that portion of Wisconsin which is served by Lake Michigan.

Mr. HOPKINS. The reason why I raise my protest at this time is because of the fact that the American Commissioners on this Waterways Commission seem to have conceded to England the same rights in Lake Michigan that the States have.

Mr. SPOONER. They have no power to concede anything to England.

Mr. HOPKINS. No; that is true; but if we permit this to pass without a protest, when it comes to negotiation the Secretary of State will be warranted in saying that all these matters have been considered by the Senate and they have raised no protest, and that they are satisfied to have Chicago limited to 10,000 cubic feet per second.

Mr. SPOONER. Chicago is not the only pebble on the beach of Lake Michigan.

Mr. HOPKINS. But it is a pretty good-sized pebble.

Mr. SPOONER. Yes; I grant that.

Mr. LODGE. As I have said before, there is not the slightest intention on the part of the Commissioners of limiting Chicago. The sole point that Canada makes—and Canada is more desirous to draw the Niagara dry than we are—is that she should have an allowance for waters taken.

Mr. HOPKINS. The Senator from Massachusetts will remember that the Waterways Commission recommended that the treaty should limit Chicago to 10,000 cubic feet per second.

Mr. LODGE. To 14,000.

Mr. HOPKINS. No; to 10,000 feet. Of course we can never agree to that.

Mr. LODGE. I think from the discussion that has gone on here that is not likely to happen.

The VICE-PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

Mr. TILLMAN. I desire to present a conference report on House bill 12987 and ask for its immediate consideration.

Mr. SCOTT. Will the Senator from South Carolina yield to me to make a conference report on the Military Academy appropriation bill that there will be no discussion over?

Mr. TILLMAN. I have been waiting here for one thing and another until two hours and a quarter have gone. I am perfectly willing to let the Senator's report go through provided there is going to be no discussion upon it.

Mr. SCOTT. There will be no discussion of it. I am much obliged to the Senator.

Mr. TILLMAN. Very well.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SCOTT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18030) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 4, 8, 12, 13, and 14.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 7, 10, 11, 17, and 20; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the amount proposed as the total sum to civilian employees at the Military Academy (page 15 of the bill) insert "$57,920;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$53,920;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 18 and 19, and agree to the same with an amendment as follows: In lieu of the amount covered by said amendments insert "$34,943;" and the Senate agree to the same.

N. B. SCOTT,
J. A. HEMENWAY,
Managers on the part of the Senate.
J. A. T. HULL,
RICHARD WAYNE PARKER,
JAMES L. SLAYDEN,
Managers on the part of the House.

The report was agreed to.

PURE-FOOD BILL.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, which was to strike out all after the enacting clause and to insert a substitute therefor.

Mr. HEYBURN. I move that the Senate nonconcur in the House amendment and that the bill take the usual course.

Mr. BAILEY. Mr. President, I should like an order that the bill as it has passed the House of Representatives be printed. My understanding is that the House struck out the entire Senate bill and practically made a new bill of it. I think it is a matter of very great importance, and I believe the Senate ought to have before it the bill previous to taking action upon it.

Mr. HEYBURN. I would say to the Senator——

Mr. BAILEY. My opinion is that, under the circumstances, upon a point of order the bill would probably be referred to the committee.

Mr. HEYBURN. I would say to the Senator from Texas that there was an understanding in regard to this matter that the Senate should nonconcur with the action of the House at this time. I think that is the better course to take, and the Senator will have an opportunity at the proper time to make any objection he may desire.

Mr. BAILEY. Although I have not examined the House amendment carefully, a hasty examination of it leads me to believe it is better than the Senate bill; and unless I find something upon a closer examination that I did not discover upon a hasty examination I should rather be inclined to concur in that amendment. Still, I make no resistance to the Senator's motion, with the understanding that the bill be printed before we are asked to pass upon it. I want to see it first.

Mr. LODGE. Mr. President, I desire merely to say to the Senator from Texas that I have examined the House amendment in a very cursory manner, but there are some changes from the Senate bill made in the House amendment that I think are extremely destructive of the measure and very bad, indeed, which ought to be corrected. The special point in which I was interested, and where it seems to me the Senate bill is far better, is this: The Senate bill provided that as to proprietary medicines the amount of alcohol and opium used in them should be stated on the label. The House has amended that provision so as to practically kill it.

Mr. BAILEY. Then, undoubtedly, the Senate provision in that respect would be better. I am myself inclined to think that people who are engaged in commerce ought to be willing to brand their goods for what they are; but the House amendment proceeds upon the theory that the Federal jurisdiction over the matter is a jurisdiction of commerce, while in many respects the Senate bill seems to assert in the Federal Government a police power which I do not think exists.

Mr. HEYBURN. I would say to the Senator, if I may be permitted to do so——

Mr. BAILEY. Certainly.

Mr. HEYBURN. That the bill can be printed pending its reconsideration in the House, and there will be ample time for its examination. There is, of course, no objection to having the bill printed as amended by the House.

Mr. NELSON. I desire to call the Senator's attention to the fact that the House amendment has been printed.

Mr. BAILEY. The House amendment has been printed as reported from the committee, but what changes have been made by the House itself in the amendment reported by the House committee I do not know. I presume that——

Mr. HEYBURN. The bill is printed as passed by the House. I have a copy of it here.

Mr. BAILEY. But the Senator has the copy which is official and not the copy that would be distributed. What I want is—if it requires a request to that effect—that the bill be printed as it passed the other House, so that we may see exactly in what shape it now is. I want also printed in the same pamphlet the bill as it passed the Senate. It can, of course, be printed in the usual way, by drawing a line through the Senate bill, and then following it with the bill as it passed the House. That is all I desire.

Mr. HEYBURN. I understand, then, the Senator from Texas has no objection to the motion to nonconcur in the amendment of the House, with the understanding that the bill shall be printed, notwithstanding that motion.

The VICE-PRESIDENT. The Senator from Idaho moves that the Senate nonconcur in the amendment made by the House of Representatives. The question is on that motion.

The motion was agreed to.

Mr. BAILEY. With the understanding that we shall not be asked to act upon the conference report until we have the bill printed as I have requested?

Mr. HEYBURN. Certainly.

Mr. BAILEY. Then I have no objection.

The VICE-PRESIDENT. Without objection, the bill as it passed the Senate and also the bill as it passed the House will be printed and bound together.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. The Chair lays this matter before the Senate simply in order that the bill may be gotten into conference.

Mr. TILLMAN. I can not give way indefinitely, though of course I wish to be agreeable and to conform to the wishes of Senators.

Mr. NELSON. Will the Senator from South Carolina allow me to get this matter into conference? It will take only a minute.

Mr. TILLMAN. Of course; I want to be courteous to Senators.

Mr. NELSON. It will take but a minute.

Mr. TILLMAN. If there are no more coming behind this, I will agree that this one matter may be disposed of.

Mr. NELSON. I move that the Senate insist on its amendments disagreed to by the House of Representatives, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. NELSON, Mr. GALLINGER, and Mr. STONE as the conferees of the part of the Senate.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 39, 48, 49, 50, and 51.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 8, 9, 10, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 44, 45, and 46, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of said amendment and insert: "On and after January first, nineteen hundred and seven, common carriers subject to the provisions of this act shall not directly or indirectly issue any free ticket or pass for carriage to any officer or person in the service of the United States, other than those in the postal service, to any officer or person in the service of any State, Territory, or the District of Columbia, or to any officer or person in the service of any county, township, or municipality; and except as herein provided no common carrier shall be prohibited from granting any free ticket or pass for carriage. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and shall, for each offense, pay to the United States a penalty of not less than one hundred nor more than two thousand dollars, and any officer or person in the service of the United States, or of any State, Territory, or the District of Columbia, or of any county, township, or municipality, who uses, or who solicits or accepts for himself any such free transportation, shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February nineteenth, nineteen hundred and three, and any amendment thereof;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows:

In line 2 strike out "common carrier" and insert "railroad."

In line 3 strike out "district of the United States" and insert "the District of Columbia."

In line 4 strike out "district of the United States" and insert "the District of Columbia."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows:

In line 2 strike out "shall promptly."

In line 2, after "of," insert "any lateral, branch line of railroad, or of."

In line 3, after "transportation," insert "shall."

In line 5, after "any," insert "such lateral, branch line of railroad, or."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 6, after "established," insert "If no joint rate over the through route has been established, the several carriers in such through route shall file, print, and keep open to public inspection, as aforesaid, the separately established rates, fares, and charges applied to the through transportation;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In line 1 strike out "special;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 3 strike out "section one of;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows:

In line 1 strike out "shall."

In line 2, after "act," insert "shall."

In line 3 strike out "the first section of."

In line 6 strike out "section" and insert "act."

In line 17, after "tariffs," insert: "*Provided*, That wherever the word 'carrier' occurs in this act it shall be held to mean 'common carrier;'" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows:

In line 2 strike out "representation" and insert "demand."

In line 3 strike out "of the need therefor."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows:

In lines 35 and 36 strike out "and willfully."

In lines 77 strike out "district of the United States" and insert "the District of Columbia."

In line 78 strike out "district of the United States" and insert "the District of Columbia."

In line 79 strike out "and willfully."

In line 93 strike out "and willfully."

In lines 104, 105, 106, and 107 strike out " : *Provided*, That the foregoing penalties shall not apply to rebates or considerations received prior to the passage and approval of this act."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 2 strike out "accrued claims" and insert "claims accrued prior to the passage of this act;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows:

In line 4, after "the," insert "lawful."

In line 18 strike out "through whose negligence" and insert "on whose line."

In line 21, after "property," insert "as may be evidenced by any receipt, judgment, or transcript thereof."

And the Senate agree to the same.

S. B. ELKINS,
S. M. CULLOM,
Managers on the part of the Senate.

W. P. HEPBURN,
J. S. SHERMAN,
WILLIAM RICHARDSON,
Managers on the part of the House.

Mr. TILLMAN. Mr. President——

Mr. KEAN. May I ask the Senator from South Carolina a question?

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

Mr. TILLMAN. Yes.

Mr. KEAN. I want to ask what motion the Senator has made?

Mr. TILLMAN. I have not made any motion as yet, but I am going to do so presently, after I make a statement.

Mr. President, Senators who paid attention to the reading of the conference report will note that my name does not appear as having signed this report as one of the conferees. That would have naturally indicated that I disagreed very earnestly with something in this report, and I will explain later what that something is. Not having signed the report, the ordinary procedure would have been for one of the Senate conferees who had signed it to have charge of the report and to conduct it through the Senate. At the earnest solicitation of my two Republican colleagues, I have consented to present the report and to defend it and explain it so far as I am able on every point but one. That I consider so vital that I will ask the Senate at the proper time to disagree to this report and send it back for further conference and insist on its amendment.

An examination of another provision of the bill, to which I consented, and which I thought was a very good one, trying to accomplish the purpose we have all had in view, is amendment No. 4, in relation to free passes. I find upon examination that by some blunder on the part of the clerk or the printer or some one—not intending to locate it, because I do not know how the mistake occurred—the word "interstate" was left out, so that the amendment proposed by the conferees, which will be found on the first page of the printed report—those who have not the report can find it in the RECORD of Saturday—would read:

On and after January 1, 1907, common carriers subject to the provisions of this act shall not, directly or indirectly, issue any free ticket or pass for carriage—

The word "interstate" was in the original draft, and we talked over the necessity for it, because all of us understand and know, and the conferees knew, that Congress has no power to deal with the question of free passes within the borders of a State, and we had no purpose or intention of doing more than undertaking to prohibit interstate free passes to the persons who are specified in the proposed amendment. I am not sufficiently versed in the technical result to know just what the effect of this omission would be. I am inclined to the idea, if this bill shall become a law in this form, that Congress having undertaken to go entirely beyond its jurisdiction and do something which it has no authority to do, it may fail entirely to do what it was designed to do by this proposed amendment. Therefore, that is an additional reason why it is desirable to have this bill go back to conference, so that we can correct that mistake, and, if the Senate shall agree to my view, so that we may also insist on amendment No. 5, which I think is a very vital and important one.

Senators will recall that the amendment which provided for the divorce of the business of transportation and production, so as to prohibit any common carrier from engaging in the business of production, read as follows:

From and after May 1, 1908, it shall be unlawful for any common carrier to transport from any State, Territory, or district of the United States to any other State, Territory, or district of the United States or to any foreign country, any article or commodity, other than timber and the manufactured products thereof manufactured, mined, or produced by it, etc.

Mr. President, at the first blush it would appear that this is a very simple and harmless change, the change from the words "common carrier" to the word "railroad" in the fifth amendment; but it simply means, in plain English, that the Standard Oil Company has got in its work, and that through some instrumentality, which I am not prepared to explain and do not know, has come here and got the conferees—I will not say that, because I do not want to say that the Standard Oil Company has been influencing the conferees—but somehow influences have come about and produced a change in the attitude of the House conferees in regard to the pipe line and oil provision of this bill, and the effort on the part of the Senate to break up this grinding monopoly and destroy its grasp upon the oil production in the United States is rendered nugatory and destroyed by changing the words "common carrier" to "railroad." We release the Standard Oil people entirely from the control of the provision which divorces the producers of commodities from the transportation of those commodities.

I am aware—because I received a large number of telegrams from so-called "private pipe lines" or "local pipe lines" urging and pleading that this change should be made—I say I am aware that there is some semblance of good reason for this alteration, but there is somewhere around here—I have had it, but I have mislaid it for the moment; I have seen it and other Senators have probably seen it—a circular letter written by the general agent—if the Senator from Wisconsin [Mr. LA FOLLETTE] has it, I should be glad to have it printed in the RECORD—written by the general agent or the purchasing agent or some other high official of the Standard Oil Company to independent or local oil people who are running pipe lines as feeders of the Standard Oil Company, urging them to telegraph Congressmen in Washington to exert all their influence to prevent this provision remaining in the bill.

Before I go any further, I want to call attention to the fact that when the conferees met after this bill went back to conference, I found an entirely different atmosphere. There was a change of attitude and feeling in the conference. Instead of agreeing, as I had hoped we would agree, to strike out only those provisions in the bill which we had inserted knowingly subject to the point of order, and agree to bring back everything that we had proviously agreed on, it was declared emphatically by the House conferees that we must reopen the whole thing and start over. Then I began to smell a mouse or something. The idea occurred to me that the four days' protracted discussion in this Chamber, the great and urgent and eloquent pleas or criticism along certain lines, which Senators will all recall in regard to the provisions of the conference report—I began to imagine—and I am very suspicious, and I believe anybody who stays around the Senate very long will necessarily become more or less sceptical about motives—but I found that there was apparently an explanation of the protracted debate in this body. There would have been equally as protracted debate in the House, but those gentlemen are living and working under rules that are so entirely different from ours that, under an order from the Committee on Rules, they railroaded the bill through the House and back into conference after ten or fifteen minutes' debate on each side. So that there was really no ample opportunity ever given for anyone in that branch of Congress to express any dissent from or to criticise any of the provisions of the conference report.

Remarking, as I did a moment ago, that the conferees seemed, as I said, changed entirely and that they saw a new light, they were very much more in love with some of the Senate provisions than they had been on the previous occasion, I could not understand it; and I never was enlightened as to why this change of attitude came about. For instance, in the first conference the conferees had changed the first amendment to section 1 so as to make absolutely clear and undoubted what was intended to be accomplished by placing pipe lines in the category of common carriers. The original Senate amendment was as follows:

Any corporation or any person or persons engaged in the transportation of oil or other commodity, except water and except natural or artificial gas, by means of pipe lines or partly by pipe lines and partly by railroad, or partly by pipe lines and partly by water, who shall be considered and held to be common carriers within the meaning and purpose of this act, and to—

Well, the House conferees fell in love with those words immediately when we began to discuss this question when the bill

was sent back to conference, and insisted on accepting the Senate amendment without alteration, which, of course, made the Senate conferees helpless.

We had gladly consented to the change in the first conference, placing pipe lines unequivocally and in the plainest possible language in the list of common carriers, but with this change of phraseology Senators will see the possibility of numberless lawsuits. It is our own fault, of course. I note that the Senator who drew this provision is not in the Chamber, and I am not presuming to criticise his skill in accomplishing what he set out to do. But anyone can see that the original provision, which is now in the conference report and which the House has accepted, and therefore, as I said, the Senate conferees had to accept, is nothing like as clear and forceful, and will not accomplish as much as the provision in the first conference report. I refer to the first conference report, to which the Senate disagreed, and which it kicked out of the Chamber with very little ceremony a week or ten days ago.

Mr. SPOONER. The Senate did not kick it out at all.

Mr. TILLMAN. I will always contend that if the Senate had adopted the report as we brought it in, without changing anything, this law would be far better and would be subject to less criticism and dispute and litigation than it will be in any form in which it may now be adopted; and yet, having striven nearly two weeks to get what we thought was an effective and workable bill, and having put in certain provisions and made certain changes which we felt were necessary, we had done nothing that injured the bill in any way that I can see; and even in our free-pass provision, which caused so much disturbance and such an avalanche of telegrams from all directions, the law as we would have passed it did not go into effect until the 1st of next January, and could not have affected a solitary interest desirous of free passes. Therefore the Senate could have adopted the original conference report and have gotten a much better bill than that it has got or can get now.

But I want to get back to this change from common carrier to railroad in the fifth amendment, to which alone I am permitted, under my own agreement, to raise any very serious objection, and having agreed to all the rest I am going to fight for all the rest; at least I am going to sustain and defend all the rest and vote for them. This change, which Senators will find in the fifth amendment, changing "common carrier" to "railroad," simply destroys the effect of the first amendment, making pipe lines common carriers.

Mr. BACON. Will the Senator read the first amendment?

Mr. TILLMAN. I read it a few moments ago. If Senators would send and get the original conference report——

Mr. BACON. I will not ask the Senator to read it again. I thought he had read the second one.

Mr. TILLMAN. I read both, but I will read the first one again, for the benefit of the Senator.

Any corporation or any person or persons engaged in the transportation of oil or other commodity, except water and except natural or artificial gas, by means of pipe lines or partly by pipe lines and partly by railroad, or partly by pipe lines and partly by water, who shall be considered and held to be common carriers within the meaning and purpose of this act.

Now, that is the Senate amendment, and the House has accepted it in this conference, although in the other it agreed, and very readily agreed, to put pipe lines in the category of common carriers unequivocally and in the plainest possible words. There you see the result of this additional deliberation.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. With pleasure.

Mr. FORAKER. I do not know what copy of the bill this is which has been placed on my desk. Is it the print as the bill will read if this conference report shall be adopted?

Mr. TILLMAN. No, sir. The bill as agreed upon in this conference has not been printed. If the Senator will get the first conference report with the amendments numbered and will look on page 1, he can tell whether he has got the right print by finding whether the amendment at the bottom is numbered 1 and is in italics.

Mr. FORAKER. It is numbered 1 and in italics.

Mr. TILLMAN. Very well. The Senator has got the only print of the bill that is now available.

Mr. FORAKER. Does the provision in regard to pipe lines remain in section 1 as it is shown here?

Mr. TILLMAN. Yes. The provision in the new conference report is as the Senate passed it, in section 1 and amendment numbered 1, and if the Senator will turn to the next page he will see what was agreed to by the original conference, in capitals. The new conference report, I will state in passing, includes sleeping-car companies, which were stricken out in the other conference report.

Mr. FORAKER. This seems to be a print that is in accordance with the present conference report.

Mr. TILLMAN. If there has been any print of the bill as agreed to by the last conference, I do not know it.

Mr. NELSON. No; it is not. It is in conformity with the other conference report, but by taking the present conference report——

Mr. TILLMAN. By referring to the first report, the Senator will see that the words "sleeping-car companies" were stricken out. But they go back now under this report, the House having accepted that provision also without amendment.

Mr. SPOONER. I should like to make an inquiry.

Mr. TILLMAN. Certainly.

Mr. SPOONER. Referring to line 25, on page 2, and including lines 1, 2, 3, 4, and 5, on page 3, I desire to ask the Senator if the words "sleeping-car companies" were in the last conference report?

Mr. TILLMAN. The last conference report, which the Senator has in his hand, struck out "sleeping-car companies" and inserted the words in capitals in lines 2, 3, 4, and 5, and struck out the original provision at the bottom of page 1, in relation to pipe lines. It is of dubious phraseology, and leaves the question whether pipe lines are common carriers or not to be determined by the courts, I presume. Whereas in the original or first conference report pipe lines were placed in the category of common carriers unequivocally.

Mr. SPOONER. When was amendment No. 1 stricken out?

Mr. TILLMAN. By the first conference.

Mr. CULLOM. The first conference.

Mr. TILLMAN. And it has been restored by this conference.

Mr. SPOONER. And amendment No. 2 inserted?

Mr. TILLMAN. No. 2 was in the original conference report, except sleeping-car companies, and the words in capitals were inserted in the first conference.

Mr. SPOONER. You prefer No. 2?

Mr. TILLMAN. Undoubtedly I prefer No. 2 to No. 1, but the House "had us up a tree," to use a slang phrase, because they said, "We accept the Senate amendment," and what could we do but agree to our own proposition? They did not offer to alter it. We were helpless to change it. They put the sleeping-car companies in with the express companies, and placed the pipe lines back where they had been placed by the Senate.

Mr. CLAY. I wish to see if I understand the Senator from South Carolina. I understand that the Lodge amendment, which made pipe lines common carriers, remains in the bill, but the Elkins amendment, which provided that common carriers should not haul their own products in competition with shippers, has been changed so as to strike out "common carrier" and insert "railroad," and consequently pipe lines will be permitted by the conference report to haul their own products?

Mr. TILLMAN. Yes; by the last conference report.

Mr. CLAY. That is the only change made in regard to pipe lines?

Mr. TILLMAN. The original Senate amendment provided that pipe lines "who shall be considered and held to be common carriers." It does not say pipe lines are common carriers or must be considered so for the purposes of this act. The first conference report said that pipe lines shall be considered to be common carriers, and the Senate disagreed to it. Now, the House conferees have accepted our original lame and, I believe, useless provision in regard to pipe lines, and the only question is which pipe line the courts will determine is a common carrier, or whether any of them are or not.

Mr. BACON. Is the word "who" there? It ought to be "which."

Mr. TILLMAN. It says "who."

Mr. BACON. That is certainly ungrammatical.

Mr. TILLMAN. I am sorry my learned and highly educated friend, the Senator from Massachusetts, who is the father of that provision, is not here to defend his English.

Mr. SPOONER. It ought to say both "who" and "which," because it refers to individuals and corporations.

Mr. TILLMAN. Nevertheless that is out of our reach.

Mr. BACON. Then the word "who" is correct.

Mr. TILLMAN. We might plead with the House conferees to correct our grammar. There have been jibes at the loose manner and the ill construction of sentences with which Senate amendments are loaded down in a great many particulars.

I want to get along to the question of the change from "common carrier" to "railroad."

Mr. FORAKER. The trouble is with the word "who," as I understand the Senator.

Mr. BACON. The word "persons" being in the sentence, it makes "who" proper.

Mr. TILLMAN. I am helpless. I helped like all the balance of you did——

Mr. FORAKER. No; I did not help. I will have to be excused.

Mr. TILLMAN. The Senator is the one person who is absolutely guiltless of any complicity in this bill, although he tried to get in several amendments and did not succeed. He did not vote for the bill on its passage, and I therefore hope that he will enable us who are more or less responsible for it to correct any little inaccuracies of English and any slips of purpose which may appear. But there is no slip of purpose in this change from "common carrier" to "railroad."

Mr. FORAKER. All I wanted was to understand what the difficulty was upon which the Senator was commenting. I remember that when that phraseology was adopted by the Senate I wondered just what it meant. I did not understand it at the time, and I do not know now. I do not think anybody else did.

Mr. TILLMAN. We did not understand it. When we got into conference, by pleading with the House conferees they agreed to insert the provision at the top of page 3 which is in capitals, and which is good English, and a good section, if I do say it——

Mr. FORAKER. In other words, the Senate conferees did not stand——

Mr. TILLMAN. The Senate conferees did not stand for the bad work the Senate had done, and when the House conferees compelled us to accept it, we did it very reluctantly, at least I did, and I think the others did.

Again, I want to get back to the change of "common carrier" to "railroad." As I said, instead of the producing of oil, along with the producing of coal, being divorced from the transportation of oil and the transportation of coal, as the Senate intended, the provision simply limits the divorce to railroads, and by changing "common carrier" to "railroad" you let the Standard Oil Company loose absolutely from this provision, and we encourage and perpetuate that grinding monopoly.

I will say further, if the Senate shall yield to the House in regard to this provision and agree to adopt this report without sending it back and insisting on the restoration of the words "common carrier" for "railroad," I shall feel that every man who votes that way will be branded on his forehead with the letters "S. O." in the estimation of the people of this country.

Mr. GALLINGER. Mr. President——

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

Mr. TILLMAN. Certainly.

Mr. GALLINGER. Mr. President, I confess I know very little about this matter, but I have heard it suggested by various persons that this change was made because of the attitude of independent oil producers, who contended that if the clause had remained in the bill as it was in the first place, it would have been ruinous to the interests of these smaller concerns.

Mr. TILLMAN. I have heard that, too; and I have received, directly and through other Senators, a very large number of pleading telegrams from so-called "independent oil producers," who declare it would destroy their industry if the words "common carrier" were retained in the bill.

Mr. GALLINGER. I will say to the Senator that I have received no telegrams; but in view of what the Senator has said would happen to those who should vote for this report——

Mr. TILLMAN. I did not say it would happen, except in my estimation.

Mr. GALLINGER. In the Senator's estimation.

Mr. TILLMAN. That is the reason why I would not sign the report. I do not want anybody to say, "You have 'S. O.' on your brow, BEN TILLMAN."

Mr. GALLINGER. I wanted to know, in view of what the Senator in his estimation thought would happen to those who may vote for the conference report—I do not know how I shall vote; probably in favor of agreeing to the report—how much force there was in this rumor that had reached me from various sources? We have heretofore in this Chamber during my time of service been very persistent in our advocacy of the rights and interests of the small producer as against the competition, or the absorption perhaps, of these big interests, like the Standard Oil. I have thought that if there was any such danger unless this change was made, that the conferees acted wisely in protecting them.

Mr. TILLMAN. If the Senator or any other Senator can demonstrate the proposition that there are first any really independent pipe lines, any small ones, and, secondly, that such small ones are jeopardized, then there is force in the Senator's contention.

Mr. GALLINGER. I was asking for information.

Mr. TILLMAN. But I have seen so much evidence and have received so many letters which point to the fact that the so-called "independent oil producer" is a myth in large measure, or if he is independent, he is subject to the dictation of the Standard Oil. He can not sell his product to any other concern than the Standard Oil Company, and the only chance under high heaven for him to get relief from this bill was to make the Standard Oil, with its pipe lines reaching from the interior to the seacoast, a common carrier and to compel it to transport anybody's oil upon such conditions as the Interstate Commerce Commission should fix.

Mr. GALLINGER. The Senator will permit me simply to add that I was asking for information purely, and in the hope that the Senator would directly address himself to that phase of the question.

Mr. TILLMAN. As far as I have been able to discover, there is no harm to come to any real independent oil producers by the retention in the bill of the words "common carrier."

The change simply turns the Standard Oil Company loose. It is doubtful whether it will be considered a common carrier under section 1. It would inevitably have been a common carrier if the words in the so-called "Elkins amendment" had been retained instead of the substitute "railroad." Changing the words "common carrier" to "railroad" is simply releasing the Standard Oil Company and enabling them to continue their monopoly of the oil business of the United States.

Mr. BACON. Mr. President——

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

Mr. TILLMAN. I do.

Mr. BACON. If I understand the Senator correctly, he is referring to the amendment on page 5 of the print I have, which is of the 18th.

Mr. CULLOM. No. 5.

Mr. TILLMAN. No. 5, on page 6.

Mr. BACON. No. 5; the number is correct. I understand the contention of the Senator is that under that phraseology, the words "common carrier" being used, it would relate to everyone who under the law was a common carrier.

Mr. TILLMAN. Undoubtedly.

Mr. BACON. If there was a private line which was not a common carrier, it would not be embraced.

Mr. TILLMAN. It would not touch those people at all, and therefore could not harm them.

Mr. CULBERSON. Mr. President——

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

Mr. TILLMAN. I do.

Mr. CULBERSON. In this connection I wish to call the attention of the Senator from South Carolina to what I regard as the fact—that amendment No. 1 expressly declares that pipe-line companies are common carriers by the declaration that they "shall be considered and held to be common carriers within the meaning and purpose of this act."

Mr. TILLMAN. The Senator forgets the word "who." That is the bad English of it to which Senators have referred.

Mr. CULBERSON. The Senator can use "who" or "which," so far as I am concerned. Here is an express legislative declaration that pipe-line companies are and shall be held to be common carriers within the meaning and purpose of this act.

Of course I understand, if the Senator will pardon a further suggestion, that this construction is not agreed to by a number of Senators, probably some on both sides of the Chamber. But this is a clear Congressional declaration that the railroad companies and persons and pipe lines, to use the language of this act, "shall be considered and held to be common carriers within the meaning and purpose of this act."

Mr. TILLMAN. The Senator can not dismiss the word "who" from there, or jump over it.

Mr. CULBERSON. I make no pretension to literary accuracy, or to knowledge as to the true meaning of words, but I believe the word "who" does not change the construction which I place upon the clause.

Mr. TILLMAN. Does it not leave the question whether they are common carriers to be determined by somebody?

Mr. CULBERSON. I do not believe that is the way to legislate.

Mr. TILLMAN. Neither do I.

Mr. CULBERSON. I do not believe we ought to pass an act leaving it to the courts to determine what we mean. But I do believe, on the contrary, that this is an express Congressional declaration that within the meaning of Congress these pipe

lines shall be considered as common carriers within the meaning and purpose of the act.

If the Senator from South Carolina will permit a word further, as he has raised some question with me about the matter of grammar, the words "common carrier," on page 6, have been stricken out, and the single word "railroad" inserted by the report. I call the Senator's attention to the fact that the word "railroad" is descriptive merely of physical property, and that it does not convey the idea of a legal entity as a railroad corporation is in law; and if this matter goes back to conference I suggest to the Senator that he insist that the word "company" shall be added to "railroad." Otherwise there may be a chance for the railroads themselves to escape this prohibition.

Mr. TILLMAN. I would not be at all surprised if that is the reason why the thing was insisted upon.

Mr. BAILEY. Will the Senator from South Carolina yield to me for a moment?

Mr. TILLMAN. Certainly.

Mr. BAILEY. I think my colleague is right. I do not really think there is much trouble about the meaning of this, although there may be some criticism about whether it should be "who" or "which" or whether it ought to be both, but if the Senator from South Carolina will examine it he will find it reads this way:

> That the provisions of this act shall apply to * * * who shall be considered and held to be common carriers within the meaning and purpose of this act.

If the Senator from South Carolina will observe, after "water," and immediately before "who," there is a comma, and consequently that "who" there is not merely restricted or intended to be restricted to such as shall be held to be common carriers. But it says and is intended to say that all of these described in the preceding part of the sentence shall be deemed and held to be common carriers.

Mr. CLAY. Will the Senator from South Carolina permit me?

Mr. LODGE. Mr. President——

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

Mr. TILLMAN. I am very glad to have the Senator from Massachusetts come in and help me to have his good English defended or his bad English explained.

Mr. LODGE. Mr. President, it will be observed that section 1 says "that the provisions of this act shall apply to any corporation or any person or persons engaged in the transportation of oil" and "to any common carrier or carriers." Now, in order to bring in what I desired to bring in, a statement which would make them common carriers, too, and therefore includes pipe lines in every subsequent section of the act, I was obliged to use the relative pronoun, and anyone who will try to draw as I have tried—and I have tried with the aid of the Senator from Wisconsin [Mr. SPOONER]—to reframe that amendment so as to avoid the relative pronoun, will find it is a very difficult thing to do.

As to using "who" instead of "which," I used "who" because the last reference was to "person or persons," it reading "any corporation or any person or persons." It would not do to say "which," referring to a person, whereas "who," I think, can be used, by a little stretch, to apply to a corporation.

Whether it is "who" or "which" is secondary to the point whether in this way we make pipe lines common carriers, which was my purpose and the purpose of the Senate. I think it is clear that the clause does make them common carriers so far as this act will do it, and if any Senator will examine it carefully, he will see the necessity of a relative pronoun for that sentence, because if you leave it out it would read "that the provisions of this act shall apply to any corporation or any person or persons * * * shall be considered," etc. Of course there is no connection. You must use the relative there. It seems to me "who" is quite as defensible as "which," though both are somewhat clumsy. But you must have that relative pronoun in there.

Mr. President, I agree with the Senator from Texas [Mr. CULBERSON] that it clearly makes them common carriers within the meaning of this act. If it did not make them common carriers, what was the purpose of changing the word in the commodity section? The purpose of changing that word in the commodity section was to let the Standard Oil out of the section. Under the commodity section the railroad was forbidden to own coal and carry it.

Mr. CULBERSON. Mr. President——

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

Mr. TILLMAN. Certainly.

Mr. CULBERSON. With the permission of the Senator from South Carolina, I desire to ask the Senator from Massachusetts a question in this connection. The Senator from Massachusetts says, and I think he gives it the proper construction, that pipe lines are declared to be common carriers by the terms of this act. Now, suppose, as a matter of fact, under the law as it was before this act was passed, the pipe lines were not common carriers; that they do not carry oil for other people for hire, which is the legal meaning of "a common carrier." Does the Senator believe, irrespective of the Standard Oil Company, which I would be as glad to reach as any other Senator here, that when, as a matter of fact and of substance, they are not common carriers they ought to be prohibited from carrying their own oil for their own purposes to their own customers; when they do not propose——

Mr. LODGE. No; Mr. President.

Mr. CULBERSON. When they do not propose and never intended to carry oil for other people for hire, by virtue of which alone they could be in fact and in substance common carriers?

Mr. LODGE. There are a great many of these pipe lines—at least, the principal trunk lines—that carry for hire. They are declared to be common carriers under the laws of West Virginia and Ohio, and they have been held to be common carriers by the supreme court of Pennsylvania. Those are companies chartered and operating in Pennsylvania. Undoubtedly many of them have carried for hire, especially the great trunk lines, and they have in almost every instance the right of eminent domain and the usual attributes which are conferred upon common carriers.

I believe to make them common carriers in the language of the act will bring the great trunk lines within the operation of the act, and, I think, will do it sufficiently so far as carrying oil to market. Of course, what all oil producers desire to reach is a line which will carry their oil to the great distributing centers, and especially to the seaboard. I think under this clause as it now stands these trunk lines, which are practically 90 per cent in the control of the Standard Oil, may be compelled to take the oil of other producers.

When the commodity amendment was added they became then, as we had defined them to be, common carriers. They then would have been unable, if engaged in interstate commerce, of course, to own oil wells or to own oil. They would have done simply a carrying business. It was changed to "railroads" in that clause in order to relieve the independent companies.

My own belief is that what is relieved is the Standard Oil. The commodity amendment was not my amendment, but was added after the amendment which I offered had been agreed to. I thought it was entirely sound. I can see no possible reason why the men controlling these great trunk lines of pipes should not make a carrying business and be content to carry oil for all producers at a reasonable rate. We make the railroads do it, and I do not see the slightest reason for this change. But there is no doubt that the effect of the change is to take the pipe lines out of that section and leave it to apply only to the railroads.

Now, the letters I got, and I received a number, of course were all in the names of independent companies. One gentleman who wrote me spoke about this independent company of his which was being so much injured by this amendment. He said they had been always fighting the Standard Oil, but the Standard Oil had succeeded in buying up a majority of their stock; that they were still fighting it, and, finally, that the whole line was within the State of Pennsylvania, and, so far as I could make out, was not engaged in interstate commerce at all. And yet he was alarmed at the effect of this section.

Mr. President, I do not mean to be unduly suspicious, but I think that all this independent movement has come from the great trunk-line corporation, which carries 90 per cent of the oil of this country.

Mr. BAILEY. Mr. President——

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

Mr. TILLMAN. With pleasure.

Mr. BAILEY. I do not care to take the floor.

Mr. TILLMAN. I do not want to monopolize the debate. I have a few other things I can say, but I can get in just as well later, after this matter has been illuminated and the question settled as to whether, even under the amendment as we now propose it and as the Senate passed it, all these pipe lines are common carriers.

Mr. BAILEY. Then, Mr. President, with the Senator's permission, as we have this subject under consideration I will say now what I desire to say about it.

I do not think that the amendment proposed by the Senator from Massachusetts [Mr. LODGE] and adopted by the Senate need be considered ambiguous. My opinion is that carefully read it is entirely clear and accomplishes its purpose. The error

into which we might be led by reading it without care is an easy one, but if it be read more carefully I think there would be no serious room for criticism.

But while that is true, I think the provision as agreed upon in the first conference is somewhat clearer, and I think it falls more naturally into the bill at that point than it does where it was originally inserted. Perhaps my natural bias for that place originates in the fact that it was there and in that way that I myself sought to reach and control express companies and sleeping-car companies. But whether that first amendment be sufficient as the Senate originally adopted it, or whether the language of the first conference should be preferred, neither of them will accomplish all which the Senate sought to accomplish if the insistence of the House in respect to the fifth amendment prevails.

On the question whether it was wise and just to subject pipe lines to the jurisdiction of the Government as common carriers I need not dwell, for the Senate determined that by a vote, I believe, absolutely unanimous. As I now recall, there was not a single vote cast against that first pipe-line amendment. Assuming it to be wise, and further assuming that the fifth amendment, which seeks to divorce production and distribution from transportation, is also wise, I am at a loss to understand how anybody can justify a proposal to exempt the pipe lines from the rule which is to be applied to all other common carriers.

We have said that pipe lines shall be common carriers; we have said that no common carrier shall engage in producing and distributing the commodities which it transports, and now we are asked to make an exception. Shall we say that this sound rule shall apply to all except the Standard Oil Company? It is true they do not say "except the Standard Oil Company" in so many words, but they do except it in practical effect.

I know that the yielding in the Senate at least, and I am sure it is equally as true of the House, has not been at the solicitation of the Standard Oil Company. I believe the result has been produced by the frightened and clamorous appeals of what are known as the independent oil producers. A very intelligent gentleman appealed to me, insisting that I would exert myself to have this very amendment made. When he finally exhausted all other arguments he pulled from his pocket a batch of telegrams and said, "Here are fifty or sixty telegrams, every one of them from an independent oil producer." I said, "Are any of them interested in pipe lines?" He said, "Oh, no." Then I said, "I can not quite comprehend why it is that these independent people, who in some sense are competitors against the Standard Oil Company, are so swift to obey its summons." He said, "They sell their oil to the Standard Oil Company." So they do, and therein lies the explanation. But, Mr. President, it is not an explanation that will satisfy any thoughtful man, because instead of remedying it it will in the end aggravate present hurtful conditions.

What gives the Standard Oil Company its great advantage over all its competitors to-day? The one fact which contributes more than all other facts to enlarge and strengthen this control over the oil industry of this country is that it engages in every species of oil trade from the time it takes the oil out of the well until it sells it to the man who burns it in the lamp. They do not stop, either, with selling it to the man who burns it. They frequently sell him the lamp, and they make the wicks.

Now, Mr. President, can any man hope to compete against that great corporation, which covers all branches of the industry, while single companies and individuals are content with covering a single branch of the industry? While this man is engaged in producing oil from the well and another man is engaged in transporting it and a third independent refiner is engaged in refining it and a fourth one is engaged in selling it to the trade, the Standard Oil Company is engaged in all of these pursuits, and gradually it must happen that the company which covers the entire field will drive its single competitors from the trade.

If these men can not produce and sell their oil to the best advantage under present conditions, they ought to be the ones who would rejoice to change these conditions. If the Standard Oil Company prefers to be an oil producer, let it produce; if it chooses to transport oil, let is pursue that business; if it chooses to be a refiner, give it liberty to engage in that; but it ought not to be permitted to monopolize every branch of the oil business.

How can the Senator from West Virginia [Mr. ELKINS] compete against the Standard Oil Company? He produces oil out of his well, pours it into the pipe line owned by that company, and it is carried to refineries also owned by them. If he wants to transport it past their refinery to the seaboard, where either it may be shipped abroad or distributed to competitors against that great company, he is at the mercy of the very men against whom he is competing as a producer, and to whom he is marketing his oil. They hold him where his oil comes out of the ground and begins its journey, and they stand there where the oil ends its journey to pour it into their great iron tanks.

Small wonder that they have conquered the oil trade of America! And now, when they have been brought to live under the same rules that we are applying to railroads who own coal mines, and applying to railroads who own timber lands, in some way—and I suggest no mystery about it; I believe I have given the explanation that is was the frightened clamor of the independent producer—with the aid of their competitors they rescue themselves from the legislation of Congress. Tell me what better right has the Standard Company, if its pipe line is a common carrier, to transport its oil than a railroad has to carry its coal or than another railroad has to carry its lumber? Coal is not an article of such universal use as oil. It is true it is used in larger quantities, perhaps, but it is not so profitable to those who manage it.

Then, Mr. President, the Senator from South Carolina [Mr. TILLMAN], the Senator from Illinois [Mr. CULLOM], and the Senator from West Virginia [Mr. ELKINS] understand I am not criticising them, because they have succeeded admirably in sustaining the Senate's position. The House was entitled to something, and if it were parliamentary I would say that it chose to take that which, above all others, it ought not to have demanded.

We adopted a provision that the business of transportation should be divorced from the business of production, but we have receded from the principle except in the single instance of the coal roads. We let a railroad monopolize the forests, and every man who has studied the timber situation in America must be appalled as we stand almost in the presence of the timber famine. Yet this disappearing timber supply can be monopolized, this oil which must be used in every household in the land can be monopolized, and coal alone is made subjected to this, which was announced as a sound and fundamental principle.

I begin to think, Mr. President, that there are a large number of men who are like that citizen of Maine we have all laughed about so long, who was in favor of the principle of prohibition but against the enforcement of it.

I heard no man in this Senate declare that as a matter of economic or political philosophy we were not just and wise in trying to separate the business of transportation from the business of production and distribution. All agreed to that, but one after another, trying to take care of the interest of his constituents, asked us for this exception and that exception, until all that remains of the principle now is its application to the single commodity of coal.

Mr. President, I believe that this is a matter of such vital importance that not only will the Senate be justified in sending this report back to conference for further consideration, but I think the Senate is compelled to do it if it were in earnest about this matter.

Not only is this amendment dangerous in that it practically exempts the Standard Oil Company from the operation of the bill, but it is likewise very dangerous for the reason suggested by my colleague [Mr. CULBERSON] a moment ago. They strike out "common carrier" and insert "railroad." Did it occur to the House conferees that we have defined "railroad" in this bill, and it is a matter of extreme doubt if that definition would fit amendment 5 when that amendment should be adopted according to the insistence of the House conferees?

There is another reason which leads me to believe this bill ought to be sent back to conference, and that respects what is known as the "pass amendment." We have had more trouble about that than anything else in the bill, and there ought to have been less trouble about it than anything else in the bill. As it stands, the deliberate judgment of the American Congress reads that the only objection to granting free passes is that it corrupts the officers of the Government. I do not believe that.

I believe that few men with character and reputation enough to command the suffrages of their fellow-citizens for any place can be corrupted by a free pass. I have sometimes been tempted to believe that a man who can be influenced or bribed by a free pass would be influenced or bribed in some other way if not in that way, and I do not think we would go very far toward relieving the public service of improper characters by passing an amendment like this.

But, Mr. President, there is a stronger and better reason why passes should be prohibited. If the railroad should carry one-half of its passengers without any charge, it would then be re-

quired to charge the other half double in order to make its passenger revenue return it a fair profit upon its investment.

Mr. OVERMAN. Mr. President——

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

Mr. BAILEY. Certainly.

Mr. OVERMAN. I call the attention of the Senator to these words:

And except as herein provided, no common carrier shall be prohibited from granting any free ticket or pass for carriage.

Does not the Senator from Texas think that really legalizes by affirmative action of Congress the giving of free passes?

Mr. BAILEY. I do; and I was just going to say so. They not only reject the doctrine—the only sound one—that every man who uses a common carrier ought to be required to pay the same price for the same service, but they actually legalize and authorize a discrimination.

Not only so, Mr. President, but I doubt if this bill really precludes railroads from giving passes to Congressmen or prohibits Congressmen from accepting them. I shall not state my reasons for that doubt, because I understand they will perhaps be stated by some other Senator; but I am inclined to think the moral effect of the law would be to prevent any self-respecting Senator or Representative from accepting free transportation after voting for this bill.

But the conferees are not content with regulating the passes as they relate to Federal officials, and they propose to regulate the States, the counties, and the towns. They declare that the railroads shall not give a pass to a State, county, or municipal officer.

Mr. TILLMAN. Mr. President——

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

Mr. BAILEY. I do.

Mr. TILLMAN. If the Senator from Texas had been paying attention a little while ago, he would recall the fact that I mentioned that the word "interstate," in connection with the clause relative to free passes, had by some mistake of the printer or the clerk been omitted. We were not such idiots that we did not know that Congress could not invade a State and limit a railroad entirely within a State.

Mr. BAILEY. I heard the statement made by the Senator from South Carolina. I was sitting by his side when he made it. He had made it to me before, and I knew that to be true. But I am not now making the argument which the Senator thought was in my mind. I am not arguing that Congress could not prohibit passes wholly within a State, because that is as true of the private citizen as it is of the State or county official. What I was protesting against is that Congress is not content to protect the Federal Government against the corruption of this free-pass system, but it must protect the States and counties and municipalities.

Mr. President, we do our part well if we take care of Congress and the Federal officeholder. Let us leave the States and counties and municipalities to take care of themselves. Congress——

Mr. TILLMAN. I will call the Senator's attention, if he will permit me, to the fact that the States alone can deal with the question of free passes within their own borders; that the counties and municipalities are helpless in that regard; and that the intention here was to prevent the railroads from granting interstate passes to county officers, State officers, and others. The Senator knows that the railroads are assessed in all of the jurisdictional divisions, and that it might be possible for the assessors to be influenced in passing upon the valuation of the railroad property by favors like that; and it was to try to eliminate, so far as practicable the contaminating and corrupting practice of officers of any kind being influenced by railroads that the conferees adopted this form. This was not satisfactory to hardly any one man; but it was a kind of composite agreement, after a great deal of discussion among the conferees and after a long discussion in this body, both while the amendment was on its passage and subsequently when we brought back our first conference report. It seems that this question of dealing with free passes is about as perplexing and as difficult a one as almost anyone cares to grapple with. I certainly would like to have nothing more to do with it.

Mr. BAILEY. It is the simplest proposition in the bill, if dealt with firmly.

Mr. TILLMAN. Yes; and we had the best provision in the original conference report that we shall ever get, forbidding all free passes to everybody in Christendom, and what a racket was raised here over it! Nobody ever saw such a hurrah, such a stampede, and such a hysterical exhibition of oratory, or something that passed for it. [Laughter.]

Mr. BAILEY. The Senator from South Carolina has some right to complain, because to me it was not a reassuring exhibition to see Senators standing here morning after morning and each presenting forty or fifty telegrams from people who were crying out to be saved a certain privilege; and yet I freely say to the Senator from South Carolina that the first conference report went too far in this, that it denied the railroads the right to give passes to their own employees and their families. That right ought to have been granted, and there the exception ought to have ended. When one man rides for nothing somebody else pays the way. The railroad does not give it. It gives the free pass, but when the Commission comes to fix its fares and rates the railroad opens its books and says, "The value of my property is so much, the income from my property is so much, and you can not reduce the charges." The railroad never says that it has hauled 20 per cent of its passengers without charge. Therefore it is when a railroad carries a man or carries property without a charge those who do pay must pay more in consequence of the free service to others.

Mr. CARMACK. Mr. President——

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

Mr. BAILEY. Certainly.

Mr. CARMACK. The Senator says that 20 per cent of passengers travel free. Is the Senator speaking accurately or only approximately?

Mr. BAILEY. I was estimating that; but I have seen it stated more than once that the number of passes issued and used in this country will amount to 20 per cent of the passenger traffic. But whether it is 20 per cent or 10 per cent I do not know. I do know, as does the Senator from Tennessee, that frequently when the conductor comes into the sleeping car he finds more passes than tickets, and I have sometimes felt that the paying passenger was a little overburdened when he was compelled to pay for the free rides of all his fellow-passengers.

Mr. LA FOLLETTE. Mr. President——

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

Mr. BAILEY. I do.

Mr. LA FOLLETTE. A leading officer of one of the great railroads of this country stated a few years ago that in his judgment, based upon long experience, he would assert that not less than 10 per cent of the passenger traffic was upon free transportation, furnished in the form of passes. Making a computation upon the total income from the passenger traffic of the country, it would make the issue of free passes amount to not less than $50,000,000 a year, which amount, of course, must be made up to the railroad companies by those who pay for their transportation, as the Senator from Texas has already stated.

Mr. BAILEY. And the Senator from Wisconsin will agree with me that the chiefest outrage is that the men who have the free passes are the ones, as a rule, who are the best able to pay their fare.

Mr. LA FOLLETTE. Most certainly.

Mr. BAILEY. And the men who most need the favor of free transportation are not the ones to whom the courtesy of a pass is ever extended. So, if I could write a free-pass law, I would provide that no railroad engaged in interstate commerce—and I would write the same kind of a law in every State of the Union—should give free transportation to any person, except to those in its employ and their families and to those whom its regulations require to accompany any shipment. We know that in the shipping of cattle the rules of the railroad companies require a man to go with them; and I am told that in shipping fruit from certain sections a regulation of the railroads requires a man to travel in the car to see that the car is kept at such a temperature that the fruit will not spoil. Whenever the railroad regulations require a man to accompany a shipment, that man could fairly be considered as in the employment of the railroad. But I would not spend twenty minutes in a discussion upon that proposition; if it were deemed best to exclude them, I would cheerfully vote to do so, and I would pass an iron-bound free-pass provision permitting free transportation to no man, except such as are in the railroads' employ.

Mr. FORAKER. Mr. President, just a word or two in answer to the remarks made by the Senator from Texas [Mr. BAILEY].

I do not know whether the Standard Oil Company had anything to do with the sending of the telegrams we received here in such a bountiful supply a few days ago purporting to come from the independent oil producers. Whether the Standard Oil Company had anything to do with it or not, I know that we have in the State of Ohio a number of independent oil pro-

ducers, and I know that they sent telegrams here along with a great many others of whom I did not have any accurate knowledge, but as to some, I can say that I know they came from people who had no relation whatever to the Standard Oil Company, and I think I could understand, Mr. President, why the independent oil producers, in common with the Standard Oil Company, would protest against the provision that the Senate put into this bill with respect to the pipe line.

I want to say, in answer to the remark of the Senator from Texas, that there is no proper analogy between the pipe lines and the railroads when it comes to making them common carriers.

A railroad, as the Senator knows, and as everybody else knows, is built with the idea of doing a carrying business for the public for hire. We know that railroads are frequently built—a few years ago they were usually built—where it was not expected there would be enough business at the beginning to make the carrying profitable. A railroad would be constructed and be put into operation with the idea that its business would be a losing business for a time, but that in the course of a few years, five, ten, fifteen, or twenty years perhaps, the country would be sufficiently developed and business would be sufficiently developed to make the carrying of that carrier profitable. In other words, there was a future to the railroad carrying business which was constantly improving. Just the opposite is true as to pipe lines. The pipe line is put down with the idea of reaching a well, if it be oil they are after, or gas, if it be natural gas, that is to be piped. Somebody has found oil or gas, but nobody knows from the mere discovery of it how long the gas or the oil that has been discovered will continue in sufficient quantities to make the piping of it profitable. It is, therefore, unlike the case of a railroad for common carrying purposes. It is understood by all who engage in the business of piping gas or oil that it is only a question of a few years, possibly only a few months, until the well will become exhausted. Then the pipe line, which is a common carrier, as we would have it according to the provisions of this bill, will be out of business. If it does any more business, it will be because those who own it will take the trouble to remove it and connect it with other wells that will give them a product to carry.

I say it is because there is this radical distinction between the carrying by pipe lines and the common carrying by a railroad, that what you may say with respect to one or legislate with respect to one may have no proper application at all to the other. Bearing this in mind, Mr. President, the objection I have to this provision, which I have stated already several times in the Senate, is that we make all pipe lines common carriers that are privately owned, that were not constructed for the purpose of doing a public carrying business, and not constructed for the purpose of carrying for hire—we make them all common carriers, whether they desire to be common carriers or not. That is the first proposition.

Mr. BAILEY. Mr. President——

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

Mr. FORAKER. Certainly.

Mr. BAILEY. I myself do not want to be put in the position of asserting, in the case where a pipe line was constructed for the purpose of carrying its own oil, and where the owner, either a natural person or a corporation, purchased at private treaty the right of way, that in such a case the Government could make a pipe line a common carrier.

Mr. FORAKER. I am glad to have that statement.

Mr. BAILEY. I only contend that where they do carry for hire, and thus make themselves common carriers, or where they exercise the right of eminent domain, then, and only then, can the Government regulate them as common carriers.

Mr. FORAKER. I remember now that such was the position of the Senator, stated very clearly when this subject was under consideration some days ago in the Senate, I believe on the former conference report. But I want the Senator to note what I said a moment ago when he was occupied with some Senator at his desk, engaging in conversation. I was saying that there is no proper analogy between a pipe line as a common carrier and a railroad as a common carrier, because the business of a railroad is carrying for hire for the public. It is expected that its business will grow; it carries not only one thing, but everything, and carries for everybody. In the case of the pipe line, if the Senator will give me his attention for a moment, it is just the reverse. They start out to carry for themselves. The only commodity they can carry is oil or gas, as the case may be, which they put down the pipe line for; and it is only a question of a very few years, perhaps a very few months, until the commodity for which they have put down their pipe line in order to get at the well becomes exhausted, and there is nothing more to carry.

Mr. BAILEY. I heard that line of thought when the Senator pursued it before, and I answered it in my mind. Now I will answer publicly that that would be an argument of considerable force against making a pipe line a common carrier——

Mr. FORAKER. Yes.

Mr. BAILEY. But after you have determined that it ought to be made a common carrier, then a different test prevails.

Mr. FORAKER. I think the remark the Senator now makes is very appropriately made. I thought of it when the Senator was making his argument in answer to which I am making these remarks. We have already done this thing. I made suggestions of this kind without avail at the time the amendment offered by the Senator from Massachusetts [Mr. LODGE] was under consideration in the Senate, making pipe lines common carriers, and I do not think there is any question but that by the language employed in the first section they are made common carriers, according to the description there given.

Now, this is the question that troubles me. It is not a question of policy any longer, because we have passed that by. If you make pipe lines that are carrying only for themselves common carriers and then prohibit all common carriers from carrying their own product, it seems to me you confiscate the property. I do not see how there is any escape from it. It is absolute confiscation pure and simple, and I do not believe that kind of a provision can be upheld in the courts. I think, therefore, the conferees acted wisely—and I say that at the risk of being branded by the Senator from South Carolina—in striking out the words "common carriers" and inserting the word "railroad," if they wanted to save this bill. There are a good many other provisions in the bill—quite enough, I think—that will give trouble, and if they wanted to save the bill from any further or additional trouble, they acted wisely in making this change, because the result of it is that they at least do not confiscate the property of pipe line companies, which, I am sure, could not be sustained anywhere.

But, Mr. President, there was another thought I had in connection with this matter. The Senator from Texas spoke of this as classifying carriers and basing the qualification on a discrimination. I do not know that he put it exactly that way; but that is the idea I got as to the effect of his remarks. Railroads are common carriers; pipe lines are common carriers, but all common carriers are not to be treated alike. Some—namely, railroads—are to be prohibited from carrying commodities in the production of which they are engaged; others—namely, pipe lines—are to be allowed to carry their own commodity. That is a discrimination. There is no doubt about that. I hoped the Senator would go on to demonstrate that that would make the bill unconstitutional, and that he would in that way point out an additional way to get rid of a measure that I think is bound to give us no end of disappointment and no end of trouble, and I hoped he would do it because in another respect there is that same discrimination with respect to common carriers.

In the case put by him there would be a discrimination as to common carriers to which this bill applies. I call attention to the fact that this bill does not apply to all common carriers. It leaves one class absolutely out free from under its provisions. That is the class referred to by the Senator from Alabama [Mr. MORGAN]—common carriers by water engaged in interstate commerce. This bill does not apply to them at all. If you are going to legislate about interstate commerce and regulate all carriers engaged in interstate commerce, I do not know why all should not be treated alike, unless there is some fundamental reason for applying the law to one class and not applying it to another class.

Mr. BACON. Will the Senator permit me to suggest——

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

Mr. FORAKER. Certainly.

Mr. BACON. That in the case of the waterway there can be no monopoly. The waterway is open to every man who chooses to put a steamboat on it to compete with others using a similar mode of transportation.

Mr. FORAKER. That is one of the reasons.

Mr. BACON. That is not true either of pipe lines or of railroads.

Mr. FORAKER. That is one of the reasons which have been assigned, but, Mr. President, the purpose of this legislation is to break up rebates and discriminations, and it is a notorious fact that no class of common carriers engage in the practice of giving rebates and practicing discriminations to anything like the extent that the water transportation carriers do. I do not want to dwell upon that. It is within the common knowledge

of all. I has been stated over and over again in debates here that when ships are loading and they reach within two or three hours of the time when they are to sail without getting a full cargo, all they can get on board after that is taken at reduced rates, at rates that are discriminating as between shippers. They load up with anything they can get to carry, at any kind of a price that anybody is willing to pay. It is that sort of a thing that shippers everywhere complain of. If that is a wrong thing on the part of the railroads, it is just as wrong on the part of water transportation companies.

It is true that highways for carriers by water are prepared by nature, that they cost the individual carriers nothing; in so far as they cost anybody anything, it is at the expense of the Government that is expending millions every year, and has been ever since the Government was instituted, to put these highways of water in good condition for carrying. It seems to me that because all that is true, there is a good reason in that fact why carriers by water should be included and regulated as well as other carriers.

Mr. BAILEY. Mr. President——

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

Mr. FORAKER. Certainly.

Mr. BAILEY. I have myself held that there was no necessity for putting carrriers by water under this bill, because I have never in my life heard any complaint about overcharges on the part of those who carry by water.

Mr. FORAKER. Mr. President——

Mr. BAILEY. I am free to say, if the Senator from Ohio will permit me, that if anyone will make out a case of overcharging or discrimination against water carriers, then the Government ought more quickly to take charge of their affairs and regulate them than those of the railroads, because the Government in their case furnishes the highway in large degree.

Mr. FORAKER. Certainly.

Mr. President, it is true doubtless that the Senator has never heard of a case of overcharge by a water carrier. The Senator has not very often heard, until since this debate commenced, of overcharges by the railroad companies. The complaints which shippers make have been all the while not that they are overcharged, not that rates are in and of themselves excessive, but that shippers are subjected to discrimination by the giving of secret rebates and by discriminations practiced under the guise of elevator charges and terminal charges and private car lines and refrigerator cars, and so forth and so on. Those are the things they want to have regulated and broken up. Excessive rates have not been charged against the water carriers of the country or against the other common carriers. But the other faults mentioned are the ones to be remedied, and all these water carriers are liable to them.

Yet there are such differences that all can understand why we have not included them in this bill. But the legal effect of that omission involves discrimination. If we are going to regulate one class of carriers, why not regulate all? If we are going to regulate certain carriers, why not regulate all in the same order and according to the same rule? The answer is that as between railroads and pipe lines there is no analogy; they are so different that the same laws and regulations are not applicable or appropriate, as the Senator from Georgia undertook to suggest was the case as between water carriers and railroads.

Mr. NELSON. Mr. President, this conference report, it seems to me, ought to be rejected if for no other reason because of the provision contained in the so-called "antipass" amendment. While it excludes Federal officials and State and municipal officials, everybody else in the country can get free transportation. In fact, it legalizes it. This is legislation——

Mr. MORGAN. Mr. President——

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

Mr. NELSON. Certainly.

Mr. MORGAN. Mr. President, I desire to make a statement in reply to a statement made by the Senator from Texas [Mr. BAILEY] and the Senator from Ohio [Mr. FORAKER], who fell into a mistake about the monopoly of water transportation. I happened just at this moment to have had the opportunity of conferring with one of my colleagues in the House who lives on the Alabama River, and I have lived on it for many years, and both before the civil war and since that time we both have known the Alabama River to be absolutely monopolized by the steamboats, so much so as a result of the fixing of the price by combination for the transportation of cotton on the Tombigbee, the Warrior River, the Alabama River, and the Tallapoosa River, that the farmers had to resort to building flatboats to carry their cotton to Mobile until the railroads came in and paralleled the rivers and unlocked the monopoly. That is a fact which every Alabamian who has any acquaintance with the history of my State will state. It is a mistake to suppose there is no monopoly on the water courses.

Mr. NELSON. We aim by this legislation to prevent all sorts of discrimination, and here by the antipass amendment we allow the grossest kind of discrimination, because of the fact that the amendment practically legalizes passes and allows the railroad company to issue passes to everybody except the officials. I think on that ground alone the conference report ought to be rejected.

Now, as to the other point, about the Standard Oil, let us look the matter clearly in the face. By section 1 as amended pipe lines are made technically common carriers subject to the provisions of this bill, but by the fifth amendment, as now agreed upon, where we undertook to prohibit companies engaged in transportation from transporting their own products, pipe lines are excepted and made immune. With that immunity, without any attempt to divorce production from transportation in that case, where does it leave us, Mr. President? The Standard Oil Company transports wholly its own product. It buys the oil from these local lines, if there are any, from these feeders, and transports its own oil. If that is the case, we are in this condition: Either as a matter of law, if the contention of the Senator from Texas is good, they are not common carriers, because they transport their own products; but assuming that that proposition is bad law, that they are common carriers, what is the state of the case then? We attempt to regulate the Standard Oil as to the rates it is to charge for transporting its own goods, and we would ascertain whether the Standard Oil Company gave rebates to itself or gave discriminations to itself.

So you see in either case, whether the Standard Oil Company or the pipe lines which it owns is a common carrier or not, unless you divorce production from transportation, the amendment is of no practical value. They are immune from regulation because they are transporting their own goods, and if not so immune, what is the use of attempting to regulate the charges which they shall make for transporting their own products? How can you reach the evil? So unless you adhere to the original agreement made by the conferees in this case, unless you divorce production from transportation, that part of the section which purports to make the Standard Oil Company a common carrier is of no practical value, and you might as well emasculate it from the bill. That is a question of public policy. If Senators believe in putting the Standard Oil Company under the control of the Interstate Commerce Commission as a common carrier, they must make the legislation such that that provision of the bill will be of some value and some effect. And for the reason that the majority of the conferees have agreed to that amendment—because I believe pipe lines ought to be under the control of the Interstate Commerce Commission and under the control of that Commission effectively and not theoretically, but practically, and because of this unlimited right of issuing passes that is left in the amendment—I think the Senate owes it to the country to reject the conference report.

Mr. CULLOM. Mr. President, I shall not occupy the time of the Senate to the extent of more than a few moments. The rate bill has seemed to present a very troublesome question. The Senate has been debating it for the last three or four months. The further we go the more the situation seems to be mixed and the doubt to increase as to what we ought to do.

As my friend the Senator from South Carolina [Mr. TILLMAN] said at the beginning of this discussion, he thinks the report made this time is not so good as the one made heretofore. In some respects I think that is true. It is true because the House conferees objected to some things which we had in the bill. This time they objected to very few of the provisions to which they objected before. So it has run along. The Senate conferees in every instance have done the best they could. Unfortunately the Senator from South Carolina and I have got apart. We stood together like brothers all through this contest on all the questions as they came up until we came to the fifth amendment. On that one we were together before, because in the first conference there was nothing said about it. It was not discussed except to agree generally that whatever would curb the Standard Oil Company we ought to be for. I felt a good deal that way myself.

I do not know exactly what the Senator means by saying the brand "S. O." should be applied to Senators who disagree with him on the question. Whatever anybody says about me, whether they attempt to brand me with "S. O." or any other name, I propose to do just what my own conscience and judgment tell me I ought to do in the premises. I do not blame the Senator from South Carolina for having his view of it and dis-

agreeing with the other two conferees of the Senate and all the conferees of the House, because he has a right to do it. But I regret very much that he did separate from us, as he knows I was very anxious that he should sign the report, notwithstanding the fact that he did not agree entirely with it.

I want to say with reference to myself that it turns out that in my own State there are many counties where oil has been developed, a fact which I never knew before this discussion began. I had never heard of it. But I have a number of telegrams, some of which I wish to read, showing what has taken place there with reference to this subject. I suppose the persons interested in this subject knew nothing about what the oil amendment was until they had time to get the bill and read its contents and learn exactly how they would be affected by it, as they think. This telegram which I hold in my hand is from my own State:

CASEY, ILL., *June 19.*

Hon. S. M. CULLOM, *Washington, D. C.:*

The undersigned independent oil producers in the Illinois field believe that the amendment to the rate bill applying to common carriers will strike a deadly blow at our business in the matter of marketing our oil, and we trust you will use your best efforts to defeat this amendment and help us to build up an industry that will be of great benefit to a large part of our State.

It is signed by probably forty or fifty business men of the town of Casey.

I will read another telegram. It is signed by a judge on the bench. Whatever may be the fact with reference to the Standard Oil or anything else pertaining to the subject, these gentlemen, whom I know to be as honest as ever lived on earth, are not representing what they do not believe, and they are not controlled by the Standard Oil Company or any other concern outside of their own neighborhood.

MARSHALL, ILL., *June 19, 1906.*

Hon. Senator SHELBY M. CULLOM,
Washington, D. C.:

Clark County alone is producing thousands of dollars worth of oil with the territory only partially developed. The entire citizenship is interested in this great enterprise. The passage of the oil amendment to the rate bill will effectually forestall further developments and work great financial loss and injury to our people. Our people, without exception, respectfully protest against any legislation that will discontinue the prosecution of the oil development, which at the present moment is, and will be for all time to come, the greatest financial boom our people ever enjoyed. They are earnest and sincere in this protest.

Mr. LODGE. What amendment does the last telegram refer to?

Mr. CULLOM. The oil amendment as it appeared in the bill in the first instance.

Mr. LODGE. The last telegram simply said "the oil amendment." They wanted to get the whole thing out.

Mr. CULLOM. No; they want to be protected, as independent oil men, from the effect of the oil amendment as it was in the bill before it was changed as proposed to be amended by the conferees. Here is another:

MARSHALL, ILL., *June 19, 1906.*

Hon. SHELBY M. CULLOM, *Washington, D. C.:*

Illinois gives promise of being one of the first States in the Union in the production of oil, and Crawford, Clark, Cumberland, and Lawrence counties are the center of the oil fields. Thousands of dollars worth of oil is being shipped daily from these counties. If the oil amendment to the rate bill is passed, it will ruin the oil industry of our State. The people of Crawford County, as well as the entire oil field in Illinois, are most emphatically against this oil provision. We respectfully ask that you use your influence to defeat its passage. Answer at Robinson, Ill.

A. H. JONES,
E. CALLAHAN.

Mr. LODGE. I observe that the same phraseology is used in the telegram just read. It refers to "the oil amendment." The oil amendment was the first amendment. The other amendment wherein the change has been made is the commodity amendment.

Mr. CULLOM. I understand that is true, but with the bill as it was and the oil amendment as it was, they contended that their oil interests in Illinois would be destroyed.

Mr. LODGE. I think what they want is to get out the oil amendment. The amendment in which this change has been made, and which is now being discussed, does not mention the word "oil."

Mr. CULLOM. I know it does not, and I know what they refer to, and the Senator from Massachusetts well knows what they refer to, and that is the fact that they believe they are going to be injured by the failure to get their oil transported.

Mr. LODGE. I think what they want is to get the whole oil amendment out of the bill.

Mr. CULLOM. They may think that is the only way they can get relief.

I have a paper in my hand which I think explains pretty thoroughly the operation of these people who are sinking oil wells, and I propose to read it, so that the Senate may understand it.

JUNE 22, 1906.

Hon. SHELBY M. CULLOM,
United States Senate.

DEAR SIR: The undersigned have received many letters and telegrams from persons, some of whom they know to be independent oil producers and all of whom claim to be independent of the Standard Oil Company. All of these letters and telegrams protest against that portion of the Elkins amendment which provides that a pipe-line company may not transport oil and gas belonging to it. We understand that it is, from the nature of things, a practical impossibility for a pipe line transferring either oil or gas to deliver to the producer of the oil or gas his own property. The product of very many wells must be run into the same pipe line. The line must be full from one end to the other or none of these quantities of oil or gas will move to destination.

Take, for instance, my own State. Take Cumberland County or Coles County. The people there are excited about oil. They have just discovered that there is oil in their neighborhood, and they are sinking wells. A man goes on and sinks a well. Once in a while some one strikes oil, and then another and then another, and each of those men has oil and does not know what to do with it. They want to get it to market. They join together and among them establish a pipe line to transport it wherever they see proper. That pipe line is owned by the people who have the wells, probably. They have to do that in order to get transportation facilities at all. Understand, you can not transport one man's oil separately unless he has a sufficient amount to fill the pipe from the place where the oil is put in the pipe to its destination. So it is impossible to keep every man's oil separate one from the other.

As a matter of fact, therefore, the pipe-line company can not deliver to any person the very product received from him. Therefore the pipe-line company must, upon receiving any man's product, account to him for it by means of a receipt or certificate promising either a payment in money or a return in oil or gas equal perhaps in quantity, certainly in value, less a reasonable sum for transportation. In either event it seems that the title to the oil or gas received is transferred from the producer to the pipe line, and so the pipe line would render itself obnoxious to that portion of the Elkins amendment under discussion. If the pipe line pays money, it is a sale and the property is the pipe line's; if the pipe-line company agrees to give oil of equal value at the point of destination, it is an exchange and the property has passed to the pipe line.

The independent producer fears that the large pipe-line companies will refuse to take his product if this provision should become a law on the ground that the pipe-line company would be violating the law. This the independent producer fears would continue at least until he was compelled to sell his oil wells at a sacrifice. Moreover, in some wells at least continuous pumping is necessary or the wells fill up, and their value be largely destroyed. In addition, even if it should be held that delivering to the producer of the crude oil, or in other words, to the owner of the well, oil of a similar grade, where that is possible, to the oil consigned by him to the pipe line, is not barter or purchase, but constitutes common carriage, the small producer would be ruined so far as oil production is concerned. He could not have his oil transported at all unless at the point of destination he made some arrangement to get sufficient room to store at least one day's run upon delivery or more in case he could not arrange an immediate sale. For example, take a man having a production aggregating fifty barrels of crude petroleum per day. That is not enough for him to maintain a refinery, even if he had the capital, information, and knowledge to conduct a refining business. He would be compelled to shut down until the pipe line was again permitted to account to him for his oil, and transport it where the pipe-line company reaches its own storage place or refineries or associated refineries.

So you can see that a pipe line is an entirely different thing in the conduct of its business from a railroad. A railroad is a common carrier, and carries the people and everything they have to transport, while a pipe line can not carry anything unless it be oil or gas or water. These people interested in this large industry in my own State and in Indiana and in Kansas and over our western country, all of them trying to be independent of the Standard Oil Company, all of them perfectly honest and straightforward in their transactions, fear, at least, that if this amendment as it was is retained in the bill they will be thrown out of business and their oil wells destroyed for want of means to get the oil to market.

Mr. President, I do not care to take the time of the Senate in talking about this subject. I merely want to say that, so far as I am concerned, I am ready to do anything that can be done which is fair and honest to my own people and to the common people of this country, and to curb the Standard Oil Company, so far as it is possible to do it under law, but I am not willing to vote for an amendment simply for the purpose of punishing the Standard Oil Company if it is going to punish the common people of my own State and other States surrounding much more than it will the Standard Oil Company.

There are some other things in this bill, but I do not think it is worth while to discuss them. So far as the constitutional question is concerned with respect to the pass provision, I think there is sufficient in the bill to show that it was not the purpose of Congress to go beyond the issuance of interstate passes, and that the courts will so hold. Nobody ever dreamed of such a thing, and the courts, in my judgment, if there are any words lacking, as my friend the chairman of the Senate con-

ferees intimates, in that the word "interstate" has been left out, would supply the amendment, because it is perfectly obvious that it was not the purpose of the conferees or of the Senate or of the House to go beyond the jurisdiction of Congress to regulate interstate commerce.

On and after January 1, 1907, common carriers subject to the provisions of this act shall not directly or indirectly issue any free ticket or pass, etc.

Those words themselves are sufficient to indicate the purpose of the lawmakers, so that the court, if there is any word lacking there, will supply it.

Mr. BACON. Will the Senator from Illinois permit me to ask him a question?

Mr. CULLOM. Certainly.

Mr. BACON. There is another feature of this pass amendment which I think a very serious one, and one which not only fails to prohibit passes as to any other person than those named here, but expressly denies any purpose to prohibit it. I am more particular to make this statement because this amendment in its general terms is in harmony with an amendment which I myself offered when the bill was before the Senate, which limited the prohibition against the giving of free passes to certain officials, including legislative, executive, and judicial officers, and I confess that upon reflection I think I was wrong upon that limitation. I think this antipass amendment framed by the conference committee is wrong—not because, as was suggested at the time I proposed my amendment, it drew the line between those specified and all other people, although that might be a sufficient reason—I think the proposed amendment is principally wrong because it is in conflict with the entire scheme and theory of the whole proposed railroad law, which is that all people, both as to freight and as to passage, shall stand equal in their treatment by the railroad companies, that no favor shall be granted to one that is not given to another. In the absence of this express provision in this conference-committee amendment, which says practically that the railroad can give passes to all persons except those named, I very much doubt whether under the general law as it now stands on the statute book—certainly so when taken in connection with the amendment now proposed to the law—whether free passes could be given to anybody other than those specially excepted by the law. The great evil——

Mr. TILLMAN. Mr. President——

Mr. BACON. Pardon me one second. I will not occupy much time.

Mr. LODGE. I want to know——

Mr. BACON. The Senator will pardon me for a moment. The great evil in the proposed conference amendment, to my apprehension, is this: By giving sanction to railroads to issue free passes to any people to whom they may see proper to give them, outside of those prohibited, you are putting it in the power of the railroads to exercise really great discrimination between those who shall ship freight over their lines. If you give the railroads the unlimited permission to issue passes to any people other than those specified, or to withhold them from any people who shall ship over their lines, you put it in the power of the railroads, by making discriminations in this regard, to practically give rebates to favored shippers.

I wish to ask the Senator from Illinois if he does not recognize that in that particular view of it and with that particular result, this pass amendment commits a great mistake and absolutely overturns the fundamental principle which pervades the whole railroad law, which is intended to compel entire impartiality on the part of the railroads in dealing with the public, both as to freight and as to passenger transportation?

Mr. CULLOM. Mr. President, I do not quite see the force of the suggestion made by the Senator. This provision says that "common carriers subject to the provisions of this act shall not directly or indirectly issue any free ticket or pass for carriage to any officer," and so on. It applies to a certain class. It leaves out all the balance. It leaves the balance for the railroads to deal with as they choose.

Mr. BACON. That is exactly where I think the vice comes in.

Mr. CULLOM. Now, wherein does the Senator make it out that that makes the law unconstitutional?

Mr. BACON. I did not speak of it as an unconstitutional provision, but I spoke of it as one in conflict with the entire theory and purpose of the law, which was to secure uniformity of treatment by the railroads, both as to freight and passenger transportation, to all classes, excepting only their own employees and officers and their families.

Mr. CULLOM. In what respect in that point of view does this differ from the amendment the Senate put in the bill in the first instance?

Mr. BACON. In the amendment as it passed the Senate there was a general prohibition of the issuance of free passes, excepting only to certain persons. In this case there is a designation of certain persons, and all the balance of them are excepted. That is the difference. It exactly reverses what was done before.

Mr. FORAKER. I wish to ask a question of the Senator from Illinois at this point, if I can.

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

Mr. CULLOM. Certainly.

Mr. FORAKER. The pass amendment, which I had not read until since I was on the floor before, provides that no pass shall be granted by any road subject to the provisions of this act to any officer of the United States, and so on, or to any officer or person in the service of any State, etc. It does not say that these railroads shall not grant any interstate pass, but it prohibits any pass at all.

Mr. CULLOM. That point, I think, was already made by the Senator from Texas—that it cuts off all passes, State and interstate.

Mr. FORAKER. It cuts off all. The point I want to make is this: As soon as it was called to my attention I examined the statute of Ohio to confirm the impression I had, and I find it is confirmed. We have a statute which has been in force over thirty years, for nearly forty years, ever since 1867, I believe, creating the office of railroad commissioner and appointing a railroad commissioner, and by positive statutory provision requiring all railroads of the State to give him a pass without compensation over all the lines within the State. I am told that that is the case in other States.

Mr. KEAN rose.

Mr. FORAKER. I am told that is the case in the State of New Jersey also.

Mr. KEAN. In the State of New Jersey the charters of nearly all the railroads require all State officers, members of the legislature, judges of the courts, etc., to be carried free.

Mr. FORAKER. It seems to me that we are running into a needless conflict by leaving out the word "interstate."

Mr. CULLOM. I think it would have been well for that word to have been in, but in my judgment the court will assume from the tenor of the provision itself that it meant just what everybody knows it did mean.

As far as I am concerned, I want to say that I did not favor this amendment in the first instance. I voted for it finally. I believed that we ought to have set aside the amendment the Senate put in and also the amendment that we adopted before that the people were so aroused about and that we should relegate the whole thing back to the present law so far as passes are concerned. But that did not seem to be the view of other Senators on the conference committee.

Mr. GALLINGER. I wish to ask the Senator from Illinois a question.

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. CULLOM. Certainly.

Mr. GALLINGER. In looking at this pass amendment as it appears in the conference report I find that there is an inhibition against granting passes "to any officer or person in the service of the United States, other than those in the postal service." If that was intended to cover railway postal clerks and perhaps post-office inspectors, I could see some force in it; but it looks to me that as it reads it exempts the Postmaster-General, the retinue of clerks in the Post-Office Department, and every postmaster in the country, and every post-office clerk and letter carrier in the country—everybody in the service of the Post-Office Department.

If this goes back to conference—I do not know how I shall vote on it, I am undecided at the present moment—but if it goes back to conference I suggest to the conferees that that is a matter which ought to be looked into, because the phrase "other than those in the postal service" is wide and unqualified.

Mr. LODGE. Mr. President——

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

Mr. CULLOM. I yield the floor, Mr. President.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEPBURN, Mr.

MANN, and Mr. RYAN managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7099) to amend section 2821 of the Revised Statutes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAYNE, Mr. DALZELL, and Mr. WILLIAMS managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13193) to prohibit the killing of wild birds and wild animals in the District of Columbia, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAMPBELL of Kansas, Mr. TAYLOR of Ohio, and Mr. SIMS managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

S. 6493. An act to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River, to erect and maintain an inlet pier therefrom, and to construct and maintain filter beds for the purpose of supplying the city of Buffalo with pure water;

H. R. 13372. An act to authorize the cutting, sawing into lumber, and sale of timber on certain lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin;

H. R. 18198. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes;

H. R. 19680. An act directing the Secretary of War to cause an examination and survey to be made of Coney Island channel;

S. R. 68. Joint resolution expressing sympathy of the people of the United States with the Hebrews on account of the massacres of members of their race in Russia; and

H. J. Res. 60. Joint resolution authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.

PURE-FOOD BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, insisting upon its amendment to the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HEYBURN. I move that the Senate disagree to the amendment of the House of Representatives, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HEYBURN, Mr. MCCUMBER, and Mr. LATIMER as the conferees on the part of the Senate.

REGULATION OF RAILROAD RATES.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. LODGE. Mr. President, I shall occupy only a few minutes, and I would not take those, for I know how desirous we all are to bring this session to an end, did I not wish to explain my reason for voting, as I shall vote, against the acceptance of this report.

It turns on two questions. The first is changing the words "common carrier," in what is known as the "commodity amendment," to the word "railroad," the purpose of that being to exclude the pipe lines from the amendment. The commodity amendment was offered by the Senator from West Virginia [Mr. ELKINS]. It was adopted after my amendment putting pipe lines under the bill was accepted. I have been unable to see any injustice in having pipe lines carry oil for oil owners as railroads carry wheat for wheat owners, and I can see no possible reason for making an exception in regard to that one industry.

The great trunk lines, 90 per cent of them, are owned by the Standard Oil. They carry for hire. They are made common carriers by the laws of many States. The number of private lines owned by private well owners engaged in interstate commerce is very small indeed. Those that I have analyzed, who have been objecting here, are almost all within the boundaries of one State and are not affected by this bill. But the effect of this would be to let out the great trunk lines. I think the carrying of oil and the producing of oil ought to be separated.

I believe, therefore, Mr. President, that it is an injustice to make this exception. From the knowledge I have of this subject and from what I have heard since this matter has been under discussion elsewhere, I am satisfied that there is a belief in certain quarters that what is known as my amendment, the first amendment in the bill, will not hold if they can get rid of this one. I do not myself think that is true. I think my amendment will hold and bring them within the jurisdiction of the Interstate Commerce Commission. But I do not think it just to make an exception in their favor.

The second ground of my objection to the bill is what has been disclosed to me on the examination of this free-pass amendment and what has been said by Senators here. The Senator from New Hampshire [Mr. GALLINGER] has just pointed out that this provision is so loosely drawn that under it, while the President of the United States or a Senator or a Cabinet officer, with the exception of the Postmaster-General, could not take a pass, every fourth-class postmaster in the country can have one. There is no doubt about that in the world. We select one class of public servants, a very numerous class, and allow them to have passes.

Mr. TILLMAN. Mr. President——

Mr. LODGE. But, Mr. President, there is a much more serious objection to this pass amendment than that.

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

Mr. LODGE. Certainly.

Mr. TILLMAN. I want to say in explanation and also in defense of the action of the conferees that the provision in regard to the exemption of persons in the postal service grew out of the communication sent from the Post-Office Department, pointing out that under the strict provision of the law as we had framed it—as the Senator will find out by reading amendment 27 as well as the pass provision we have had under consideration previously—it would add to the expenses of the United States Government a million or a million and a half of dollars to provide for transportation of the postal clerks on the railway mail cars of the country. It was not our expectation or purpose, and we did not consider the words, although they might be so interpreted, to include anybody in the Post-Office Department. It is only those who travel on the railroads handling the mails. We might have used better language, but that was certainly our intention.

Mr. LODGE. There is no question that would be proper, and it is equally beyond question that under the language used everybody in the postal service can receive a pass. But that is not the serious objection, in my mind, to the amendment as it now stands. Under this provision as it now exists practically all the provisions of the bill against discrimination can be annulled. Under this provision here every railroad carrier can give what amounts to a rebate to a favored shipper in the form of passes and transportation for his friends and his family and people he sends on his business, and so on. It opens a wide door to the establishment of effective rebates.

Now, that is a very grave objection, to my mind, because it strikes at the very central principle of all this legislation that we have spent so much time over this winter. The main object of this legislation, as we look at it, is to reach what I regard as the greatest possible evil—that is, the personal discrimination, the rebate, as it is called. If it does not reach those in any way, it is of little worth. Here in this clause we actually authorize and invite a method of discrimination by which personal advantages can be given which would constitute a valuable rebate in behalf of a favored shipper, and from that I have been unable to see any escape whatever.

Of course I know the conferees had no such intention, but it seems to me as if they have had a very hard task. Everybody knows that they have done most admirable work, and in closing the thing up it looks as if this amendment about passes, the postal-service amendment, and others had not been very carefully drawn. But this is a measure where we can not afford a clause of this sort to remain loose or open to a doubtful interpretation, and in this case I can not see that the interpretation is doubtful.

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

Mr. LODGE. Certainly.

Mr. CULLOM. The pass amendment does not mention the great body of business men of the country at all. They are passed out of the bill, and nobody has any preference over any other person as to the right to get a pass from the railroad, except the persons excepted—the employees in the Federal Government and in the State. Now, how does my friend from

Massachusetts make it out that because none of those people are mentioned at all it opens the door to rebates?

Mr. LODGE. The language is "no common carrier shall be prohibited from granting any free ticket or pass for carriage." In other words, we give express permission to the railroads to remove all prohibitions from granting a free ticket or pass. Those words allow them to grant a free ticket or pass to anyone except the enumerated public officers.

Mr. CULLOM. We prohibit the granting of passes to public officers, but we do not say anything about the balance of them.

Mr. LODGE. You say specifically that the roads shall not be prohibited from giving passes to anyone they want to.

Mr. CULLOM. In other words, they are perfectly free to do as they choose.

Mr. LODGE. Certainly; they can give to one shipper passes for himself and his family, and all his clerks, and everybody else.

Mr. ELKINS. Would not that be discrimination under the law?

Mr. LODGE. Of course it would be, and this clause of yours cuts up discrimination by the root.

Mr. ELKINS. No; it does not. There is a penalty put in there.

Mr. LODGE. A penalty put in where?

Mr. ELKINS. That the shipper shall not solicit or accept nor the railroad grant any free transportation, and if so, shall be subject to a penalty.

Mr. LODGE. Certainly it is there, but you let them out by this sentence.

Mr. ELKINS. Not at all.

Mr. LODGE. That is exactly what I camplain of.

Mr. ELKINS. Not at all.

Mr. LODGE. You open the door to granting a pass.

Mr. TILLMAN. The Senator would be afraid to take a pass under those circumstances.

Mr. LODGE. For the moment I am an officer of the Government. I never took a pass in my life.

Mr. CLAPP. Mr. President——

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

Mr. LODGE. Certainly.

Mr. CLAPP. I wish to say to my friend from West Virginia that so far as the pass may be the medium of discrimination or rebate, this is an absolute repeal pro tanto of the law that bears the Senator's name.

Mr. ELKINS. I do not think so.

Mr. LODGE. Under this provision, Mr. President, the railroads are forbidden to give a pass to anyone who holds public office, speaking broadly, but they can give passes to every delegate who goes to a convention. They can carry train loads of delegates or crowds to fill the galleries, and give free passage to the men who make representatives in the legislature and in Congress.

I think the law as it stood in regard to passes, the existing law, is a sensible law, under which things had worked very well. There were proper exceptions and proper prohibitions. We constructed an amendment here in the Senate that was perfectly grotesque; and I do not wonder that the committee threw it out. Then the conference committee brought in a very drastic provision going the other way. If it had included the employees of railroads and their families and persons who are required by railroad regulations to travel with stock or fruit, I think it would have been a very proper solution of the question. But this amendment is so worded and so arranged that it seems to me to endanger some of the most important provisions of the bill.

Therefore, Mr. President, I can not vote for the conference report.

Mr. SPOONER. Mr. President, a very few moments. The Senator from South Carolina [Mr. TILLMAN] reprobated in general terms Senators who participated in the debate on the first conference report. I participated in that debate, and I make no apology to anyone for having done so. I observe with some satisfaction that there are portions of this report which show that that debate was of some value to the conference committee.

Now, Mr. President, I do not impute any motives other than good motives to my colleagues. I differ from them when I think I ought, but I always accord to them the utmost good faith.

The Senator from Massachusetts characterizes the pass amendment which was incorporated in the bill by the Senate as grotesque. I think a careful study of that amendment will relieve it except in one or two particulars of any just charge of grotesqueness. But be that as it may, I think no one can defend the antipass amendment which is incorporated in this report from the charge of grotesqueness. It is one which I do not think—as anxious as I am, and no man can be more anxious than I am, for the end of this session—should be permitted to pass into law.

I do not believe, Mr. President, that any court would hold that by this amendment Congress intended to regulate free transportation between intrastate points. Nothing is better known or clearer than that Congress has no jurisdiction whatever over transportation solely within a State, even though it be a carrier also engaged in interstate transportation.

The courts are reluctant to overturn legislation upon constitutional grounds. They never do it when they can avoid it properly. I have no doubt myself that the court would say in favor of the constitutionality of this act that as there were two objects to which it could be applied—one, interstate transportation, which is within the regulatory power of Congress, and the other State transportation solely, which is not within the regulatory power of Congress, it was intended by Congress only to apply to interstate transportation. So I think that it is only a blot on this great law, one which the Congress I think would be a little ashamed on reflection to have remain upon it, so needless it is.

But, Mr. President, there are serious objections, most of which have been raised, to this amendment. It is absolutely impossible for my friend from South Carolina to answer the objection made based upon the words "other than in the postal service." They are not susceptible of defense.

Mr. TILLMAN. Mr. President, I should like to ask the Senator to tell me whether the Post-Office Department, which deals not with the mails at all, but deals with the handling of that Department as a business, is a postal department?

Mr. SPOONER. I will answer that.

Mr. TILLMAN. It may be that the criticism of the Senator is correct, but it looks to me like the word "postal" has reference to the man who handles the mail. The postmaster in the city of Washington and the carriers who roam around and gather in the letters from the boxes and who deliver letters at residences——

Mr. SPOONER. Do they not handle the mail?

Mr. TILLMAN. They handle the mail. They are the only ones. The men in the Department, who are transacting other business, are entirely separate and apart, the same as the Navy Department or the War Department are not in the postal department.

Mr. SPOONER. How about the letter carriers?

Mr. TILLMAN. I am speaking of the letter carriers.

Mr. SPOONER. Do they not handle the mail?

Mr. TILLMAN. Of course they do.

Mr. SPOONER. Does the Senator think they should be included?

Mr. TILLMAN. To tell you the truth, the issue of settling this pass amendment became so perplexing and devilish, if I may use such a phrase, that almost in despair the conferees accepted this proposal among others, rather than the one which the Senate passed. I believe the Senator is correct in saying that we shall never get a better one than we patched up here the day we adopted it, although it may have been a Joseph's coat or any other kind of patchwork. It was probably as effective as anything we can conceive of or provide.

Mr. BACON. Will the Senator permit me to read a section of the Revised Statutes at this point?

Mr. SPOONER. A long one?

Mr. BACON. No; a short one, defining the oath which shall be taken by those who are in the service or in an office relating to the Post-Office Department. The law is in this language:

SEC. 15. That before entering upon the duties, and before they shall receive any salary, the Postmaster-General, and all persons employed in the postal service—

Using the term "postal service" as signifying everybody employed in the Post-Office Department—

shall respectively take and subscribe before some magistrate or other competent officer authorized to administer oaths by the laws of the United States, or of any State or Territory, the following oath or affirmation:

Mr. TILLMAN. I have not studied the statutes as has the Senator from Georgia, and was not entirely familiar with the technical meaning of the word "postal." I myself consented to this provision, because I conceived that the word "postal" applied to the man who handles mail and not to the man who superintends the man who handles mail.

Mr. SPOONER. This language is a generalization. Everybody in the United States in the postal service is embraced by it; the officers of the Post-Office Department here, I think, are embraced by it; the rural mail carriers are embraced by it, and I do not see why postmasters throughout the country are not embraced by it, and clerks in the post-offices and all the mail car-

riers on the plains, the men who carry the mails from village to village and up in the mountains away from the railways—they are entitled to free passes. They handle the mails. They handle them in bulk.

Mr. TILLMAN. I am really convinced—and the other conferees had about the same view of this as I did—that we were trying to provide for the free passage over railways of railway mail clerks and post-office inspectors, and no more. I reckon we ought to have used those words.

Mr. SPOONER. That is what I was about to say. The conferees made it too broad, unless it was the purpose to make it apply to all of these.

Mr. TILLMAN. That was not our purpose, I am sure.

Mr. SPOONER. I understand that. I agree entirely with the Senator from Massachusetts [Mr. LODGE] and with other Senators who think that free transportation ought to be prohibited except in cases every one of which has been referred to in the debate. This throws the door wide open; this leaves the railway companies perfectly free to give free transportation to everybody in the United States except the officers and servants of the United States and officers and servants of the States and cities of the United States. Upon what theory is that to be justified? It is not in harmony with the provisions of this bill. This bill has a section in it intended to secure equality of transportation among passengers:

No carrier shall, unless otherwise provided by this act, engage or participate in the transportation of passengers or property, as defined in the first section of this act, unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this section; nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time.

Now, if a railway company wishes to attract the business of some shipper from among other shippers in the same town, they can do it by giving free transportation. They may give that transportation as freely as they choose; they may give it to the shipper and his immediate family; they may give it to his "sisters, his cousins, and his aunts;" in the case of a manufacturer, they may grant his request for passes for those who patronize him and take his wares and those who deal with him. In other words, it puts in the hands of the carriers the power to substitute the pass broadly for the rebate, to give to certain men in a community as many passes as they want for themselves and their customers, provided they give them their business. That is lawful under this report. And they may refuse passes to those who will not give them their business. So the railway carriers come into competition with each other, using not rebates, not cut rates, but passes. Is that the intention of the Senator?

Mr. TILLMAN. I will say to the Senator that with respect to amendment No. 27, which he has just read, and which, under the interpretation put upon it by the Senator from Pennsylvania [Mr. KNOX] prohibits all free passes of every kind, whether we put in any provision or not, was intended to be provided against by this exception.

Mr. SPOONER. If there is any provision in this bill, Mr. President, which prohibits free passes, this amendment takes away that prohibition——

Mr. TILLMAN. I know it, and it repeals it to that extent. I see that now.

Mr. SPOONER. Except as to certain officials. Who are they? It is my belief, or, if I do not state it that way, I will say that there is the gravest possible doubt in my mind whether it does not leave a Senator and a Member of the House of Representatives as free to accept passes as before the passage of this bill, if it be enacted into law.

Mr. TILLMAN. Well, Mr. President, I have great respect and admiration for the Senator's knowledge of the law, and I would like to have him explain what a Member of the House of Representatives and a Senator is?

Mr. SPOONER. Mr. President——

Mr. TILLMAN. Wait a minute. Is he embraced under the term "an officer of the United States?"

Mr. SPOONER. I think not.

Mr. TILLMAN. I think not, too; for the United States Supreme Court has decided that he is not. Then, if he is not an officer of the United States, is he an officer of the State? If not, what is he? He is in "the service of the United States," which words are also there.

Mr. SPOONER. I know.

Mr. TILLMAN. What is he? Is he a nondescript?

Mr. SPOONER. The United States pays a Member of Congress, but a Member of Congress is not an officer of the United States within the Constitution, nor is he an officer of the United States within the statute generally. His position is somewhat unique, Mr. President. A Senator does not hold an office under the Government of the United States.

Mr. TILLMAN. I get my commission from the governor of my State. Then I must be an officer of the State of South Carolina.

Mr. SPOONER. That does not follow. The Senator's commission from the governor of his State is simply the evidence which is handed in here to the presiding officer of this body to show that the Senator is entitled to come into this Chamber.

Mr. TILLMAN. Well, then, am I in the service of the United States or not?

Mr. SPOONER. I think it would not be so construed. This is the language:

On and after January 1, 1907, common carriers subject to the provisions of this act shall not directly or indirectly issue any free ticket or pass for carriage to any officer or person in the service of the United States, other than those in the postal service, to any officer or person in the service of any State.

I think that would be construed under the doctrine of noscitur a sociis. I gravely doubt whether this could be construed as including a Senator or a Member of the House of Representatives.

Mr. TILLMAN. Then all we can say in defense of our action is that we were trying powerful hard to keep out every Senator and every Member of the House of Representatives and every State officer from getting a free pass.

Mr. SPOONER. The conferees did not try as hard as the Senator from Georgia did when he offered his antipass amendment, providing:

That no carrier engaged in interstate commerce shall hereafter directly or indirectly issue or give any interstate free ticket, free pass, or free transportation or passage to any Senator of the United States or Representative in Congress, or to any justice or judge of the courts of the United States, or to any officer of either of the Executive Departments of the United States.

Mr. TILLMAN. I will explain why the conferees so acted. I was not so tenderfooted myself, or rather I was not so sensitive on the subject; but there is abroad, both in this Chamber and in the other one, as we learned from the House conferees, an unwillingness to single themselves out, and thereby in a measure confess before the country that they are subject to this temptation, and that they wanted to protect themselves against the temptation by saying specifically that a Member of the House of Representatives and a Senator should not do thus and so. They therefore expressed it in the words "any officer or person in the service of the United States, or of any State," and thought that by using that language they accomplished the purpose. But if, under the technical construction and the technical interpretation of the Constitution by the Supreme Court, we made a mistake, then, of course, I suppose that we will have to go back and try it over again.

Mr. SPOONER. Congress has done that before. When Congress passed the act under which a Senator has been convicted it had no hesitation in using language which implied that a Senator or a Member of the House of Representatives might forget his duty and use his official place for financial benefit. One would think that no such enactment could ever have been demanded; one would think that a proper sense of propriety would render utterly unnecessary any such act of Congress; but the Congress, composed of men, I take it, as sensitive as the Congress of the present day, enacted:

SEC. 1781. Every member of Congress or any officer or agent of the Government who, directly or indirectly, takes, receives, or agrees to receive, any money, property, or other valuable consideration whatever from any person for procuring, or aiding to procure * * * shall be deemed guilty of a misdemeanor, etc.

And in the next section Congress provided:

SEC. 1782. No Senator, Representative, or Delegate, after his election and during his continuance in office, and no head of a Department, or other officer or clerk in the employ of the Government, shall receive or agree to receive any compensation whatever, directly or indirectly, for any services rendered, or to be rendered, etc.

Mr. TILLMAN. Does the Senator think that that is able to prevent a Senator or a Member of the House from getting a free pass and using it? That has reference to services to be rendered in exchange.

Mr. SPOONER. The Senator misapprehends the purpose for which I read it. I did not read it as embracing the acceptance of passes as a thing already made punishable by law. I read it as showing that a Congress before us was not so sensitive as the conferees seem to be about enacting legislation which implies that there might be Members of the House of Representatives and members of the Senate who would so utilize their position as to have an interest against the interest of the Government and derive financial benefit from it.

Mr. President, I do not stop to discuss the question whether the acceptance of passes by members of the legislature, by Senators, and by Members of the House of Representatives affects

them to the prejudice of their constituents. There may be such cases. I would hate to think there are many, if there are any; but I believe it to be true that the people of the United States prefer that Members of Congress and judges and public servants generally, especially those charged with the duty, under the Constitution, of enacting legislation for the regulation of railway corporations, shall not accept and use such courtesies from them. I believe it is of the utmost consequence, Mr. President, that that should be prohibited which, if indulged in, causes in the public mind distrust or suspicion of the actions or the motives of public servants. That is enough.

The Supreme Court said in the case of United States *v.* Germaine (99 U. S.), referring to the use of the words "officers of the United States" in a statute:

> The Constitution for purposes of appointment very clearly divides all its officers into two classes. The primary class requires a nomination by the President and confirmation by the Senate. But, foreseeing that when offices become numerous and sudden removals necessary this mode might be inconvenient, it was provided that, in regard to officers inferior to those specially mentioned, Congress might by law vest their appointment in the President alone, in the courts of law, or in the heads of Departments. That all persons who can be said to hold an office under the Government about to be established under the Constitution were intended to be included within one or the other of these modes of appointment, there can be but little doubt.

The court then calls attention to a statute in which this distinction is recognized by the Congress in the use of the words "or agent" and the words "and all persons participating in the act" in addition to the word "officers.

Nor is that all. Here is a later case—and I will take but a moment with it—in which the court says:

> An officer of the United States can only be appointed by the President, by and with the advice and consent of the Senate, or by a court of law, or the head of a department. A person in the service of the Government—

There you get the words "in the service of the Government"——

Mr. TILLMAN. There is where we got it. That is why we put it in.

Mr. SPOONER (reading)—

> *A person in the service of the Government who does not derive his position from one of these sources is not an officer of the United States in the sense of the Constitution.* (U. S. *v.* Smith, 124 U. S., 525.)

Now, Mr. President, reading those quotations together, I do not believe a court would construe the words "a person in the service of the Government" to embrace a Senator or a Member of the House of Representatives. A Senator, Mr. President, is in a sense in the service of the Government, but he does not hold office under the Government. He is a part of the Government itself, a part of the body which makes laws which govern the people, just as the President is at the head of the executive department of the Government. In the Constitution where they provide for the impeachment of officers, they do not say that all officers of the United States shall be subject to impeachment, but they name the President of the United States; they name the Vice-President of the United States. There is a provision in the Constitution which requires the President to commission all officers of the United States. Senators and Representatives are not appointed by the President; they do not derive their offices from the United States. Their offices are created, however, by the Constitution.

Mr. TILLMAN. I would remind the Senator, if he would permit me, that Madison in the Federalist designated Senators and Members of the House of Representatives as ambassadors of the States.

Mr. SPOONER. That related only to Senators.

Mr. TILLMAN. I suppose Members of the House would be ambassadors of the people of their respective States.

Mr. SPOONER. Well, if the Senator adopts that definition, if that——

Mr. TILLMAN. All I want to get the Senator to realize is that the conferees very earnestly and honestly were trying to do what the Senator said ought to be done, and that it is to prohibit any man who has to do with governmental affairs in any capacity whatever from riding on free passes.

Mr. SPOONER. I have no doubt of the good faith of the conferees—none in the world.

Mr. TILLMAN. Then pity their ignorance.

Mr. SPOONER. Mr. President, the conferees are not ignorant.

Mr. TILLMAN. We were ignorant of some of the points the Senator has made, anyhow.

Mr. SPOONER. They were only tired.

Mr. TILLMAN. We surely are tired. I am tired unto death.

Mr. SPOONER. So am I.

Mr. CARMACK. I just want to call attention to the language of the provision. It applies to "any officer or person." It is not confined to "officer," but applies to "any officer or person in the service of the United States," etc.

Mr. SPOONER. I do not believe the court—and the court would have the right to read it all—I do not believe the court would say that members of the Senate and of the House of Representatives, a part of the Government, a coordinate branch of the Government to make laws, would fall within the designation of "any person in the service of the United States," especially when the amendment further says "other than those in the postal service."

Mr. CARMACK. It intends to include "all officers and all persons in the service of the United States," and it looks to me as if a Senator would be said to be in the service of the United States or in the service of his State—one or the other.

Mr. SPOONER. He is paid out of the Treasury of the United States from money derived from the people through taxation.

Mr. CARMACK. And he is paid for his services.

Mr. SPOONER. He is not appointed by the President; he is not removable by the President; he is elected by the legislature of his State. His commission by the governor is the only evidence of the fact of his election. He resigns office not to the President of the United States; he resigns it to his State.

Mr. CARMACK. Whether he is in the service of the United States or in service of the State is covered by the language of the amendment.

Mr. SPOONER. He is sub modo in the service of both. He is in the service of all the States; he is a Senator of the United States from his State. His first duty is to conserve the general public interest of the United States, and, subject to that, it is his duty to conserve the interest of the State, the people who have honored him by a seat in this body. His relation in the Government is anomalous. He serves as a part of the Government. He is not appointed by it, nor does he hold office under it.

So with a Representative in Congress. He is chosen in a district of a State. He has a certificate of appointment. The appointment of a Senator is by the legislature; the appointment of a Member of the House is made by a majority of the voters in his district, and he gets his certificate from his district and from his State.

Mr. CARMACK. The point I was making, Mr. President, is that a Senator and a Representative in Congress, if they are not officers, are certainly persons, and they are in the service, it seems to me, either of a State or the United States.

Mr. SPOONER. If they are in the service of the State, how would that help it?

Mr. CARMACK. I say in either case it is covered by the language of this amendment.

Mr. SPOONER. The Senator does not contend that they fall within the meaning of the word "officer" as used in the Constitution?

Mr. CARMACK. No; I am not contending for that.

Mr. SPOONER. The Senator sees that former Congresses have not, when they sought to throw safeguards around legislation and to interdict the improper utilization by a member of Congress, whether a Senator or a Member of the House, of his official position for private gain, been content in any case to use the word "officer," but they have gone beyond that in each case. They were not content to say "any person in the service of the Government," either or "any person holding office under the Government." In every instance, so far as I have been able to observe, they have used the words "Member of Congress" or the words "no Senator or Member of the House of Representatives."

Mr. CARMACK. I will ask the Senator this question: Do the words "persons in the service" mean anything different from the words "officer?"

Mr. SPOONER. They do, or else they would not be used.

Mr. CARMACK. What is the distinction?

Mr. SPOONER. A clerk in the Department is not an officer.

Mr. CARMACK. That is right.

Mr. SPOONER. No man who is not appointed by the President of the United States and confirmed by the Senate or appointed by the head of one of the Departments or by a court of law is an officer, as the Supreme Court has several times held, within the meaning of the Constitution.

The Senate held when the Blount impeachment proceedings were before it that Blount was not impeachable under the Constitution because he was not an officer of the United States.

Mr. CARMACK. I want to say, if the Senator will yield to me——

Mr. SPOONER. I will be through in a second.

Mr. CARMACK. I was simply asking for information.

Mr. SPOONER. I know.

Mr. CARMACK. I think it would be very much better if the

conferees had used the language employed by the Senator from Georgia in the amendment he proposed.

Mr. SPOONER. In the Burton case the court used this language:

But the final judgment of conviction did not operate *ipso facto* to vacate the seat of the convicted Senator, nor compel the Senate to expel him or to regard him as expelled by force alone of the judgment. The seat into which he was originally inducted as a Senator from Kansas could only become vacant by his death, or by expiration of his term of office, or by some direct action on the part of the Senate in the exercise of its constitutional powers.

It might have added there "or by his resignation."

This must be so for the further reason that the declaration in section 1782—

And that names Members and Senators—

that anyone convicted under its provisions shall be incapable of holding any office of honor, trust, or profit "under the Government of the United States" refers only to officers—

I beg the Senator's attention to this—

refers only to officers created or existing under the direct authority of the National Government as organized under the Constitution, and not to offices the appointment to which are made by the States, acting separately, albeit proceeding, in respect to such appointments, under the sanction of that instrument. While the Senate, as a branch of the legislative department, owes its existence to the Constitution, and participates in passing laws that concern the entire country, its members are chosen by State legislatures, and can not properly be said to hold their places "under the Government of the United States."

The same thing is true as to a Member of the House. He is elected by his district as Senators are elected by the legislature.

Mr. BAILEY. Mr. President——

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

Mr. SPOONER. Certainly.

Mr. BAILEY. As reenforcing what the Senator from Wisconsin has said, the language of the Constitution, with respect to the election of Senators, is itself significant. It specifies who may be chosen, and concludes he shall—

be an inhabitant of the State for which he shall be chosen.

It would be very singular to say that a Senator is chosen for a State for service under another sovereignty—

Mr. SPOONER. Yes. I am not making any technical point here. I would be glad to have the Senate agree to a report and end this matter, but the Senator from South Carolina should bear in mind that this is a penal provision of the statute, and that it would, like all penal laws, be strictly construed, and it is my belief that it would not be construed as embracing Senators and Members of the other House. But, Mr. President, while we are about this business, it would be very absurd and mortifying to the Senate and to the House, after we shall have adjourned, after having put upon the statute books this law, to have it a serious question whether we had omitted to include in this prohibition Members of Congress, including both the members of the Senate and of the House. I suggest to the Senator from South Carolina that if this matter goes back to conference they use the language of the statute or of the Bacon amendment or some other amendment which named Senators, Members of the House, and judges of the courts of the United States, and other officers of the United States. That generalization covers all and makes specific and explicit provision as to judges and Members of the House and of the Senate. I doubt very much whether this would include the President either.

Mr. BAILEY. He has been provided for, and he would not take a pass.

Mr. SPOONER. He has been provided for upon the theory that passes are prohibited to him. He is a part of the Government, not holding office under it. He is holding office under the Constitution, as we are. But we are not officers of the Government or under the Government.

Mr. BACON. Does the Senator understand that if it were not for the passage of this proposed law that provision would not be necessary?

Mr. SPOONER. I think it would be necessary. I think the Elkins law really prohibited passes, but it has been absolutely inefficient in that respect, as I understand.

Mr. TILLMAN. It has no punitive feature.

Mr. SPOONER. It was a rule of action enacted by the Congress and provided a fine.

Mr. BACON. The point I made was——

Mr. SPOONER. I understood the Senator.

Mr. BACON. That in the absence of any prohibition against free passes that legislation would not have been necessary.

Mr. SPOONER. I believe this is a subject which should be carefully taken under consideration by the conferees. It is not a very complicated subject. The old law was a good law, if we are to prohibit free transportation save in excepted cases. It was in force many years and no one complained of it. I agree in a general sense with the Senator from Texas on the subject; but I would make more exceptions than he seems to be willing to make. I believe the exceptions to the old law were wisely made. I do not believe the Congress of the United States ought to prohibit railway companies from granting free transportation to destitute and homeless people traveling under the auspices of charitable organizations.

I do not believe that the railroad companies of the country ought to be precluded from giving free transportation in a number of cases where every man, woman, and child in the United States would say that the dictates of humanity require it. And it is going mad on this subject either not to make proper restrictions or to throw it, as this amendment does, wide open, leaving out, as I believe, the judges and the Senators and the Representatives in Congress, and opening the door to everybody in the postal service and excluding all the rest of the Government, and moreover, inviting the railway companies of the country, while doing away with the rebate, to substitute for the rebate the free pass without limit, as a means of rewarding those who patronize them and discriminating against those who do not.

Mr. HEYBURN. Mr. President, I was unfortunate in not being able to be present when some of the provisions of this bill were under discussion, and I have been compelled to gather up, as it were, the provisions that have been incorporated in the bill as it is now before the conference committee. I desire to submit some remarks in regard to the fifth amendment, which has been under consideration.

Mr. President, I am unable to see how it is possible that that amendment should have been adopted and how it is possible that the conference committee have retained it in the bill. It is one of the widest in its scope and reach that is contained in the entire bill and involves, in values and property, as much as any provision contained in the bill, in which the lumber interests of the great land-grant railroads are exempted from the restrictions of the fifth amendment.

Mr. President, in the northwestern and in the southwestern portions of this country there are owned by the railroad companies more than 15,000,000 acres of timber land, and they have already in contemplation, and I am informed that they have in fact entered upon, the construction of sawmills, either directly under their own management or through the process of lease and stumpage, that will enable them to drive every legitimate individual enterprise in the lumber business out of business, and it represents more than three thousand million feet of marketable lumber, to be thrown, through the processes I have suggested, upon the market in competition with individual enterprise. And yet you have exempted that enterprise from the restriction which you have placed upon the railroads and the public carriers as to coal and other commodities.

You have broken through the rule that has been so strongly and so cogently urged of divorcing production and transportation. There is no principle more important to be maintained in connection with the consideration of the matters that are being considered in this bill than that of an absolute and complete divorce of production and transportation. The language would seem to have been elaborated with especial care. Let us see: "Other than timber and the manufactured products thereof." I understand that it was urged on behalf of this measure that it was necessary to protect the small railroads which have been built in the lumbering districts. That would be very proper had the language been so framed as to confine it to that class of railroads. But it is so broad as to include two or three great transcontinental lines, the beneficiaries at the hands of the Government to the extent of at least half of all the timber lands upon the Pacific coast. Every alternate section of timber land is controlled by these railroads.

I urge upon the conference committee that that language should be so restricted, if that is the purpose, as to confine the operation of that exception to the small railroads that are built into lumber districts, and not make it so broad as to give the benefit of this exception to the great transcontinental railroads, which can bring that unlimited quantity of timber to the markets of the East and the West and the intervening country. With that exception there, no individual enterprises can possibly survive for a day the era of competition that these roads will surely enter upon. They can make a contract covering either a thousand or ten thousand acres of timber land, and then, under the language of the amendment, it is provided that this shall apply to any lands or timber or manufactured product which the railroad company may own in whole or in part, or in which it may have any interest, direct or indirect.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. PILES. Inasmuch as I drew the amendment, I should like to ask the Senator from Idaho if he knows of any railroad company—that is, a big railroad company, a railroad carrying passengers and freight generally—which is engaged in the lumber business in the Northwest?

Mr. HEYBURN. I could give the Senator a pointer that would enable him to ascertain that there have already been steps taken for the establishment, in an indirect way, of sawmills in the interest of the railroad, the profits of which are to be divided between the parties operating them and the railroad company owning the timber lands; and that those arrangements carry with them a provision as to the freight and the special advantages that are to be given to the parties who are going to nominally operate the mills.

Mr. PILES. If the Senator will pardon me a moment, I know of no railroad company in the Northwest that is engaged in manufacturing timber into any character of product. I drew the amendment upon the theory that it was in protection of the great lumber industry of the United States. Some of the lumber companies, because they can not get sufficient cars from the railroad companies of this country to carry the product to market, are operating little railroads into the forests and operating sawmills on tide water, and they have their schooners engaged in carrying their products to the markets of the world. That amendment, in my judgment, is in protection of that interest. There is no railroad company in the Northwest that I know of, engaged in that business, but if the Senator can conceive of any amendment which will protect that interest and exclude the great railways of the country from carrying their products to market, it will meet with my approbation, because I had no such idea in contemplation, and I am certain the Senate did not have when it adopted the amendment.

Mr. HEYBURN. I was just as certain of that before as I am now. I believe it is absolutely true that neither the Senator who offered the amendment, nor the Senate, nor any committee of the Senate had in contemplation as possible this condition which I have pictured, but I am prepared to show it is possible, and we are here to legislate against possibilities that would militate against the prosperity of the country and of the individual.

Mr. FULTON. Mr. President——

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

Mr. HEYBURN. I do.

Mr. FULTON. From the statement of the Senator as to what these land-grant railroads are doing, I infer that they are leasing or selling the stumpage, as they call it, to private parties and giving them contracts whereby they secure special privileges in regard to freight. Is that what the Senator says?

Mr. HEYBURN. Yes. I was speaking not only——

Mr. FULTON. I want to ask another question.

Mr. HEYBURN. Just a moment, because I answered that categorically. I was speaking not only of what they have done, because this law has not yet been enacted and the great privilege that is written in the statute as proposed is not yet clear, but I am endeavoring to show what they can do, and we may always safely rely upon it, that every source of profit is available to those corporations, will be taken advantage of.

Now, I am ready to yield to the Senator.

Mr. FULTON. I will ask the Senator if under the law prohibiting rebates and discrimination those railroads could not be punished for doing exactly that which the Senator says they either have done or may do? Then I would ask the Senator——

Mr. HEYBURN. I should like to answer this right here.

Mr. FULTON. I should like to ask the Senator two questions, and then I will take my seat.

Mr. HEYBURN. All right.

Mr. FULTON. Here is the further question: The Government grants to those railroad companies great tracts of timber land. Does the Senator believe that after granting to those companies these great tracts of timber lands, the Government can turn around and prohibit them from taking the timber to market?

Mr. HEYBURN. That question is a divisible one, as the language of this amendment is. The amendment provides not only that they may haul the lumber, but that they may haul the manufactured products of their lumber. The language is "other than timber and the manufactured products thereof." That would carry with it by implication the right of the corporation as an organization, as a common carrier for the purpose of transportation, to enter into the manufacture of this lumber, because the further language of the amendment would seem to bear that out. What I am objecting to is the violation of the principle of not allowing a common carrier to engage in any productive industry. That is the principle I am urging. The further language of this bill does not require the corporation to be entirely the owner of it. It may own one one-hundredth of 1 per cent of it, and this right is given to it. The amendment says:

> Which it may own in whole, or in part, or in which it may have any direct or indirect.

So any kind of a contract, through which the owner of the timber lands derived any profit, would give the corporation the benefit of this immunity. If these small roads—I do not know that there are any of them which are engaged in interstate commerce—need this exemption in order to enable them to avoid the oppression of the transcontinental lines, give it to them, but guard it and frame it in such language as to make sure that the owners of these vast timber areas (probably one-third of the timber on the Pacific coast is owned by railroad companies) are not made the absolute masters of the lumber market of the world. If there are any small roads that are interstate in character, and I doubt if there is a single one on the Pacific coast, give them this immunity, but do not do it in such general language as that. It involves too much. It involves too many people. We have several million dollars invested in individual lumbering enterprises in Idaho which would be at the mercy of the railroads that penetrate those forests from which those men draw their supplies.

We already have too much of a monopoly in the lumber business. Certain syndicates have obtained interests so large by such unholy means that to-day we have in our midst a very serious detriment to individual enterprise, and I do not want to see this bill carry it any further. I suggest to the conference committee that they limit this language so that it will not do that.

Mr. McLAURIN. Mr. President, there is only one feature of the argument that has been made to which I want to reply, and that is to the proposition that Senators and Representatives in Congress are not officers of the United States. The punctuation of this provision is not exactly as I studied punctuation, but I suppose it means to say any officer of the United States or any person in the service of the United States. I suppose analyzed that is what it means. I find in the Constitution——

Mr. ELKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from West Virginia?

Mr. McLAURIN. For a question I yield.

Mr. ELKINS. It is 6 o'clock, and it seems to me we can not get a vote to-night. The members of the Senate are tired, and, if the Senator will allow me, I move that the Senate adjourn.

Mr. GALLINGER and others. Oh, no.

Mr. TILLMAN. We do not want any adjournment now. We want to get the report out to-night and get it back to conference.

Mr. ELKINS. Oh, no; Senators do not. They want to hold it until July 15.

The VICE-PRESIDENT. The Senator from West Virginia moves that the Senate adjourn.

Mr. McLAURIN. I have the floor, Mr. President.

Mr. ELKINS. With the consent of the Senator from Mississippi, I make the motion.

Mr. McLAURIN. I did not yield the floor for that purpose. I myself would oppose an adjournment, but if it is the desire of the Senate to adjourn I will not stand in the way of the Senate having an opportunity to express itself.

Mr. TILLMAN. I hope the Senator will not move an adjournment, but that we will stay here until we get this matter settled to-night.

Mr. ELKINS. I want to make an hour's speech and other Senators will want to be heard.

The VICE-PRESIDENT. The Chair calls attention to the fact that the motion is not debatable.

Mr. GALLINGER. I make the point of order that the Senator from Mississippi had the floor and the Senator from West Virginia could not make a motion to adjourn when the Senator from Mississippi had the floor.

The VICE-PRESIDENT. Is the Chair to understand that the Senator from Mississippi yielded for that purpose? The Chair did not hear him distinctly.

Mr. GALLINGER. He yielded for a question.

Mr. KEAN. He yielded for a question, but not for a motion to adjourn.

Mr. CULLOM. I hope the Senator from West Virginia will withdraw his motion.

Mr. BAILEY. If it is to be a rule here that a Senator can ask another Senator occupying the floor to yield to him and the Senator occupying the floor yields, expressly saying he yields only for a question, and then if he be taken off the

floor by a motion to adjourn, we would have a most disorderly proceeding.

The VICE-PRESIDENT. The Chair will ask the Senator from West Virginia whether he asked leave to interrupt the Senator from Mississippi to move an adjournment?

Mr. ELKINS. I expressly said that with the Senator's consent I would move an adjournment, and without that consent I could not make the motion. That is what I said.

Mr. McLAURIN. I said to the Senator when the Senator asked leave to interrupt me that I would yield for a question. I think the stenographer's notes will show that. But if there is a disposition to adjourn I will say frankly that I will not stand in the way of an adjournment. I am myself opposed to an adjournment at this hour, because I think the time of the Senate is——

Mr. ELKINS. I will withdraw the motion.

The VICE-PRESIDENT. The Senator from West Virginia withdraws the motion to adjourn.

Mr. McCUMBER. Mr. President, will the Senator from Mississippi yield to me for the purpose of making a request?

Mr. McLAURIN. I yield to the Senator for that purpose.

Mr. McCUMBER. My request is that the Senate take a recess at a certain reasonable hour this evening and then reconvene at 8 o'clock for the purpose of disposing of the unobjected pension bills on the Calendar and a few other like bills.

Mr. CULLOM. Mr. President—

Mr. McCUMBER. We ought to get those bills through, and I hope that I may have unanimous consent for that purpose.

Mr. CULLOM. Before that consent is asked for, I will state that I think the Senator from Mississippi will not speak very long, and when he gets through I think the Senator in charge of the bill will ask that the bill go back to conference, so that the conferees can consider it to-morrow morning. Then, after that, a night session can be ordered if it is desired.

The VICE-PRESIDENT. Will the Senator from North Dakota kindly restate his request?

Mr. McCUMBER. My request is for unanimous consent that after we dispose of this matter this evening the Senate shall take a recess until 8 o'clock for the purpose of considering unobjected pension bills on the Calendar and unobjected bills to correct military records, including also pension bills that have been reported to-day.

Mr. GALLINGER. It will be recalled that earlier in the day I asked and obtained unanimous consent that after the morning business the Senate should proceed to the consideration of unobjected House bills of a general character, subject to appropriation bills and conference reports. There are comparatively few of those bills on the Calendar, but it is extremely important that they should be acted on. I think the Senator had better include in his request House bills of a general character and pension bills, and bills to correct military records.

The VICE-PRESIDENT. Does the Senator from North Dakota modify his request in accordance with the suggestion of the Senator from New Hampshire?

Mr. McCUMBER. I have no objection.

Mr. BAILEY. The trouble about that is that the request assumes that we are going to conclude the matter now under consideration in a very few moments, and I hardly think any of us are justified in assuming that. I shall not interpose an objection, but suppose we do not conclude this matter by 6 or half past 6 o'clock or 7 o'clock?

Mr. McCUMBER. I will withhold my request for the present, but I wish to give notice that if in a reasonable time we dispose of the conference report I shall ask that an evening session be held for this purpose.

The VICE-PRESIDENT. The Senator from Mississippi will proceed.

Mr. MORGAN. Mr. President——

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

Mr. McLAURIN. For a question I will yield.

Mr. MORGAN. I wish to make a statement about the order of business, only.

Mr. McLAURIN. I would prefer that the Senator would wait until I have finished what I have to say. I will not take long.

Mr. MORGAN. I merely wish to give notice about a resolution.

Mr. McLAURIN. Very well, if the Senator will be brief I yield.

Mr. MORGAN. The junior Senator from Ohio [Mr. DICK] has informed me that he desires to-morrow morning to submit some observations, of a brief character, I have no doubt, upon a resolution that is pending in this body and that has the privilege of being called before the body at any time. I wish to have it understood that in any agreement made about the disposal of the morning hour to-morrow the rights of the junior Senator from Ohio shall be respected under that agreement, and that whatever agreement is made shall be subordinate to those rights.

The VICE-PRESIDENT. The Senator from Mississippi will proceed.

Mr. McLAURIN. Mr. President, since all this confusion I hardly know where I had begun, but I believe I had just started. The very first section of the first article of the Constitution says:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

This, then, is a Senate of the United States. The House of Representatives is the House of Representatives of the United States. It is stated by the Senator from Wisconsin [Mr. SPOONER] that members of the Senate and Members of the House of Representatives are officers. I shall show presently that the Supreme Court of the United States, so far from deciding that they are not officers of the United States, have decided this far that they are not officers of the State.

Now, Mr. President, I take it that nobody will question that the Vice-President of the United States is an officer of the United States. Section 3, Article I, says:

> The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

I am reading now from this same section 3 of the Constitution. Now, let us see:

> The Senate shall choose their other officers, and also a President pro tempore in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

That is to say, this body is a Senate of the United States. The Vice-President of the United States is an officer of this Senate. What can it mean when it says "other officers?" The Vice-President is to be President of the Senate, but the Senate is to choose its other officers. Then the Vice-President, by all the rules of logic that I have ever heard of, is bound to be an officer of the United States Senate, and the United States Senate is the Senate of the United States.

Now, then, the members of the United States Senate are officers. Those who deny that they are officers of the United States say they are officers. They are not State officers. Of what are they officers? It seems to me to be wanting in every principle of reason—I will not say absurd, because that might be offensive to some Senators—but it seems to me that the proposition is without logic upon any principle of logic to say that a Senator is an officer, that he is an officer of the Senate of the United States which is a part of the Congress of the United States, and yet he is not an officer of the United States. Further, they say he is an officer of the Congress of the United States, but not an officer of the United States. He is not a State officer, as the Supreme Court has decided.

It was not decided in the Burton case that a Senator is not an officer of the United States. It was decided that he is not an officer under the Government of the United States. A clerk in one of the Departments is an officer under the Government of the United States. He comes up to all the definition of an officer. The chief of one of the bureaus, of one of the divisions, is an officer under the Government of the United States. He is an officer because he fulfills the definition of an officer, and if he is an officer he is an officer under the Government of the United States.

The Supreme Court, when it was deciding the question that the court had no power to remove a Senator from his office, was only holding that he was not an officer under the United States Government.

The Constitution provides how a Senator can be removed from office, and "the naming of one is the exclusion of all others" is a legal maxim. When the Constitution provided that a Senator could be removed by expulsion and named no other means by which he could be removed, then it was equal to saying that there is no other way by which a Senator can be removed, just as forcible as if the Constitution had said that a Senator can be removed by expulsion, but not removed in any other way.

The Blount case never decided that a Senator was not an officer of the United States. Two points were presented to the Senate, and they were voted on together. One was that a Senator is not a civil officer of the United States, and the other was that even if a Senator is a civil officer of the United States, not being an officer at the time of impeachment he did not come within the rules prescribed in section 4 of Article II, because it is stated that—

> The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Now, these two questions were put to the Senate in one resolution. A man might hold that a Senator was a civil officer of the United States and yet vote against the resolution of im-

peachment, because he might hold that the provision of section 4, Article II, of the Constitution did not and does not apply to ex-officers of the United States.

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

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

Mr. McLAURIN. I yield to the Senator.

Mr. SPOONER. Does the Senator contend that a Senator is impeachable?

Mr. McLAURIN. No, sir; I hold he is not impeachable; not because he is not an officer of the United States, but because the Constitution provides another way of excluding him or expelling him or getting rid of him after he has committed any crime for which he ought to be expelled. What other question did the Senator want to ask? He started to ask another question.

Mr. SPOONER. That is all right.

Mr. BACON. I suggest to the Senator there are a great many officers of the United States who could be impeached and also removed by the President of the United States.

Mr. McLAURIN. I think where there is a general provision made for the removal of an officer by the Senate or by the President he can not be removed in any other way. Whenever the Constitution provides a particular way for the removal of an officer I do not think he can be removed in any other way. I never heard it denied that the naming of one is the exclusion of all others.

Mr. BACON. The Supreme Court of the United States has decided that in the absence of any express prohibition the President of the United States can remove any officer of the Executive Department.

Mr. McLAURIN. That is all right. I have no objection to that.

Mr. BACON. Those officers are certainly subject to impeachment by the House and trial by the Senate for the same offense for which the President would also be authorized to remove them summarily.

Mr. McLAURIN. Under what authority would they be impeachable?

Mr. BACON. Under the constitutional authority which makes all officers officers of the United States.

Mr. McLAURIN. If the Constitution provides two modes of removing an officer, then he can be removed by either of them, but when the Constitution provides for the removal or for the expulsion of a Senator and makes each House the judge of the qualifications of its own members, I do not believe that a Senator is impeachable for that reason, not because he is not a civil officer of the United States. The House can not interfere with a Senator's seat by impeachment or otherwise any more than a Senator can interfere with a Representative's seat.

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

Mr. McLAURIN. I will yield for a question.

Mr. SPOONER. Does not the Senator think that every officer of the United States is an officer holding an office under the United States?

Mr. McLAURIN. Does the Senator say under the Government of the United States?

Mr. SPOONER. Under the United States; under the Government of the United States.

Mr. McLAURIN. No, sir; every officer is not an officer holding office under the Government of the United States. The Senator holds his office under the Constitution of the United States. He does not hold it under the Government. The Government of the United States is one thing; the administration of the Government of the United States is a very different thing. They are not identical, nor are they synonymous. The Government of the United States is administered by certain bodies; the Government of the United States is administered by the executive department of the United States. This legislative department makes the laws for the Government of the United States, to be administered by the executive department. The judicial department expounds those laws. I am sure the Senator from Wisconsin does not hold his office under the Government of the United States, but I am sure he holds it under the Constitution of the United States.

Mr. SPOONER. I admit that.

Mr. MORGAN. Under the ægis of the United States.

Mr. McLAURIN. Now, Mr. President, when this matter was up once before, I called attention to two Supreme Court reports, and I put in the RECORD on the 18th of May two decisions of the Supreme Court of the United States that these officers are not officers of the State governments. Now, let us see. In the case of Ex parte Siebold, in 100 United States Reports, at page 393, this language is used. I find it in the RECORD on page 7289. The court say:

> In what we have said it must be remembered that we are dealing only with the subject of elections of Representatives to Congress."

Now, I call attention to this:

> If, for its own convenience, a State sees fit to elect State and county officers at the same time and in conjunction with the election of Representatives, Congress will not be thereby deprived of the right to make regulations in reference to the latter.

There it is. They are not State officers. The court distinguishes them from State officers. No lawyer would hold that this is not a clear adjudication that they are not State officers.

There was a dissenting opinion, not on this proposition, but on other propositions in that case. Justice Field delivered the dissenting opinion, not particularly in that case, but in the Clarke case, which came in this report just after the Siebold case, and the same principle was involved in both. The dissenting opinion of Judge Field was delivered in the Clarke case, but it applied to the Siebold case. He said:

> The same thing is true in all cases where the agency of State officers is used; and this doctrine applies with special force to judges of elections at which numerous State officers are chosen at the same time with Representatives to Congress.

It shows that the court was unanimous on the proposition that they were not State officers. I believe one or two of the judges concurred in the dissenting opinion. It proceeds further:

> So far as the election of State officers and the registration of voters for their election are concerned, the Federal Government has confessedly no authority to interfere.

On page 419, in the same dissenting opinion, Judge Field said:

> The views expressed derive further support from the fact that the constitutional provision applies equally to the election of Senators, except as to the place of choosing them, as it does to the election of Representatives.

In the case of Ex parte Yarbrough, in the one hundred and tenth volume of United States Reports, at page 662, Judge Miller said.

> If this be so, and it is not doubted, are such powers annulled because an election for State officers is held at the same time and place? Is it any less important that the election of Members of Congress should be the free choice of all the electors because State officers are to be elected at the same time?

There is a decision that they are not State officers; and if they are not State officers, but are officers, as the Senator from Wisconsin says they are, then of what are they officers? Of what are these officers, if they are not officers of the United States?

I want to say another thing with reference to the Burton case, that any lawyer who will take the pains to examine that case will see that the court was speaking with reference to the power of the court to remove Senators of the United States, and they held that they had not the power. Counsel for Burton contended that Senators are not officers of the United States, and therefore not amenable to the legislation of section 1782, Revised Statutes, and the court decided against this contention.

The proposition that Senators must be citizens of the State for which they are chosen does not change the fact that they are officers of the United States. They are officers of the United States chosen for a State. Each State has a right to choose for itself these two officers of the United States. It does not follow because a State chooses two officers that therefore they are not officers of the United States, because in time of war the State has a right to appoint officers of the volunteer regiments and companies, but still they are officers of the United States Army and not officers of the State.

The United States pays the salary of Senators and Representatives. The State does not pay it. Can any Senator point to any other officer of a State or any other officer who is not an officer of the United States whose salary is paid by the United States Government?

Mr. President, as there was some restlessness manifested when I took the floor, and these views, while they might be elaborated, present my objections to the proposition that a Senator or a Representative is not an officer of the United States, I will submit them without any further elaboration; but I could not let this proposition, which I think is unsound as a legal proposition, go nem. con., as if all Senators agreed that it was sound legal doctrine, when I for one must say that I do not regard it as sound doctrine at all.

Mr. TILLMAN. Mr. President, I move that the Senate disagree to the report of the committee of conference.

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

Mr. ELKINS. I want to be heard on that question, Mr. President.

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

Mr. TILLMAN. Certainly. I have been accused of monopolizing all the time, and I do not want to have any such accusation as that imputed to me again.

Mr. ELKINS. Mr. President——

Mr. FORAKER. If the Senator from West Virginia desires to address the Senate, I hardly think he ought to be compelled to do so at half past 6 o'clock in the evening. If the Senator desires to speak at any length, would he not prefer to address the Senate to-morrow?

Mr. ELKINS. I think we had better adjourn.

Mr. NELSON. I suggest to the Senator from West Virginia that we meet to-morrow at 11 o'clock.

Mr. ELKINS. I think so; I am agreeable to that.

Mr. NELSON. If the Senator will allow me, I will make the motion that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow.

The VICE-PRESIDENT. The Senator from Minnesota moves that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow. The question is on that motion.

The motion was agreed to.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from North Dakota?

Mr. ELKINS. Certainly.

Mr. McCUMBER. I ask unanimous consent, Mr. President, that the Senate take a recess until 8 o'clock this evening for the purpose of considering unobjected House bills, and also Senate pension bills on the Calendar, including the Senate bills reported to-day, and also including one concurrent resolution to recall from the President Senate bill 3028, granting an increase of pension to Helen C. Sanderson.

Mr. HOPKINS. And including a joint resolution now on the Calendar favorably reported and recommended by the War Department.

Mr. BLACKBURN. To what resolution does the Senator from Illinois refer?

Mr. McCUMBER. I hope the Senator from Illinois will not ask that the resolution be taken up. The concurrent resolution to which I have referred is merely to recall a pension bill. That is the reason I included it.

Mr. TILLMAN. Mr. President——

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

Mr. McCUMBER. I yield.

Mr. TILLMAN. I was out of the Senate for a moment, and I should like to know what has become of the conference report.

Mr. McCUMBER. I will say that the Senator from West Virginia [Mr. ELKINS] has stated to me that he intends to make quite a long speech, so long that he would probably not get through in time to allow us to vote on the report this evening, but he desired to proceed in the morning at 11 o'clock. The motion already has been agreed to that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow.

Mr. TILLMAN. The Senator from West Virginia is not as anxious to adjourn and get away from here as some of us are. I hope the Senate will not consent to any such arrangement as that. The Senator can continue his speech. I hope he will and that the Senate will see to it that we get this conference report back into conference to-night, because, under the conditions that exist here, no one knows when we will get away from here if we are tied up in this way.

Mr. McCUMBER. I made a motion, Mr. President, and that can be put to the Senate.

The VICE-PRESIDENT. Will the Senator restate his motion?

Mr. McCUMBER. I move that the Senate now take a recess until 8 o'clock this evening, and that at 8 o'clock this evening there shall only be considered prior to adjournment unobjected House bills and unobjected Senate pension bills on the Calendar, including pension bills reported to-day, and also to consider a concurrent resolution asking for the return of a certain pension bill that has been already passed, being Senate bill 3028.

Mr. TILLMAN. Is that a request for unanimous consent?

Mr. McCUMBER. No; I make a motion. I put it in the form of a motion.

The VICE-PRESIDENT. The Senator moves that the Senate now take a recess until 8 o'clock to-night.

Mr. TILLMAN. That puts the conference report over until to-morrow inevitably.

The VICE-PRESIDENT. It would have that effect if the motion prevails. The Chair will put the motion.

Mr. CLAY. Mr. President, can the Senator make two motions at the same time—first, that the Senate take a recess until 8 o'clock, and then that when the Senate meet at 8 o'clock it transact certain business? I ask that the question be divided. If the Senator wants to make a motion to take a recess until 8 o'clock, all right; but if we take that recess, let the Senate when it reassembles determine what business we shall transact. If we expect to get away from here this week, we at least ought to make this conference report the first thing that we consider.

Mr. TILLMAN. I hope the Senator from North Dakota will understand that I am entirely willing and anxious to facilitate and help him to get his pension matters attended to; but every Senator here must realize the importance of our not deferring and putting off getting this conference report back into conference.

Mr. McCUMBER. I am willing to divide the motion, as suggested.

The VICE-PRESIDENT. The Chair thinks the motion is divisible.

RECESS.

Mr. McCUMBER. I move that the Senate take a recess until 8 o'clock this evening.

The motion was agreed to.

The Senate thereupon (at 6 o'clock and 30 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

UNLADING OF BONDED MERCHANDISE.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7099) to amend section 2171 of the Revised Statutes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. GALLINGER, Mr. PERKINS, and Mr. MALLORY as the conferees on the part of the Senate.

PROTECTION OF WILD BIRDS AND ANIMALS IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 13193) to prohibit the killing of wild birds and wild animals in the District of Columbia, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendment, agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. BLACKBURN, Mr. GALLINGER, and Mr. MARTIN as the conferees on the part of the Senate.

COLUMBIA INDIAN RESERVATION, WASHINGTON.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 18668) ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

WORKS OF RIVER AND HARBOR IMPROVEMENT.

Mr. MALLORY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered ——, and agree to the same with an amendment as follows, to wit: That the second section of said bill be stricken out, so that the bill may read as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:* That an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, be amended so as to read as follows:

"That whenever any person, company, or corporation, munici-

pal or private, shall undertake to secure any land or easement therein needed in connection with a work of river and harbor improvement duly authorized by Congress for the purpose of conveying the same to the United States free of cost, or for the purpose of constructing, maintaining, and operating locks, dry docks, or other works to be conveyed to the United States free of cost, and of constructing, maintaining, and operating dams for use in connection therewith, and shall be unable for any reason to obtain the same by purchase and acquire a valid title thereto, the Secretary of War may, in his discretion, cause proceedings to be instituted in the name of the United States for the acquirement by condemnation of said land or easement, and it shall be the duty of the Attorney-General of the United States to institute and conduct such proceedings upon the request of the Secretary of War: *Provided*, That all expenses of said proceedings, and any award that may be made thereunder, shall be paid by the said person, company, or corporation, to secure which payment the Secretary of War may require the said person, company, or corporation to execute a proper bond in such amount as he may deem necessary before said proceedings are commenced."

S. R. MALLORY,
KNUTE NELSON,
J. H. GALLINGER,
Managers on the part of the Senate.

T. E. BURTON,
R. P. BISHOP,
T. H. BANKHEAD,
Managers on the part of the House.

The report was agreed to.

HELEN C. SANDERSON.

Mr. McCUMBER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 3028) granting an increase of pension to Helen C. Sanderson.

CONSIDERATION OF UNOBJECTED BILLS.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of unobjected House bills on the Calendar and unobjected Senate pension bills on the Calendar, and also such pension bills as were reported to-day, and unobjected bills correcting military records, including resolutions for the return of pension bills.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of unobjected House bills and unobjected pension bills on the Calendar, and pension bills reported to-day, and unobjected bills correcting military records, and resolutions for the return of pension bills. Is there objection?

Mr. CLAPP. Do I understand from that that we are to commence with the Calendar and proceed with it?

Mr. GALLINGER. Yes.

Mr. CLAPP. All right.

Mr. LONG. And unobjected Senate bills?

Mr. WARREN. Unobjected House bills.

Mr. NELSON. I suggest a modification—that we proceed with the bills until the Senator from South Carolina [Mr. TILLMAN] comes in and is ready to take up the conference report on the rate bill. That was the pending matter when we took a recess, and it is pending. I ask that it be temporarily laid aside, and that the request be granted subject to the conference report on the rate bill.

The VICE-PRESIDENT. Is there objection to the modification suggested?

Mr. BERRY. I should like to ask unanimous consent that after the conclusion of the business which is requested, no other business on the Calendar shall be taken up to-night.

Mr. GALLINGER. That is right. That will be understood.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from North Dakota?

Mr. NELSON. The request for unanimous consent I shall have to object to, because I think the conference report should be disposed of this evening.

Mr. GALLINGER. Let the conference report be laid aside temporarily.

Mr. McCUMBER. I ask, then, that the conference report be temporarily laid aside. I wish to state in this connection that I do not believe many Senators understood that we would take up the conference report again this evening.

Mr. NELSON. It was the matter pending when we took our recess.

Mr. McCUMBER. I am aware of that, but I think many thought there would scarcely be enough Senators present this evening to take up the conference report.

Mr. NELSON. If there should be a desire to take it up I do not want this order to interfere with it.

Mr. GALLINGER. Let the conference report be laid aside. I will state that the Senator from West Virginia [Mr. ELKINS] suggested that probably he would not be ready to proceed this evening.

The VICE-PRESIDENT. Without objection, the conference report will be temporarily laid aside, and the first unobjected House bill on the Calendar will be stated.

JOSEPH LAWRENCE.

Mr. CULLOM. Will the Senator allow me to have a couple of pension bills passed? I do not care to stay here very long. There will be no opposition to them.

Mr. McCUMBER. Very well.

Mr. CULLOM. I ask unanimous consent for the consideration of the bill (H. R. 17652) granting an increase of pension to Joseph Lawrence.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Lawrence, late of Company G, First Regiment Missouri Volunteers (St. Louis Legion), war with Mexico, and Company C, First Regiment Missouri Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

CALVIN CORSINE.

Mr. CULLOM. I ask unanimous consent for the consideration of the bill (H. R. 19220) granting an increase of pension to Calvin Corsine.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Calvin Corsine, late of Company B, Twelfth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

SPEED OF AUTOMOBILES.

The bill (H. R. 16384) regulating the speed of automobiles in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, on page 1, line 11, after the word "avenues," to insert "nor at a greater rate of speed than 15 miles an hour through any of the parks within said District."

The amendment was agreed to.

The next amendment was, on page 2, line 2, after the word "streets," to strike out "on which there are no railroad or street-railway tracks."

The amendment was agreed to.

The next amendment was, on page 2, line 4, after the word "hour," to strike out "nor at a greater rate of speed than 5 miles an hour across any intersecting streets or avenues on which there are railroad or street railway tracks."

The amendment was agreed to.

The next amendment was, in line 7, before the word "miles," to strike out "four" and insert "six;" so as to read:

Nor at a greater rate of speed than 6 miles an hour around the corners of any street or avenue.

The amendment was agreed to.

The next amendment, was on page 2, line 24, to strike out "fifteen" and insert "twenty;" so as to read:

Outside of said fire limits at a greater rate of speed than 20 miles an hour.

The amendment was agreed to.

The next amendment was, one page 2, line 25, after the words "miles an hour," to insert:

And when meeting or passing any other vehicle the speed shall not exceed 12 miles an hour, and any automobile shall be brought to a full stop whenever the driver of a horse-drawn vehicle shall signal by raising the hand.

The amendment was agreed to.

The next amendment was, on page 3, line 15, after the words "first offense," to insert "and for any and all subsequent offenses."

The amendment was agreed to.

The next amendment was, on page 3, line 17, after the word "dollars," to strike out "or at the discretion of the court" and insert "and;" so as to read:

Be fined not less than $50 nor more than $250, and be imprisoned in the workhouse for not less than thirty days nor more than six months.

The amendment was agreed to.

Mr. MALLORY. I should like to inquire what is the penalty provided.

Mr. GALLINGER. I will say to the Senator that the penalty for the first offense is a fine of not less than $5 and not more than $50; for the second offense, a fine of not less than $10 nor more than $100, or imprisonment, in the discretion of the court, for thirty days, and for the third offense, if committed within one year, and for subsequent offenses, a fine of not less than $50 nor more than $250 and imprisonment for not less than thirty days nor more than six months.

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

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

The bill was read the third time, and passed.

CONTRACTS WITH THE DISTRICT OF COLUMBIA.

The bill (H. R. 10074) in relation to contracts with the District of Columbia was considered as in Committee of the Whole.

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

PENSIONS FOR PARTICIPANTS IN BATTLES WITH INDIANS.

Mr. CLAPP. The next bill on the Calendar is a Senate bill proposing to extend the United States pension laws to the participants in the battles of New Ulm and Fort Ridgely, Minn. I ask that it be taken up.

There being no objection, the bill (S. 752) to extend the United States pension laws to the participants in the battles of New Ulm and Fort Ridgely, Minn., in the Sioux war of 1862, was considered as in Committee of the Whole. It proposes to place on the pension roll, subject to laws and regulations as to ratability for pensions, those citizens of the State of Minnesota enrolled in any company serving under command of Charles E. Flandrau during the battles of New Ulm, between the 19th and 24th days, both inclusive, of August, 1862, or who were organized by the commanding officer at Fort Ridgely and served under Ordnance Sergt. John Jones, United States Army, during the attack of Sioux Indians on Fort Ridgely in August, 1862, and whose names appear on the roster of citizens participating in the defense of New Ulm or Fort Ridgely in Charles E. Flandrau's list of "Citizen soldiers engaged in the Sioux Indian war," prepared and published under an act of the legislature of Minnesota, dated April 16, 1889, which is published and known as "Minnesota in the Civil and Indian Wars," or, in case of death, the surviving widow and minor children of any such citizen.

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

PUNISHMENT FOR EXTORTION.

The bill (H. R. 9721) to amend section 5481 of the Revised Statutes of the United States was considered as in Committee of the Whole. It proposes to amend section 5481 of the Revised Statutes of the United States, so as to read:

SEC. 5481. Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee, who is guilty of extortion, under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, and every person who shall attempt any act which if performed would make him guilty of such extortion, shall be punished by a fine of not more than $500 or by imprisonment for not more than one year, or by both such fine and imprisonment, except those officers or agents of the United States otherwise differently and specially provided for in the subsequent sections of this chapter.

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

PUBLIC HEALTH AND NATIONAL QUARANTINE.

The bill (H. R. 14316) to further protect the public health and make more effective the national quarantine was announced as next in order.

Mr. MALLORY. I move that that bill be indefinitely postponed. The Senate has passed on this subject. The House amended the Senate bill, and the conferees partly agreed upon it and the bill has passed, and I understand has been signed. Therefore this bill has no point in being on the Calendar.

The VICE-PRESIDENT. The Senator from Florida moves that the bill be indefinitely postponed.

The motion was agreed to.

BRIDGE ACROSS TUG BRANCH OF BIG SANDY RIVER.

The bill (H. R. 17945) authorizing the Borderland Coal Company to construct a bridge across Tug Branch of Big Sandy River was considered as in Committee of the Whole.

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

COURTS AT ALBANY, GA.

The bill (H. R. 11501) to amend an act to provide for circuit and district courts of the United States at Albany, Ga., was considered as in Committee of the Whole.

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

DIRECTOR OF RECLAMATION SERVICE.

The bill (H. R. 17833) providing for the administration of the operations of the act of Congress approved June 17, 1902, known as the "Reclamation Service," was announced as next in order.

Mr. McCUMBER. As there is no one here to look after that bill, and it is very important——

Mr. WARREN. I hope objection will not be made.

Mr. McCUMBER. I will not make objection if there is somebody here who will stand sponsor for it.

Mr. WARREN. It is a bill to which there is no opposition, and it ought to pass without delay.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. McCUMBER. On page 1, line 6, I move to strike out the words "six thousand," where they appear in the bill, and insert in lieu thereof the words "three thousand."

Mr. WARREN. I will ask the Senator to withhold that amendment until the Secretary reads the clause in the bill about salary and the committee amendments to the bill.

The VICE-PRESIDENT. Does the Senator from North Dakota yield?

Mr. McCUMBER. I yield, Mr. President.

The VICE-PRESIDENT. There are several Senate amendments reported by the committee.

The first amendment of the Committee on Irrigation was, in section 2, page 1, line 8, after the word "That," to strike out "under the direction of the Secretary of the Interior;" in line 11, after the word "works," to strike out "for the storage, diversion, and development of waters, including artesian wells;" and on page 2, line 4, after the word "thereto," to insert "and he shall, subject to the approval of the Secretary of the Interior, select and appoint the scientific, professional, and technical employees of the service exclusively for their qualifications as professional experts;" so as to make the section read:

SEC. 2. That the Director of the Reclamation Service shall make examinations and surveys for and locate and construct, operate and maintain irrigation or reclamation works, as provided in the act of June 17, 1902, known as the reclamation act, and any act amendatory thereof or supplementary thereto, and he shall, subject to the approval of the Secretary of the Interior, select and appoint the scientific, professional, and technical employees of the service exclusively for their qualifications as professional experts.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 10, after the word "the," to strike out "Secretary of the Interior" and insert "Director of the Reclamation Service;" in line 11, after the word "Congress," to insert "through the Secretary of the Interior," and on page 3, line 2, after the word "law," to insert "including the aggregate amount to be paid to laborers directly employed by the Government on each project;" so as to make the section read:

SEC. 3. That immediately after the close of each fiscal year the Director of the Reclamation Service shall prepare and submit to Congress through the Secretary of the Interior a report covering the fiscal year just closed of all operations and expenditures under the reclamation act, the results of all examinations and surveys, the condition of each project proposed and undertaken, the quantity and location of lands which can be irrigated from each, estimates of costs of all works contemplated or under construction; also detailed report of expenditures of each and every kind on each project under construction and total of expenditures on such project; also all returns and reimbursements to the reclamation fund; also a statement of all employees of the Reclamation Service, other than laborers, giving their names, salaries, and where employed; also all expenditures in the acquisition of lands, canals, or other property, and all other information that may be necessary to inform Congress as to all the operations under the law, including the aggregate amount paid to laborers directly employed by the Government on each project. And in order that said report may be in print for the information of Congress at the beginning of each regular session thereof the Secretary of the Interior, as soon as said report is completed, is hereby authorized to transmit the same to the Public Printer with the statement that the usual number of copies is required, and the Public Printer is hereby directed to print the same.

The amendment was agreed to.

The next amendment was in section 4, page 3, line 11, after the word "That" to insert "through;" in the same line, after the word "Interior," to insert "the Director of the Reclamation Service;" in line 18, after the word "expenses," to insert "including traveling expenses to be separately stated;" so as to make the section read:

SEC. 4. That through the Secretary of the Interior the Director of the Reclamation Service shall submit in the Annual Book of Estimates,

under the head of Irrigation of Arid Lands, a statement of the amounts proposed to be expended during the succeeding year, under the provisions of the reclamation act, for examinations and surveys, for construction, for operation and maintenance, and for general expenses, including traveling expenses to be separately stated; also the number of persons employed in the Reclamation Service in the city of Washington and elsewhere and the rate of compensation paid to each during the fiscal year next preceding the fiscal year for which estimates are submitted, excluding temporary employees and laborers. The expenditures made in pursuance of such estimates shall be dependent upon conditions of practicability, as developed by the surveys and investigations and upon compliance with the provisions of the said reclamation act and of any act amendatory thereof or supplementary thereto.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 6, after the word "the," where it occurs the first time, to insert "present;" in line 9, after the word "exceed," to strike out "one" and insert "four;" in the same line, after the word "thousand," to strike out "five hundred," and in the same line, after the word "dollars," to insert "per annum," so as to make the section read:

SEC. 5. That until the President appoints a Director of the Reclamation Service, as provided herein, the duties of said office shall be performed by the present Director of the Geological Survey, who shall receive for such services, in addition to any other official salary he may be receiving, a sum not to exceed $4,000 per annum, to be determined by the President and paid from the reclamation fund, said additional sum to be paid to said Director notwithstanding section 1765 of the Revised Statutes or section 3 of the act of June 20, 1874, chapter 328.

The amendment was agreed to.

Mr. McCUMBER. I wish the Senator would allow the bill to go over. It is an important measure. I do not want to insist on it, but I do feel, Mr. President, that when we take a clerkship of this character and give a salary greater than that given to a Member of Congress we are going too far. It is proposed to give a salary equivalent to that which is given to the Director of the Geological Survey. The salary fixed here is so entirely out of harmony with salaries of other officers of like grades that it does not seem to me we ought to pick out one man and double his salary for the character of labor that is performed by others at from $2,000 to $3,000 per annum.

Mr. WARREN. Either the Senator is mistaken or I am. The salary named, as I recall it, is not exceeding a certain amount. I have not the bill here before me just at this moment—perhaps the Senator from Montana can give us some information.

Mr. McCUMBER. The Senator will understand that wherever we provide that a salary shall not exceed a certain amount it is always construed to be that it shall be up to that figure.

Mr. WARREN. It never will be more and it may be less.

Mr. McCUMBER. It never will be less than that. I wish the Senator would let the bill go over.

The VICE-PRESIDENT. Is there objection to the further consideration of the bill?

Mr. McCUMBER. If we should vote on it to-night we could not get a voting quorum.

Mr. WARREN. I understand the Senator objects to it, and of course it must go over. I ask that it may go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice.

SEAL FOR UNITED STATES COMMISSIONERS.

The bill (H. R. 7) to provide a seal for United States Commissioners was considered as in Committee of the Whole.

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

CHILD LABOR IN THE DISTRICT.

The bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia was announced as next in order.

Mr. McCUMBER. I understand when this bill was before the Senate on a previous occasion objection was made to it by the Senator from Maine [Mr. HALE]. Neither that Senator nor the Senator from Iowa [Mr. DOLLIVER] being present, I ask that the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

OCEAN SHORE RAILWAY COMPANY.

The bill (H. R. 15078) granting to the Ocean Shore Railway Company a right of way for railroad purposes across Pigeon Point Light-House Reservation, in San Mateo County, Cal., was considered as in Committee of the Whole.

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

HEIRS AT LAW OF MASSALON WHITTEN, DECEASED.

The bill (H. R. 12252) for the relief of the heirs at law of Massalon Whitten, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the heirs at law of Massalon Whitten, deceased, $137.50, for services performed by Massalon Whitten in his lifetime as mail contractor on route No. 10256, in the State of Tennessee, between the 1st day of January, 1861, and the 31st day of March, 1861.

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

PROHIBITION OF SHANGHAIING.

The bill (H. R. 19374) to prohibit shanghaiing in the United States was considered as in Committee of the Whole.

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

COAL-LAND LOCATIONS IN ALASKA.

The bill (H. R. 17415) to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska was announced as next in order.

Mr. NELSON. Mr. President, that bill has passed and a motion has been entered by the Senator from Wisconsin to reconsider the vote by which it was passed.

Mr. GALLINGER. Let the bill go over, then.

The VICE-PRESIDENT. The bill will go over.

APPEALS IN CRIMINAL PROSECUTIONS.

The bill (H. R. 15434) to regulate appeals in criminal prosecutions was announced as next in order.

The VICE-PRESIDENT. The bill has been twice heretofore considered as in Committee of the Whole. The question is on the amendment proposed by the Senator from Colorado.

Mr. NELSON. That amendment has been disagreed to, and the amendment reported by the committee has been agreed to, I understand.

The VICE-PRESIDENT. Without objection, the amendment will be considered as agreed to.

Mr. MALLORY. That bill, I believe, was up the other day, and has been twice objected to.

The VICE-PRESIDENT. Is there objection to its present consideration?

Mr. MALLORY. I should like to hear the bill again read.

The VICE-PRESIDENT. The bill will be again read.

The SECRETARY. The bill was reported by the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That a writ of error may be taken by and on behalf of the United States from the district or circuit courts to the Supreme Court or the circuit courts of appeals, as prescribed in an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the acts amendatory thereof, in all criminal cases, in the following instances, to wit:

From the decision or judgment quashing or setting aside an indictment;

From the decision or judgment sustaining a demurrer to an indictment or any count thereof;

From the decision arresting a judgment of conviction for insufficiency of the indictment;

From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

In all these instances the United States shall be entitled to a bill of exceptions as in civil cases.

Mr. MALLORY. Mr. President, that is a very important bill and creates very great changes in existing law. While I am not prepared to say that I should vote against it after I had an opportunity of making a very careful examination of it, I should vote against it now without having had an opportunity to make such investigaion. I therefore object to its consideration.

The VICE-PRESIDENT. The bill being objected to, will go over without prejudice.

NATIONAL EDUCATION ASSOCIATION.

The bill (H. R. 10501) to incorporate the National Education Association of the United States was announced next in order.

Mr. CULBERSON. I take it that that is a very important bill. A report has been made in support of it, which I have not had an opportunity to examine.

Mr. McCUMBER. I ask that the bill may go over, Mr. President.

The VICE-PRESIDENT. The bill will go over without prejudice.

SOUTHERN HISTORICAL SOCIETY.

The joint resolution (H. J. Res. 92) authorizing the Secretary of War to deliver to the Southern Historical Society certain unidentified battle flags was considered as in Committee of the Whole. It authorizes the Secretary of War to deliver to the Confederate Memorial Literary Society of Richmond, Va., all of the Confederate battle flags now in the custody of the War Department which it has been found impossible, after

thorough investigation, to trace to the former ownership or custody of the troops of any particular State.

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

OSCAR B. MORRISON.

The bill (H. R. 717) granting an increase of pension to Oscar B. Morrison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar B. Morrison, late captain Company A, Ninety-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

PETER NOBLET.

The bill (H. R. 14345) granting an increase of pension to Peter Noblet was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Noblet, late of Company I, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

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

MORTIMER F. SPERRY.

The bill (H. R. 10965) granting an increase of pension to Mortimer F. Sperry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mortimer F. Sperry, late of Company D, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JOHN W. DAWES.

The bill (H. R. 8903) granting an increase of pension to John W. Dawes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Dawes, late of Company B, Fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

RICHARD A. ROBERTS.

The bill (H. R. 6510) granting an increase of pension to Richard A. Roberts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard A. Roberts, late of Company C, Seventeenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ALBERT SRIVER.

The bill (H. R. 3369) granting an increase of pension to Albert Sriver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert Sriver, late of Company F, Forty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

WILLIAM ADAMS.

The bill (H. R. 19068) granting an increase of pension to William Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Adams, late of Company C, Sixth Regiment United States Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JOHN WICKLINE.

The bill (H. R. 19262) granting an increase of pension to John Wickline was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Wickline, late of Company H, Twentieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ALMUS HARRINGTON.

The bill (H. R. 19305) granting an increase of pension to Almus Harrington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Almus Harrington, late of Company D, Twenty-fourth Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

GEORGE MERRILL.

The bill (H. R. 3222) granting an increase of pension to George Merrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Merrill, late of Company A, Fiftieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JOHN J. SCHNELLER.

The bill (H. R. 6190) granting an increase of pension to John J. Schneller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Schneller, late of Company E, Forty-ninth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

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

JOHN HECKER.

The bill (H. R. 6914) granting an increase of pension to John Hecker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hecker, late of Company K, First Regiment Wisconsin Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ROBERT A. SCOTT.

The bill (H. R. 7589) granting an increase of pension to Robert A. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert A. Scott, late of Company B, Second Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

BENJAMIN F. ANDREWS.

The bill (H. R. 7508) granting an increase of pension to Benjamin F. Andrews was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Andrews, late of Company G, Twenty-first Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

LUCY A. THOMAS.

The bill (H. R. 8140) granting a pension to Lucy A. Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy A. Thomas, widow of Harvey B. Thomas, late of band, First Brigade, First Division, Seventh Army Corps, and to pay her a pension of $8 per month.

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

ELISHA G. HORTON.

The bill (H. R. 8552) granting an increase of pension to Elisha G. Horton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elisha G. Horton, late assistant surgeon, Thirteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JEREMIAH Y. ANTRIM.

The bill (H. R. 16857) granting an increase of pension to Jeremiah Y. Antrim was considered as in Committee of the Whole. It proposes to place on the pension roll the name of

Jeremiah Y. Antrim, late of Company A, Seventh Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ISABELLA ELLIS.

The bill (H. R. 16807) granting an increase of pension to Isabella Ellis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isabella Ellis, widow of George H. Ellis, late of Company A, Eleventh Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

PARDON B. LAMOREUX.

The bill (H. R. 13075) granting an increase of pension to Pardon B. Lamoreux was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Pardon B. Lamoreux, late of Company K, First Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JACOB STAUFF.

The bill (H. R. 18165) granting an increase of pension to Jacob Stauff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Stauff, late of Company I, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

WILHELM GRIESE.

The bill (H. R. 1825) granting an increase of pension to Wilhelm Griese was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilhelm Griese, late of Company K, First Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

EDGAR SLATER.

The bill (H. R. 17528) granting an increase of pension to Edgar Slater was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edgar Slater, late of Company F, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

GEORGE W. VAN DE BOGART.

The bill (H. R. 1294) granting an increase of pension to George W. Van de Bogart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Van de Bogert, late of Company K, Forty-ninth Regiment Wisconsin Volunteer Infantry, and to pay him a pendered to a third reading, read the third time, and passed.

The bill was reported to the Senate without amendment, orsion of $24 per month in lieu of that he is now receiving.

JOHN RAWLING.

The bill (H. R. 6900) granting an increase of pension to John Rawling was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Rawling, late of Company F, One hundred and fifty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

WILLIAM H. BURNS.

The bill (H. R. 19217) granting an increase of pension to William H. Burns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Burns, late of Company A, Third Regiment Wisconsin Volunteer Infantry, and Company C, Sixth Regiment United States Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

WESLEY A. J. MAVITY.

The bill (H. R. 8934) granting an increase of pension to Wesley A. J. Mavity was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wesley A. J. Mavity, late of Company C, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

WILLIAM A. BAILOR.

The bill (H. R. 1689) granting an increase of pension to William A. Bailor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Bailor, late of Company H, One hundred and fifty-sixth Regiment Ohio National Guard Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

SAMUEL HARTLEY.

The bill (H. R. 3238) granting an increase of pension to Samuel Hartley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Hartley, late of Company K, One hundred and eleventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

SAMUEL LIKENS.

The bill (H. R. 3724) granting an increase of pension to Samuel Likens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Likens, late of Company I, Eighty-third Regiment, and Company I, Sixty-first Regiment, Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JAMES HENNON.

The bill (H. R. 4885) granting an increase of pension to James Hennon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Hennon, late of Company H, Thirty-third Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JOHN F. BROWN.

The bill (H. R. 4887) granting an increase of pension to John F. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John F. Brown, late of Company E, Thirty-seventh Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

NOTARIES PUBLIC IN THE DISTRICT.

The bill (H. R. 17133) to amend section 558 of the Code of Law for the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment to add the following proviso:

And provided further, That no notary public shall be authorized to take acknowledgments, administer oaths, certify papers, or perform any official acts in connection with matters in which he is employed as counsel, attorney, or agent or in which he may be in any way interested before any of the Departments aforesaid.

So as to make the bill read:

Be it enacted, etc., That section 558 of the Code of Law for the District of Columbia, relating to notaries public, be amended by adding at the end of said section the following: "*Provided*, That the appointment of any person as such notary public, or the acceptance of his commission as such, or the performance of the duties thereunder, shall not disqualify or prevent such person from representing clients before any of the Departments of the United States Government in the District of Columbia or elsewhere, provided such person so appointed as a notary public who appears to practice or represent clients before any such Department is not otherwise engaged in Government employ, and shall be admitted by the heads of such Departments to practice therein in accordance with the rules and regulations prescribed for other persons or attorneys who are admitted to practice therein: *And provided further*, That no notary public shall be authorized to take acknowledgments, administer oaths, certify papers, or perform any official acts in connection with matters in which he is employed as counsel, attorney, or agent or in which he may be in any way interested before any of the Departments aforesaid."

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

JACOB H. HECK.

The bill (H. R. 17673) granting an increase of pension to Jacob H. Heck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob H. Heck, late of Company B, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

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

JOHN A. LOVENS.

The bill (H. R. 17705) granting an increase of pension to John A. Lovens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Lovens, late of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ABRAHAM E. SHEPPARD.

The bill (H. R. 18109) granting an increase of pension to Abraham E. Sheppard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham E. Sheppard, late of Company I, Fortieth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

CHARLES H. LUNGER.

The bill (H. R. 18324) granting a pension to Charles H. Lunger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Lunger, late of Company C, Twelfth Regiment Pennsylvania Volunteer Infantry, war with Spain.

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

JAMES J. CHRISTIE.

The bill (H. R. 18732) granting a pension to James J. Christie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James J. Christie, late of U. S. S. *Emerald*, *Cairo*, and *Clara Dolsen*, United States Navy, and to pay him a pension of $12 per month.

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

WILLIAM FOX.

The bill (H. R. 18829) granting an increase of pension to William Fox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Fox, late of Company B, Seventeenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

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

ELLIS L. AYERS.

The bill (H. R. 18869) granting an increase of pension to Ellis L. Ayers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellis L. Ayers, late of Company F, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

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

SAMUEL LAMBERT.

The bill (H. R. 18888) granting an increase of pension to Samuel Lambert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Lambert, late of Company B, One hundred and seventy-ninth Regiment Pennsylvania Drafted Militia Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

SAMUEL SMITH.

The bill (H. R. 18896) granting an increase of pension to Samuel Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Smith, late of Company C, One hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JOSEPH SCATTERGOOD.

The bill (H. R. 18956) granting an increase of pension to Joseph Scattergood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Scattergood, late of Company I, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

CHARLES EDWARDS, ALIAS ST. CLAIR ACUFF.

The bill (H. R. 19010) granting an increase of pension to Charles Edwards, alias St. Clair Acuff, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Edwards, alias St. Clair Acuff, late of Batteries C and A, Fourth Regiment United States Artillery, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

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

MILTON M'FARLAND.

The bill (H. R. 19025) granting an increase of pension to Milton McFarland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton McFarland, late of Company C, Sixth Regiment Pennsylvania Reserve Volunteer Infantry, and Company B, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

WILLIAM C. MANKIN.

The bill (H. R. 19351) granting an increase of pension to William C. Mankin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Mankin, late of Company A, Twelfth Regiment New Jersey Volunteer Infantry, and Company D, Sixth Regiment Veteran Reserve Corps, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

THOMAS J. BAUM.

The bill (H. R. 13058) granting an increase of pension to Thomas J. Baum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Baum, late of Company I, Eighty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JAMES H. MORRILL.

The bill (H. R. 13631) granting an increase of pension to James H. Morrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Morrill, late of Company F, Seventy-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

MARTHA L. WOOD.

The bill (H. R. 14558) granting an increase of pension to Martha L. Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha L. Wood, widow of Anson S. Wood, late captain Company M, and major, Ninth Regiment New York Volunteer Heavy Artillery, and to pay her a pension of $25 per month in lieu of that she is now receiving.

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

ELIZA J. HUDSON.

The bill (H. R. 15653) granting an increase of pension to Eliza J. Hudson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza J. Hudson, widow of William H. Hudson, late of Company I, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

SUSAN CAMPBELL.

The bill (H. R. 15674) granting an increase of pension to Susan Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan Campbell, widow of Miles E. Campbell, late of Company B, Twenty-second Regiment Iowa Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

DOUGLAS A. HUNT.

The bill (H. R. 17901) granting an increase of pension to Douglas A. Hunt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Douglas A. Hunt, late of Company F, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

LAFAYETTE H. M'CLUNG.

The bill (H. R. 19009) granting an increase of pension to Lafayette H. McClung was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lafayette H. McClung, late of U. S. S. *Grampus*, *Milwaukee*, and *Winnebago*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ISAAC OVERTON.

The bill (H. R. 19121) granting an increase of pension to Isaac Overton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Overton, late of Company G, Ninth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

MARK HAM.

The bill (S. 6151) granting an increase of pension to Mark Ham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mark Ham, late of Company H, Thirteenth and Thirtieth Regiments Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

MARGARET HIMMEL.

The bill (S. 5637) granting an increase of pension to Margaret Himmel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Himmel, widow of John Himmel, late of Company D, Ninety-third Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

DAVID C. WINEBRENER.

The bill (H. R. 16836) granting an increase of pension to David C. Winebrener was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David C. Winebrener, late captain Company A, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

KATHERINE STUDDERT.

The bill (H. R. 17102) granting an increase of pension to Katherine Studdert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Katherine Studdert, widow of Thomas Studdert, late chief machinist United States ship *Marcellus*, United States Navy, and to pay her a pension of $12 per month.

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

IDA M. WARNER.

The bill (H. R. 18235) granting a pension to Ida M. Warner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ida M. Warner, widow of Norman C. Warner, late first lieutenant Company E, Thirty-ninth Regiment Illinois Volunteer Infantry, and to pay her a pension of $17 per month.

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

JOHN C. BARNWELL.

The bill (H. R. 13998) granting an increase of pension to John C. Barnwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Barnwell, late of Company K, One hundred and twentieth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

SAMUEL B. SMITH.

The bill (H. R. 15676) granting an increase of pension to Samuel B. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel B. Smith, late of Company H, One hundred and thirty-third Regiment, and Company F, Two hundred and ninth Regiment, Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

HENRY DELONG.

The bill (H. R. 18609) granting an increase of pension to Henry Delong was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Delong, late of Company D, Thirtieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

NANCY V. J. FERRELL.

The bill (H. R. 18725) granting a pension to Nancy V. J. Ferrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy V. J. Ferrell, widow of John H. Ferrell, late pilot U. S. S. *Moose*, United States Navy, and to pay her a pension of $12 per month.

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

HENRY HORTON.

The bill (H. R. 18833) granting an increase of pension to Henry Horton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Horton, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

LEMUEL HAND.

The bill (H. R. 18876) granting an increase of pension to Lemuel Hand was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lemuel Hand, late of Company I, Seventy-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

ELIZA E. WHITLEY.

The bill (H. R. 19120) granting a pension to Eliza E. Whitley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza E. Whitley, widow of Silas A. Whitley, late of Company E, Third Regiment Illinois Volunteer Cavalry, and to pay her a pension of $8 per month.

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

ALEXANDER M'ALISTER.

The bill (H. R. 19128) granting a pension to Alexander McAlister was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander McAlister, late of Captain Martin's company, California Volunteers, California Indian war, and to pay him a pension of $8 per month.

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

ALICE W. MORRILL.

The bill (H. R. 19272) granting an increase of pension to Alice W. Morrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice W. Morrill, widow of Lewis Morrill, late of Company D, Thirteenth

Regiment Indiana Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

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

ELISHA BROWN.

The bill (H. R. 19408) granting an increase of pension to Elisha Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elisha Brown, late of Company C, Eighth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

HANSFORD G. GILKESON.

The bill (S. 6205) granting a pension to Hansford G. Gilkeson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Infantry," to insert "and Hospital Corps, United States Army, war with Spain;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hansford G. Gilkeson, late of Company K, Second Regiment Virginia Volunteer Infantry, and Hospital Corps, United States Army, war with Spain, and pay him a pension at the rate of $20 per month.

The amendments were agreed to.

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

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

CHARLES E. HENRY.

The bill (S. 6197) granting an increase of pension to Charles E. Henry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "second lieutenant Company A, and;" and in line 9, before the word "dollars," to strike out "seventy-five" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Henry, late second lieutenant Company A, and first lieutenant and adjutant, Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

LYCURGUS D. RIGGS.

The bill (S. 4991) granting a pension to Lycurgus D. Riggs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lycurgus D. Riggs, late of Company E, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Lycurgus D. Riggs."

SAMUEL WHITE.

The bill (S. 2225) granting an increase of pension to Samuel White was considered as in Committee of the Whole.

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

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel White, late of Company B, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

SAMUEL M. DAUGHENBAUGH.

The bill (S. 5710) granting an increase of pension to Samuel M. Daughenbaugh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel M. Daughenbaugh, late captain Company G, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

CLARA A. R. DEVEREUX.

The bill (S. 6283) granting an increase of pension to Clara A. R. Devereux was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "lieutenant-colonel" and insert "colonel;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara A. R. Devereux, widow of Arthur F. Devereux, late colonel Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

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

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

BETSEY HATTERY.

The bill (S. 6228) granting a pension to Betsey Hattery was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Betsey Hattery, widow of John Hattery, late of Company C, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

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

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

JAMES C. COAD.

The bill (S. 2880) granting an increase of pension to James C. Coad was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Coad, late of Company K, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

JOHN DICKEY.

The bill (S. 5994) granting an increase of pension to John Dickey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Dickey, late of Company I, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

LUCY FLORETTE NICHOLS.

The bill (S. 5081) granting a pension to Lucy Florette Nichols was considered as in Committee of the Whole.

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

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy Florette Nichols, widow of William Nichols, late surgeon Third Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

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

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

ANNA RING.

The bill (H. R. 19364) granting an increase of pension to Anna Ring was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "receiving," to insert "and $2 per month additional on account of the minor child of the said William Ring until it reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Ring, widow of William Ring, late of Ordnance Department, United States Army, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said William Ring until it reaches the age of 16 years.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

HUGH REID.

The bill (H. R. 18523) granting an increase of pension to Hugh Reid was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh Reid, late hospital steward, First Regiment United States Volunteer Engineers, war with Spain, and to pay him a pension of $10 per month in lieu of that he is now receiving.

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

ANNIE A. TOWNSEND.

The bill (H. R. 2053) granting an increase of pension to Annie A. Townsend was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie A. Townsend, widow of George D. Townsend, late assistant surgeon Seventy-second Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

DANIEL EATON.

The bill (H. R. 2759) granting an increase of pension to Daniel Eaton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Eaton, late of Company H, Third Regiment Maine Volunteer Infantry; Company D, Second Regiment United States Volunteer Sharpshooters, and Company C, First Regiment Maine Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

DAVID C. AUSTIN.

The bill (H. R. 4647) granting an increase of pension to David C. Austin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David C. Austin, late of Company I, Second Regiment Rhode Island Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

AUGUSTA C. REICHBURG.

The bill (H. R. 6893) granting a pension to Augusta C. Reichburg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augusta C. Reichburg, widow of Peter Reichburg, late of Company B, Forty-seventh Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $8 per month.

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

DANIEL S. CHASE.

The bill (H. R. 8291) granting an increase of pension to Daniel S. Chase was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel S. Chase, late of Company F, Twentieth Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JAMES SPENCER.

The bill (H. R. 10280) granting an increase of pension to James Spencer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Spencer, late of Company G, Forty-second Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

EMMA E. GOODWIN.

The bill (H. R. 10282) granting an increase of pension to Emma E. Goodwin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma E. Goodwin, widow of Francis E. Goodwin, late captain Company A, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

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

JOHN BROWNE.

The bill (H. R. 11100) granting an increase of pension to John Browne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Browne, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

GEORGE B. TRUE.

The bill (H. R. 11422) granting an increase of pension to George B. True was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George B. True, late of Company A, Twentieth Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

CHARLES H. GUILE.

The bill (H. R. 13609) granting an increase of pension to Charles H. Guile was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Guile, late of Company D, Eighth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

WILLIAM BARRETT.

The bill (H. R. 17809) granting a pension to William Barrett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Barrett, helpless and dependent son of John Barrett, late of Company C, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and Fifty-eighth Company, Second Battalion Veteran Reserve Corps, and to pay him a pension of $12 per month.

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

JAMES F. YOUNG.

The bill (H. R. 18384) granting an increase of pension to James F. Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Young, late of Company D, Second Regiment New York Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ELIZA A. SMITH.

The bill (H. R. 19179) granting an increase of pension to Eliza A. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza A. Smith, widow of John H. Smith, late of Company A, First Regiment West Virginia Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

DANIEL S. CONOVER.

The bill (H. R. 19238) granting an increase of pension to Daniel S. Conover was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel S. Conover, late of Company D, Twenty-fourth Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

LORENZO W. SHEDD.

The bill (H. R. 19249) granting an increase of pension to Lorenzo W. Shedd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo W. Shedd, late of Company F, Ninth Regiment Vermont Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

CAROLINE L. HODGDON.

The bill (H. R. 19301) granting an increase of pension to Caroline L. Hodgdon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline L. Hodgdon, widow of Charles A. Hodgdon, late of Company L, Sixth Regiment New York Volunteer Cavalry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

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

CHARLES H. PRINCE.

The bill (H. R. 19457) granting an increase of pension to Charles H. Prince was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Prince, late of Company C, Fifty-fourth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

ROBERT BRANDAU, ALIAS BRANDON.

The bill (H. R. 651) granting an increase of pension to Robert Brandau, alias Brandon, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Brandau, alias Brandon, late of Company D, First Regiment Illinois Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JOHN M. BYERS.

The bill (H. R. 4397) granting an increase of pension to John M. Byers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Byers, late of Company G, Sixty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

ELIZABETH A. AMES.

The bill (H. R. 6336) granting a pension to Elizabeth A. Ames was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Ames, widow of John S. Ames, late of Company A, Sixteenth Regiment Kansas Volunteer Cavalry, and to pay her a pension of $8 per month.

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

REUBEN VAN BUSKIRK.

The bill (H. R. 6421) granting an increase of pension to Reuben Van Buskirk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Reuben Van Buskirk, late of Company D, Eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

LEVI A. CANFIELD.

The bill (H. R. 6423) granting an increase of pension to Levi A. Canfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi A. Canfield, late of Company G, Tenth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ALBERT H. BRADISH.

The bill (H. R. 13466) granting an increase of pension to Albert H. Bradish was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert H. Bradish, late second lieutenant Company H, Fifty-fifth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

WILLIAM O. TOBEY.

The bill (H. R. 13652) granting an increase of pension to William O. Tobey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William O. Tobey, late of Company C, One hundred and thirty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

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

FANNY G. POMEROY.

The bill (H. R. 18360) granting an increase of pension to Fanny G. Pomeroy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fanny G. Pomeroy, widow of Willis B. Pomeroy, late of Company C, Twenty-fourth Regiment New York Volunteer Cavalry, and One hundred and seventieth, Third, Sixteenth, and Eighth companies, Second Battalion Veteran Reserve Corps, and to pay her a pension of $16 per month in lieu of that she is now receiving.

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

JAMES S. KING.

The bill (H. R. 7763) granting a pension to James S. King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. King, late contract surgeon, United States Army, and to pay him a pension of $12 per month.

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

ANDREW J. LANE.

The bill (H. R. 8920) granting an increase of pension to Andrew J. Lane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Lane, late chaplain Sixty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

DANIEL WHALEN.

The bill (H. R. 18631) granting an increase of pension to Daniel Whalen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Whalen, late of Company G, Tenth Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

MARTIN B. DOTY.

The bill (H. R. 10356) granting an increase of pension to Martin B. Doty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin B. Doty, late of Company H, Fiftieth Regiment New York Volunteer Engineers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JAMES HOLDERBY.

The bill (H. R. 10902) granting an increase of pension to James Holderby was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of James Holderby, late of Company H, Forty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

MARY A. DURYEA.

The bill (H. R. 13949) granting an increase of pension to Mary A. Duryea was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Duryea, widow of Benjamin Duryea, late second lieutenant Company F, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

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

THOMAS THORNTON.

The bill (H. R. 14323) granting an increase of pension to Thomas Thornton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Thornton, late of Company B, First Regiment New York Volunteer Engineers, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

LUCINDA BRADY.

The bill (H. R. 14798) granting a pension to Lucinda Brady was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucinda Brady, widow of Simon D. Brady, late of Company G, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension of $12 per month and $2 per month additional on account of each minor child of said soldier until each of said children shall arrive at the age of 16 years.

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

WILLIAM T. HOSLEY.

The bill (H. R. 11072) granting an increase of pension to William T. Hosley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Hosley, late of Company C, Second Regiment United States Sharpshooters, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

CHARLES COLLINS.

The bill (H. R. 12531) granting a pension to Charles Collins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Collins, late of Company D, Sixth Regiment Delaware Volunteer Infantry, and to pay him a pension of $12 per month.

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

PETER EBERTS.

The bill (H. R. 16371) granting an increase of pension to Peter Eberts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Eberts, late of Company F, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and Company F, Thirty-fourth Regiment Pennsylvania Emergency Militia, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JOSEPH H. TRUAX.

The bill (H. R. 17332) granting an increase of pension to Joseph H. Truax was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph H. Truax, late of Company G, Forty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JOHN NAY.

The bill (H. R. 1420) granting a pension to John Nay was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Nay, late guide, United States Volunteers, and to pay him a pension of $12 per month.

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

MARY M. STONE.

The bill (H. R. 18764) granting an increase of pension to Mary M. Stone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary M. Stone, widow of Roy Stone, late colonel One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and brigadier-general, United States Volunteers, war with Spain, and to pay her a pension of $50 per month in lieu of that she is now receiving.

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

JACKSON ADKINS.

The bill (H. R. 16620) granting a pension to Jackson Adkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jackson Adkins, late of Capt. Thomas Damron's independent company West Virginia Volunteer Infantry, and to pay him a pension of $12 per month.

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

WILLIAM A. CARROLL.

The bill (H. R. 14544) granting an increase of pension to William A. Carroll was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Carroll, late of Company K, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JAMES ROSS.

The bill (H. R. 7683) granting an increase of pension to James Ross was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Ross, late of Company F, Second Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JOHN P. VEACH.

The bill (H. R. 5707) granting an increase of pension to John P. Veach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Veach, late of Company F, Ninth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

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

DELIA GIBBS.

The bill (H. R. 7635) granting a pension to Delia Gibbs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Delia Gibbs, dependent mother of James Gibbs, late of Company K, Twenty-second Regiment United States Colored Volunteer Infantry, and to pay her a pension of $12 per month.

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

MICHAEL KEARNS.

The bill (H. R. 10808) granting an increase of pension to Michael Kearns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Kearns, late of U. S. S. *Tuscumbia*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

WILLIAM MABERY.

The bill (H. R. 8660) granting a pension to William Mabery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Mabery, late of Company A, Sixth Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of $12 per month.

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

ALEXANDER B. WILSON.

The bill (H. R. 18451) granting an increase of pension to Alexander B. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander B. Wilson, late first lieutenant Company F, Fourth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

WILLIAM H. H. MALLALIEU.

The bill (H. R. 9876) granting an increase of pension to William H. H. Mallalieu was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. H. Mallalieu, late of Company D, Eighth Regiment Maryland Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JOHN BEHYMER.

The bill (H. R. 10394) granting an increase of pension to John Behymer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Behymer, late of Company D, Fifty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

THEODORE COLE.

The bill (H. R. 11655) granting an increase of pension to Theodore Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore Cole, late of Company D, First Battalion, Sixteenth Regiment United States Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

ARANTHA J. LIVINGSTON.

The bill (H. R. 12183) granting an increase of pension to Arantha J. Livingston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arantha J. Livingston, widow of Abel F. Livingston, late of Company K, Seventh Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

SOPHIE M. STAAB.

The bill (H. R. 13967) granting a pension to Sophie M. Staab was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sophie M. Staab, helpless and dependent daughter of Frederick Staab, late of Company K, Twelfth Regiment New Jersey Volunteer Infantry, and to pay her a pension of $12 per month.

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

JOHN WELCH.

The bill (H. R. 14554) granting an increase of pension to John Welch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Welch, late of Company B, Twenty-sixth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

THEODORE T. DAVIS.

The bill (H. R. 18124) granting an increase of pension to Theodore T. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore T. Davis, late of Company D, Thirteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JOEL GAY.

The bill (H. R. 18409) granting an increase of pension to Joel Gay was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joel Gay, late of Captain Johnston's independent company, Florida Mounted Volunteers, Florida Indian war, and to pay him a pension of $16 per month in lieu of that he is now receiving.

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

MARY NAVY.

The bill (H. R. 19026) granting an increase of pension to Mary Navy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Navy, widow of John E. Navy, late of Captain Brown's company, Georgia Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

ANN W. WHITAKER.

The bill (H. R. 19276) granting an increase of pension to Ann W. Whitaker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann W. Whitaker, widow of Horace Whitaker, late of Captain Chestnut's company, South Carolina Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

ALLEN CROW.

The bill (H. R. 1206) granting an increase of pension to Allen Crow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Allen Crow, late of Company A, Ninety-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

SUSAN R. STALCUP.

The bill (H. R. 1238) granting a pension to Susan R. Stalcup was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan R. Stalcup, widow of William B. Stalcup, late of Company A, Twenty-fifth Regiment Indiana Volunteer Infantry, and to pay her a pension of $8 per month.

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

DAVID H. HAIR.

The bill (H. R. 7539) granting an increase of pension to David H. Hair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David H. Hair, late of Company F, Thirty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

PRIOR M. PAVY.

The bill (H. R. 7543) granting an increase of pension to Prior M. Pavy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Prior M. Pavy, late of Company I, One hundred and fortieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JOSEPH D. CUMMINS.

The bill (H. R. 10563) granting an increase of pension to Joseph D. Cummins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph D. Cummins, late of Company D, Eighty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

MARTIN L. HOLCOMB.

The bill (H. R. 10604) granting an increase of pension to Martin L. Holcomb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin L. Holcomb, late of Company K, Forty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JACOB SHEIL.

The bill (H. R. 15105) granting an increase of pension to Jacob Sheil was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Sheil, late of Company H, Eighteenth Regiment New York Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

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

JOHN FRICK.

The bill (H. R. 17632) granting an increase of pension to John Frick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Frick, late of Company D, Forty-first Regiment New York Volunteer In-

fantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JAMES L. GAMBLE.

The bill (H. R. 18428) granting an increase of pension to James L. Gamble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James L. Gamble, late of Company C, Thirty-first Regiment Ohio Volunteer Infantry, and Company G, Ninth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

ELIZA REBECCA SIMS.

The bill (H. R. 18694) granting an increase of pension to Eliza Rebecca Sims was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza Rebecca Sims, widow of James T. Sims, late of Captain Elmore's company, South Carolina Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

COLUMBUS COX.

The bill (H. R. 19099) granting an increase of pension to Columbus Cox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Columbus Cox, late of Company G, First Regiment North Carolina Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

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

HENRIETTA G. CARTER.

The bill (H. R. 18904) granting an increase of pension to Henrietta G. Carter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henrietta G. Carter, widow of Jonathan H. Carter, late passed midshipman, United States Navy, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

JOSEPHINE HARDESTER.

The bill (H. R. 18997) granting an increase of pension to Josephine Hardester was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josephine Hardester, widow of Thomas H. A. Hardester, late of Company C, First Regiment Massachusetts Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

MARY E. MUNDY.

The bill (H. R. 19061) granting an increase of pension to Mary E. Mundy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Mundy, widow of William N. Mundy, late of Captain Childs's company, Goodwyn's regiment South Carolina Mounted Volunteer Militia, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

ELLA DONNALD.

The bill (H. R. 18720) granting an increase of pension to Ella Donnald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ella Donnald, widow of David L. Donnald, late second lieutenant Company E, Palmetto Regiment, South Carolina Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

LORENZO G. TOMASELLI.

The bill (H. R. 18772) granting an increase of pension to Lorenzo G. Tomaselli was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo G. Tomaselli, late of Company K, Thirteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JULIA A. ABNEY.

The bill (H. R. 18903) granting an increase of pension to Julia A. Abney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia A. Abney, widow of William Abney, late of Capt. David Denney's company, South Carolina Militia Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

HENRY D. DUFFIELD.

The bill (H. R. 15547) granting an increase of pension to Henry D. Duffield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry D. Duffield, late of Company F, Second Regiment Iowa Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

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

CHARLES H. SWEENEY.

The bill (H. R. 12400) granting an increase of pension to Charles H. Sweeney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Sweeney, late captain Company B, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JOHN A. BLANTON.

The bill (H. R. 2223) granting an increase of pension to John A. Blanton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Blanton, late of Company B, Second Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

LYTLE M'CRACKEN.

The bill (H. R. 2229) granting an increase of pension to Lytle McCracken was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lytle McCracken, late of Company H, Fourteenth Regiment Illinois Volunteer Infantry, and Company H, Fourth Regiment Veteran Reserve Corps, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JAMES T. SAUNDERSON, ALIAS SANDERSON.

The bill (H. R. 5554) granting an increase of pension to James T. Saunderson, alias Sanderson, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James T. Saunderson, alias Sanderson, late of Company A, Second Regiment Indiana Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

DANIEL SHARPLEY.

The bill (H. R. 8285) granting an increase of pension to Daniel Sharpley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Sharpley, late of Company A, One hundred and nineteenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

MARTIN HALEY.

The bill (H. R. 10031) granting an increase of pension to Martin Haley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Haley, late of Company C, One hundred and thirty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

LEWIS F. DAVIS.

The bill (H. R. 10474) granting an increase of pension to Lewis F. Davis was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Lewis F. Davis, late of Company B, Eighteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JOHN L. CLIFTON.

The bill (H. R. 14505) granting an increase of pension to John L. Clifton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Clifton, late of Companies A and L, Second Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

HARMON HOUCK.

The bill (H. R. 15502) granting an increase of pension to Harmon Houck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harmon Houck, late of Company G, Ninth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

GEORGE S. GREEN.

The bill (H. R. 17393) granting an increase of pension to George S. Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George S. Green, late of Company B, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

SAMUEL H. DAVIS.

The bill (H. R. 18905) granting an increase of pension to Samuel H. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel H. Davis, late of Company D, Thirty-ninth Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ELIZABETH A. WALLER.

The bill (H. R. 19014) granting an increase of pension to Elizabeth A. Waller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Waller, widow of Edward L. Waller, late of Company B, District of Columbia and Maryland Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

CATHERINE WARNOCK.

The bill (H. R. 19222) granting an increase of pension to Catherine Warnock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine Warnock, widow of Joseph Warnock, late of Company I, Second Regiment Illinois Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

SANFORD WEAVER.

The bill (H. R. 5567) granting an increase of pension to Sanford Weaver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sanford Weaver, late of Company H, Fortieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JOHN S. M'CLARY.

The bill (H. R. 9159) granting an increase of pension to John S. McClary was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. McClary, late quartermaster-sergeant, Thirteenth Regiment Illinois Volunteer Infantry, and to pay him a question of $24 per month in lieu of that he is now receiving.

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

CHARLES STAIR.

The bill (H. R. 11780) granting an increase of pension to Charles Stair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Stair, late of Company D, First Regiment Ohio Volunteer Light Artillery, and to pay him a pension of $36 per month in lieu of that he is now receiving.

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

JOHN KAMERER.

The bill (H. R. 11811) granting an increase of pension to John Kamerer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Kamerer, late of Company A, Second Regiment Colorado Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

STEWART M'KENEY.

The bill (H. R. 13032) granting an increase of pension to Stewart McKeney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stewart McKeney, late of Company H, Twenty-seventh Regiment Iowa Volunteer Infantry, and to pay him a pension $30 per month in lieu of that he is now receiving.

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

WILLIAM C. FOX.

The bill (H. R. 16613) granting an increase of pension to William C. Fox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Fox, late of Company A, Fourteenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

GEORGE E. YAGER.

The bill (H. R. 17603) granting an increase of pension to George E. Yager was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George E. Yager, late of Company L, Second Regiment Nebraska Volunteer Infantry, war with Spain, and to pay him a pension of $10 per month in lieu of that he is now receiving.

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

JONATHAN M. HUNTER.

The bill (H. R. 18320) granting an increase of pension to Jonathan M. Hunter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan M. Hunter, late of Company K, Twentieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

ANTHONY W. MILLER.

The bill (H. R. 19242) granting an increase of pension to Anthony W. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anthony W. Miller, late of Company G, Fifth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

CHARLES H. CHARLES.

The bill (H. R. 2714) granting an increase of pension to Charles H. Charles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Charles, late of Company A, Eighty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

GEORGE W. SWADLEY.

The bill (H. R. 4891) granting an increase of pension to George W. Swadley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Swadley, late of Company G, One hundredth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

FAYETTE E. FORD.

The bill (H. R. 6181) granting an increase of pension to Fayette E. Ford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fayette E. Ford, late of Company B, Fourth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

SAMUEL PALMER.

The bill (H. R. 12347) granting an increase of pension to Samuel Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Palmer, late of Company G, Sixteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ISAAC MAINES.

The bill (H. R. 14107) granting an increase of pension to Isaac Maines was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Maines, late of Company B, Ninth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JAMES H. WARFORD.

The bill (H. R. 16399) granting an increase of pension to James H. Warford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Warford, late of Company D, First Regiment Kentucky Volunteer Cavalry, war with Mexico, and Company G, Seventh Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JOHN H. SMITH.

The bill (H. R. 16973) granting an increase of pension to John H. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Smith, late of Company B, Twenty-sixth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JOSEPH F. COOK.

The bill (H. R. 18475) granting an increase of pension to Joseph F. Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph F. Cook, late of Company H, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

GEORGE W. GORDON.

The bill (H. R. 18656) granting an increase of pension to George W. Gordon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Gordon, late of Company A, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

MINNA HILDEBRAND.

The bill (H. R. 18974) granting an increase of pension to Minna Hildebrand was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Minna Hildebrand, widow of John Hildebrand, alias John Brinkman, late of Company D, Second Regiment New York Volunteer Mounted Rifles, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

PETER CRAMER.

The bill (H. R. 19279) granting an increase of pension to Peter Cramer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Cramer, late of Company B, Ninety-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

HORACE H. SICKLES.

The bill (H. R. 609) granting an increase of pension to Horace H. Sickles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace H. Sickels, late of Company H, Nineteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JOHN T. HEANEY.

The bill (H. R. 19053) granting an increase of pension to John T. Heaney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. Heaney, late of Company I, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JOHN E. ENGLISH.

The bill (H. R. 18901) granting an increase of pension to John E. English was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. English, late of Captain Hawley's company, First Regiment Texas Volunteer Cavalry, war with Mexico, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JOHN N. BURTON

The bill (H. R. 18836) granting an increase of pension to John N. Burton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John N. Burton, late of U. S. S. *Fairplay* and *Great Western*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

CATHERINE BAUSMAN.

The bill (H. R. 18587) granting an increase of pension to Catherine Bausman was considered as Committee of the Whole. It proposes to place on the pension roll the name of Catherine Bausman, widow of Rinehart A. Bausman, late of U. S. S. *Louisville*, and acting master, United States Navy, and to pay her a pension of $8 per month.

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

SUSAN R. FREEMAN.

The bill (H. R. 18398) granting an increase of pension to Susan R. Freeman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan R. Freeman, widow of Thomas Freeman, late of Conner's battalion, Texas Mounted Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

JAMES K. DICKINSON.

The bill (H. R. 17896) granting an increase of pension to James K. Dickinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James K. Dickinson, late of Company K, Second Regiment Arkansas Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

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

JAMES D. TAYLOR.

The bill (H. R. 17271) granting an increase of pension to James D. Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James D. Taylor, late of Capt. R. Touzalin's company, California Volunteers, California Indian disturbances, and to pay him a pension of $16 per month in lieu of that he is now receiving.

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

LEVI M. HALL.

The bill (H. R. 14774) granting an increase of pension to Levi M. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi M. Hall, late of Company A, First Regiment Potomac Home Brigade, Mary-

land Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ALVA BEEBE.

The bill (H. R. 14705) granting an increase of pension to Alva Beebe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alva Beebe, late of Company E, First Regiment Michigan Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

MARIA C. SHEPPARD.

The bill (H. R. 14919) granting an increase of pension to Maria C. Sheppard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria C. Sheppard, widow of Thomas Sheppard, late of Company G, Eighteenth Regiment Ohio Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

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

HENRY W. BROWN.

The bill (H. R. 15063) granting an increase of pension to Henry W. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry W. Brown, late assistant surgeon Thirty-first Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

MARY L. OVERLEY.

The bill (H. R. 16571) granting an increase of pension to Mary L. Overley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary L. Overley, widow of Charles L. Overley, late of Company H, Sixteenth Regiment Kentucky Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

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

CAROLINE E. PERRY.

The bill (H. R. 17780) granting a pension to Caroline E. Perry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline E. Perry, widow of Louis E. Perry, late of Company A, Second Regiment Ohio Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month, and $2 per month additional on account of each of the minor children of said Louis E. Perry, until they reach the age of 16 years.

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

ANDREW M. LOGAN.

The bill (H. R. 18092) granting an increase of pension to Andrew M. Logan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew M. Logan, late of Company I, Second Regiment Illinois Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

SAMUEL DAILEY.

The bill (H. R. 18462) granting an increase of pension to Samuel Dailey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Dailey, late of Company H, Forty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

ROBERT L. FULTON.

The bill (H. R. 18624) granting an increase of pension to Robert L. Fulton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert L. Fulton, late of Company K, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

PATRICK FITZGERALD.

The bill (H. R. 18784) granting an increase of pension to Patrick Fitzgerald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Fitzgerald, late of Company L, Sixteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JOHN E. MINNICK.

The bill (H. R. 18974) granting an increase of pension to John E. Minnick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. Minnick, late of Company B, One hundred and fifty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ANDREW P. GLASPIE.

The bill (H. R. 19495) granting an increase of pension to Andrew P. Glaspie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew P. Glaspie, late of Company H, Seventh Regiment Michigan Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

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

HELEN G. POWELL.

The bill (H. R. 1507) granting a pension to Helen G. Powell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen G. Powell, widow of Isaac P. Powell, late captain Company G, and major One hundred and forty-sixth Regiment New York Volunteer Infantry, and to pay her a pension of $20 per month.

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

HENRY D. JORDAN.

The bill (H. R. 1507) granting an increase of pension to Henry D. Jordan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry D. Jordan, late of Company A, Seventeenth Regiment Vermont Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

SATURNIN JASNOWSKI.

The bill (H. R. 2410) granting an increase of pension to Saturnin Jasnowski was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Saturnin Jasnowski, late second lieutenant Company D, Twenty-seventh Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

LEAH BEDFORD.

The bill (H. R. 2867) granting an increase of pension to Leah Bedford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leah Bedford, widow of John Bedford, late second lieutenant Company C, Second Regiment Veteran Reserve Corps, and to pay her a pension of $24 per month in lieu of that she is now receiving.

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

NICHOLAS KARNS.

The bill (H. R. 7910) granting an increase of pension to Nicholas Karns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nicholas Karns, late of Company B, Eighteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

DAVID BUSSEY, ALIAS GEORGE BROWN.

The bill (H. R. 10224) granting an increase of pension to David Bussey, alias George Brown, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Bussey, alias George Brown, late of Company G, Eighth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JORDAN H. BANKS.

The bill (H. R. 11217) granting an increase of pension to Jordan H. Banks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jordan H. Banks, late of Company F, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

EMMA FOX.

The bill (H. R. 12013) granting a pension to Emma Fox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma Fox, widow of Joseph S. Fox, late of Company I, Sixteenth Regiment, and Company G, Twenty-third Regiment, Michigan Volunteer Infantry, and to pay her a pension of $8 per month.

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

PATRICK CONLIN.

The bill (H. R. 7226) for the relief of Patrick Conlin was considered as in Committee of the Whole. It directs the Secretary of War to place the name of Patrick Conlin on the records as a member of Company I, Fifty-seventh Regiment Ohio Volunteer Infantry, and grant him an honorable discharge, to date from September 1, 1865.

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

E. J. KOLB, ALIAS E. J. KULB.

The bill (H. R. 18900) correcting the military record of E. J. Kolb, alias E. J. Kulb, was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of E. J. Kolb, alias E. J. Kulb, late private in Company F, Forty-sixth Pennsylvania Infantry Volunteers, and issue to him an honorable discharge.

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

DANIEL SULLIVAN.

The bill (S. 4235) granting an increase of pension to Daniel Sullivan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "First," to strike out "Battalion" and insert "Regiment;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Sullivan, late of Company B, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

OAKALEY RANDALL.

The bill (S. 6259) granting an increase of pension to Oakley Randall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Randall," to strike out "Oakley" and insert "Oakaley;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oakaley Randall, late of Company P, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Oakaley Randall."

JOSEPH P. GARLAND.

The bill (S. 4174) granting an increase of pension to J. P. Garland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of" where it occurs the first time, to strike out the initial "J." and insert "Joseph;" in line 6, before the word "Company," to strike out "of" and insert "captain;" and in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph P. Garland, late captain Company D, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Joseph P. Garland."

JOHN H. MULLEN.

The bill (S. 4695) granting an increase of pension to John H. Mullen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of" and insert "captain;" in the same line, after the word "Company," to strike out the letter "B" and insert "C;" and in line 8, before the word "dollars," to strike out "seventy-five" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Mullen, late captain Company C, Twelfth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. CLAPP. I move to amend the amendment by striking out "forty" and inserting "sixty."

Mr. McCUMBER. I suggest to the Senator that he put it at $50.

Mr. CLAPP. Rather than have any discussion I accept the suggestion.

The amendment to the amendment was agreed to.

The amendments as amended were agreed to.

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

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

MATHEW KERWIN.

The bill (S. 4365) granting an increase of pension to Mathew Kerwin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mathew Kerwin, late of Company B, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

HILLARY BEYER.

The bill (S. 5547) granting an increase of pension to Hillary Beyer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "Company," to strike out "of" and insert "first lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hillary Beyer, late first lieutenant Company H, Ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

JAMES DEAREY.

The bill (S. 6339) granting an increase of pension to James Dearey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Dearey, late of Company D, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

MARGARETTA E. HUTCHINS.

The bill (H. R. 14500) granting an increase of pension to Margaretta E. Hutchins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaretta E. Hutchins, widow of Moses F. Hutchins, late of Company I, Twelfth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ernest B. Hutchins, helpless and dependent son of said Moses F. Hutchins, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaretta E. Hutchins, the name of said Ernest B. Hutchins shall be placed on the pension roll at $12 per month from and after the date of death of said Margaretta E. Hutchins.

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

JAMES S. WHITLOCK.

The bill (S. 6148) granting an increase of pension to James S. Whitlock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Whitlock, late of Company B, Eighth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

GEORGE B. BARNES.

The bill (S. 4185) granting an increase of pension to George B. Barnes was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of George B. Barnes, late of Company F, One hundred and eighty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

J. DILLON TURNER.

The bill (S. 4345) granting an increase of pension to J. Dillon Turner was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of J. Dillon Turner, late of Company I, One hundred and fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

ETHAN A. WILLEY.

The bill (H. R. 5834) granting an increase of pension to Ethan A. Willey was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Ethan A. Willey, late of Company G, Ninety-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

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

ISAAC A. M'CULLEY.

The bill (H. R. 11841) granting an increase of pension to Isaac A. McCulley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac A. McCulley, late of Company H, Second Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

CHARLES E. TOMPKINS.

The bill (H. R. 15542) granting an increase of pension to Charles E. Tompkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles E. Tompkins, late of Company A, First Regiment California Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JAMES T. RAMBO.

The bill (H. R. 18504) granting an increase of pension to James T. Rambo was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James T. Rambo, late of Company F, Fourth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JOHN H. BRADBERRY.

The bill (H. R. 18623) granting an increase of pension to John H. Bradberry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Bradberry, late of Company K, Sixth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JAMES MURPHY.

The bill (H. R. 18790) granting an increase of pension to James Murphy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Murphy, late of Company E, Thirtieth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

SARAH A. DAWSON.

The bill (H. R. 18813) granting an increase of pension to Sarah A. Dawson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Dawson, widow of William H. Dawson, late of Company H, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

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

WAKELAND HERYFORD.

The bill (H. R. 4599) to remove the charge of desertion from the military record of Wakeland Heryford was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to insert at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Wakeland Heryford, late private of Light Battery K, First Regiment of Artillery, and grant him an honorable discharge: *Provided*, That, etc.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

TAYLOR WARE.

The bill (H. R. 13836) for the relief of Taylor Ware was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to insert at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That Taylor Ware be held and considered to have been honorably discharged as a private of Company D, Fifty-second United States Colored Infantry Volunteers, as of date of July 17, 1864, and the Secretary of War is hereby authorized to issue a discharge in accordance with this act: *Provided*, That no pay, etc.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

WILLIAM SAPHAR.

The bill (H. R. 9238) for the relief of William Saphar was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to insert at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That William Saphar shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company F, Seventh Regiment United States Veteran Volunteer Infantry, on the 14th day of December, 1865: *Provided*, That no pay, etc.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

RUSSELL SAVAGE.

The bill (H. R. 5509) for the relief of Russell Savage was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to insert at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the records of the War Department in such manner as to show that Russell Savage, a private, Company L, Fourth Regiment Tennessee Cavalry Volunteers, was enlisted on the 9th day of April, 1864, and was mustered into the service April 21, 1864, and that he was honorably discharged at Nashville, Tenn., on the 1st day of August, 1865: *Provided*, That, etc.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

WILLIAM P. KNOWLTON.

The bill (H. R. 6963) granting a pension to William P. Knowlton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "and pay him a pension at the rate of $20 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Knowlton, late of Company E, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

MARY WHISLER.

The bill (H. R. 14930) granting a pension to Mary Whisler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twelve" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Whisler, helpless and dependent daughter of George W. Whisler, late of Company F, Second Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $16 per month.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

JOHN BRADFORD.

The bill (H. R. 19255) granting an increase of pension to John Bradford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Bradford, late of Company H, Tenth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

CERTIFICATES OF NATURALIZATION.

The bill (H. R. 18713) to validate certain certificates of naturalization was considered as in Committee of the Whole.

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

The first amendment was, in section 1, page 1, line 10, after the word "section," to strike out "but shall not be by this act further validated or legalized" and to insert the following proviso:

Provided, That in all such cases applications shall be made for new naturalization certificates, and when the same are granted, upon compliance with the provisions of said act of 1903, they shall relate back to the defective certificates, and citizenship shall be deemed to have been perfected at the date of the defective certificate.

So as to make the section read:

That naturalization certificates issued after the act approved March 3, 1903, entitled "An act to regulate the immigration of aliens into the United States," went into effect, which fail to show that the courts issuing said certificates complied with the requirements of section 39 of said act, but which were otherwise lawfully issued, are hereby declared to be as valid as though said certificates complied with said section: *Provided*, That in all such cases applications shall be made for new naturalization certificates, and when the same are granted, upon compliance with the provisions of said act of 1903, they shall relate back to the defective certificates, and citizenship shall be deemed to have been perfected at the date of the defective certificate.

The amendment was agreed to.

The next amendment was, on page 2, section 2, line 8, after the word "from," to strike out "any court having a clerk and a seal" and insert "the criminal court of Cook County, Ill;" so as to make the section read:

SEC. 2. That all the records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to the time when this act takes effect in or from the criminal court of Cook County, Ill., shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this act further validated or legalized.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

SALE OF INTERNAL-REVENUE STAMPS IN PORTO RICO.

The bill (H. R. 15071) to provide means for the sale of internal-revenue stamps in the island of Porto Rico was considered as in Committee of the Whole. It provides that all United States internal-revenue taxes now imposed by law on articles of Porto Rican manufacture coming into the United States for consumption or sale may hereafter be paid by affixing to such articles before shipment thereof a proper United States internal-revenue stamp denoting such payment.

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

JAMES N. ROBINSON AND SALLIE B. M'COMB.

The bill (H. R. 10610) for the relief of James Robinson and Sallie B. McComb was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 5, after the words "sum of," to strike out "five thousand" and insert "two thousand five hundred," and on page 2, line 1, after the words "sum of," to strike out "five thousand" and insert "two thousand five hundred;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500, to James N. Robinson and Sallie B. McComb, of Marion County, Ind., on account of damages sustained by them because of the wrongful confiscation by the United States of 335 acres of land and $300 in promissory notes, all the property of the said James N. Robinson and Sallie B. McComb, and the sum of $2,500 is hereby appropriated for such purpose.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

LOAN OF NAVAL EQUIPMENT.

The bill (H. R. 14975) amending chapter 863, volume 31, of the Statutes at Large was considered as in Committee of the Whole. It proposes to amend the statute referred to so as to authorize the President, upon the application of the governor of any State having seacoast line or bordering on one or more of the Great Lakes, to direct the Secretary of the Navy to furnish to one well-established military school in that State, desiring to

afford its cadets instruction in elementary seamanship, one fully equipped man-of-war's cutter for every 25 cadets in actual attendance, and such other equipment as may be spared and be deemed adequate for instruction in elementary seamanship.

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

JOHN M'CAULEY, ALIAS JOHN H. HAYES.

The bill (H. R. 15140) to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes, was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to remove the charge of desertion now borne on the records of the Navy Department, against the name of John McCauley, alias John H. Hayes, late of the U. S. S. *Agawam*.

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

EMMA K. TOURGÉE.

The bill (S. 4880) granting a pension to Emma K. Tourgée, was considered as in Committee of the Whole.

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

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws the name of Emma K. Tourgée, widow of Albion W. Tourgée, late of Company E, Twenty-seventh Regiment New York Volunteer Infantry, and first lieutenant Company G, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Emma K. Tourgée."

FRANCIS D. GARNSEY.

The bill (S. 6359) granting an increase of pension to F. D. Garnsey was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of" where it occurs the first time, to strike out the letter "F" and insert "Francis;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis D. Garnsey, late of Company C, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 dollars per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Francis D. Garnsey."

JOSEPHINE S. JONES.

The bill (S. 5042) granting an increase of pension to Josephine S. Jones was considered as in Committee of the Whole.

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

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine S. Jones, widow of Samuel E. Jones, late second lieutenant Company I, First Regiment Missouri Volunteer Light Artillery, and Twelfth Independent Battery, Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

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

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

ELLEN BERNARD LEE.

The bill (S. 5104) granting a pension to Ellen Bernard Lee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "one hundred" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Bernard Lee, widow of Fitzhugh Lee, late brigadier-general, United States Army, and pay her a pension at the rate of $50 per month.

The amendment was agreed to.

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

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

JOSEPH JOHNSTON.

The bill (S. 6367) granting an increase of pension to Joseph Johnston was considered as in Committee of the Whole.

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

That the Secretary of the Interior be, and he is is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Johnston, late of Captain Cox's company, Georgia Volunteers, Cherokee Indian disturbances, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

JOHN M'DONOUGH.

The bill (S. 6381) granting an increase of pension to John McDonough was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McDonough, late of Battery A, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

HENRY B. WILLHELMY.

The bill (S. 4366) granting an increase of pension to Henry B. Willhelmy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry B. Willhelmy, late of Company G, Thirteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

LEGAL REPRESENTATIVES OF SAMUEL LEE, DECEASED.

The bill (H. R. 850) making appropriation to pay to the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein, was announced as the next business in order on the Calendar.

Mr. OVERMAN. I ask that the bill be passed over, in the absence of the Senators from South Carolina.

Mr. McCUMBER. Will the Senator withhold his objection until I offer an amendment? I offer an amendment to strike out all after the enacting clause and insert what I send to the desk.

Mr. FULTON. I dislike to object to the bill, because I reported it myself——

Mr. McCUMBER. I understand there is an objection, but I wish to offer an amendment and then let it go over under the objection.

Mr. FULTON. That is all right. I felt it was incumbent upon me to say that.

Mr. GALLINGER. Let the amendment be printed.

Mr. McCUMBER. I ask that it be printed.

The VICE-PRESIDENT. The amendment will be printed, and the bill will go over.

EPHRAIM D. ACHEY.

The bill (H. R. 1143) granting an increase of pension to Ephraim D. Achey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ephraim D. Achey, late of Company G, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

MARIA ROGERS.

The bill (H. R. 19670) granting a pension to Maria Rogers was considered as in Committee of the Whole. It proposes to

place on the pension roll the name of Maria Rogers, widow of Francis Rogers, late of Company C, Fifth Regiment United States Cavalry, and to pay her a pension of $12 per month.

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

MERRILL JOHNSON.

The bill (H. R. 2789) granting an increase of pension to Merrill Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Merrill Johnson, late first lieutenant Company B, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ELI CERO.

The bill (H. R. 2772) granting an increase of pension to Eli Cero was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli Cero, late of Company H, Second Battalion, Fourteenth Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

GORDON A. THURBER.

The bill (H. R. 15856) granting a pension to Gordon A. Thurber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gordon A. Thurber, late of Company E, First Regiment Colorado Volunteer Infantry, war with Spain, and to pay him a pension of $12 per month.

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

EDNA BUCHANAN.

The bill (H. R. 7546) granting a pension to Edna Buchanan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edna Buchanan, widow of William P. Buchanan, late of Company A, Ninth Regiment Indiana Legion, and to pay her a pension of $8 per month.

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

HARRIET WEATHERBY.

The bill (H. R. 18816) granting an increase of pension to Harriet Weatherby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet Weatherby, widow of Henry C. Weatherby, late of Captain Page's company, Massachusetts Militia, in the war of 1812, and to pay her a pension of $24 per month in lieu of that she is now receiving.

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

DAVID P. KIMBALL.

The bill (H. R. 6944) granting an increase of pension to David P. Kimball was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David P. Kimball, late of Company M, Second Regiment Iowa Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

EXTENSION OF KALORAMA ROAD NW.

The bill (H. R. 130) authorizing the extension of Kalorama road NW. was considered as in Committee of the Whole.

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

EXTENSION AND WIDENING OF SHERMAN AVENUE.

The bill (H. R. 18666) to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

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

GRADE CHANGES IN CONSTRUCTION OF UNION STATION.

The bill (H. R. 14511) amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia," approved April 22, 1904, was considered as in Committee of the Whole.

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

PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD COMPANY.

The bill (H. R. 17452) to provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company was considered as in Committee of the Whole.

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

THOMAS W. HIGGINS.

The bill (H. R. 1572) for the relief of Thomas W. Higgins was considered as in Committee of the Whole. It proposes to pay $350 to Thomas W. Higgins, late major, Seventy-third Regiment Ohio Volunteer Infantry, for the loss of two horses killed in battle during the war for the suppression of the rebellion.

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

FEDERAL COURTS AT EUREKA, CAL.

The bill (H. R. 19522) establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal., was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 1, section 1, beginning in line 8, to strike out the proviso as follows:

Provided, however, That Humboldt County, Cal., shall furnish a suitable place in which to hold said court, free of all charges and expenses, until such time as the United States shall make provisions for a place in which to hold the same.

So as to make the section read:

That there shall be one term each of the United States district and circuit courts for the northern district of California held in the city of Eureka, Cal., in each year from and after the passage of this act, said term to begin on the third Monday in July and continue as long as the business may require.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

ELLA E. KENNEY.

The bill (S. 6471) granting an increase of pension to Ella E. Kenney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ella E. Kenney, widow of Gilbert A. Kenney, late of Company K, Tenth Regiment Rhode Island Volunteer Infantry, and Company C, Second Regiment Rhode Island Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

JOHN K. HART.

The bill (H. R. 16875) granting an increase of pension to John K. Hart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John K. Hart, late of Company C, One hundred and second Regiment United States Colored Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JOSHUA HOLCOMB.

The bill (H. R. 4967) granting an increase of pension to Joshua Holcomb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joshua Holcomb, late of Company C, Fifth Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

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

WILLIAM C. HOOVER.

The bill (H. R. 19245) granting an increase of pension to William C. Hoover was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Hoover, late of Captain Clarkson's Company F, Third Regiment Missouri Mounted Volunteer Infantry, war with Mexico, and Company I, Fifteenth Regiment Missouri Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

FLEMING H. FREELAND.

The bill (H. R. 14257) granting an increase of pension to Fleming H. Freeland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fleming H. Freeland, late of Company I, Eleventh Regiment

Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JAMES W. LOOMIS.

The bill (H. R. 9101) granting an increase of pension to James W. Loomis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Loomis, late of Company F, Eighteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

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

DAVID W. FARINGTON.

The bill (H. R. 10267) granting an increase of pension to David W. Farington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David W. Farington, late of Company F, Second Regiment Indiana Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JOSEPH SLAGG.

The bill (H. R. 8214) granting an increase of pension to Joseph Slagg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Slagg, late of Company D, Twenty-third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

DEBORAH J. PRUITT.

The bill (H. R. 14211) granting an increase of pension to Deborah J. Pruitt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Deborah J. Pruitt, widow of Samuel Pruitt, late of Company C, Twenty-fifth Regiment Indiana Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

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

MARY A. HALL.

The bill (H. R. 19533) granting an increase of pension to Mary A. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Hall, widow of James S. Hall, late captain, Signal Corps, United States Army, and to pay her a pension of $20 per month in lieu of that she is now receiving.

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

JOHN F. MORRIS.

The bill (H. R. 4659) granting an increase of pension to John F. Morris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John F. Morris, late of Company C, Fourth Regiment Rhode Island Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

SETH DAVIS.

The bill (H. R. 12802) granting an honorable discharge to Seth Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out "That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dishonorably discharging from the service Seth Davis, first lieutenant Company E, Fourth Regiment Michigan Volunteer Infantry, and to issue to him an honorable discharge to date from April 23, 1866; and the said Davis shall hereafter be held and considered to have been honorably discharged from the military service of the United States on said date" and insert "That Seth Davis shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a first lieutenant, Company E, Fourth Regiment Michigan Volunteer Infantry, on April 23, 1866;" so as to make the bill read:

Be it enacted, etc., That Seth Davis shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a first lieutenant, Company E, Fourth Regiment Michigan Volunteer Infantry, on April 23, 1866: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

MARION F. HALBERT.

The bill (H. R. 1148) granting an increase of pension to Marion F. Halbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marion F. Halbert, late of Company A, Fifty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

LEWIS MARQUIS.

The bill (H. R. 19389) granting an increase of pension to Lewis Marquis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis Marquis, late of Company D, Sixth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

CYNTHIA A. COMPTON.

The bill (H. R. 15945) granting a pension to Cynthia A. Compton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cynthia A. Compton, widow of Jonathan W. Compton, late of Company K, First Regiment Indiana Volunteer Heavy Artillery, and to pay her a pension of $8 per month.

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

HIRAM B. THOMAS.

The bill (H. R. 1836) granting an increase of pension to Hiram B. Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram B. Thomas, late of Company I, Thirty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

LOUISA STORY.

The bill (H. R. 18769) granting an increase of pension to Louisa Story was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa Story, widow of Thomas Story, late of Capt. Thomas Metcalf's company, Kentucky Militia, war of 1812, and to pay her a pension of $24 per month in lieu of that she is now receiving.

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

ELIZABETH C. KENNEDY.

The bill (H. R. 19337) granting an increase of pension to Elizabeth C. Kennedy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth C. Kennedy, widow of Duncan Kennedy, late captain, United States Navy, and to pay her a pension of $40 per month in lieu of that she is now receiving.

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

ERNEST LANGENECK.

The bill (H. R. 19091) granting an increase of pension to Ernest Langeneck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ernest Langeneck, late of Company F, Seventeenth Regiment Missouri Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

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

SARAH JANE DOUGHERTY.

The bill (H. R. 19538) granting an increase of pension to Sarah Jane Dougherty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Jane Dougherty, widow of John P. Dougherty, late of Company E, Fourteenth Regiment United States Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

NEWTON MOORE.

The bill (H. R. 16411) granting an increase of pension to Newton Moore was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Newton Moore, late of Company B, Fourth Regiment Tennessee Volunteer Infantry, war with Mexico, and Company K, Thirty-seventh Regiment Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JOHN B. JOHNSON.

The bill (H. R. 2212) granting a pension to John B. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Johnson, late of Commissary Department, United States Army, and to pay him a pension of $20 per month.

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

JAMES M. FOLLIN.

The bill (H. R. 18543) granting an increase of pension to James M. Follin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Follin, late of Company K, Seventy-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

NAMES OF CERTAIN SAILING VESSELS.

The bill (H. R. 17600) to grant authority to change the names of certain sailing vessels was considered as in Committee of the Whole.

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

WHITE RIVER (ARKANSAS) LOCK AND DAM.

The bill (H. R. 18596) to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River, Arkansas, and for other purposes, was considered as in Committee of the Whole.

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

COLDWATER RIVER BRIDGE, IN MISSISSIPPI.

The bill (H. R. 20097) to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River was considered as in Committee of the Whole.

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

JAMES DEVLIN.

The bill (H. R. 6492) to correct the military record of James Devlin was considered as in Committee of the Whole. It proposes to grant an honorable discharge in lieu of the discharge heretofore granted to James Devlin, of the county of Kings, State of New York, late a hospital steward in the United States Army; but no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

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

SPILLARD F. HORRALL.

The bill (H. R. 1217) granting an increase of pension to Spillard F. Horrall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Spillard F. Horrall, late second and first lieutenant Company G, Forty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

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

ISUM GWIN.

The bill (H. R. 7254) granting an increase of pension to Isum Gwin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isum Gwin, late captain Company D, Eightieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

MOSES S. ROCKWOOD.

The bill (H. R. 19033) granting an increase of pension to Moses S. Rockwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses S. Rockwood, late of Company F, Fourteenth Regiment Massachusetts Volunteer Infantry, and Company E, Third Regiment Veteran Reserve Corps, and to pay him a pension of $40 per month in lieu of that he is now receiving.

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

ODOM BUTLER.

The bill (H. R. 13318) granting an increase of pension to Odom Butler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Odom Butler, late of Company I, Sixty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

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

OSBERT D. DICKEY.

The bill (H. R. 17015) granting an increase of pension to Osbert D. Dickey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Osbert D. Dickey, late of Company L, First Regiment United States Veteran Volunteer Engineers, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

STEPHEN A. WEST.

The bill (S. 6082) for the relief of Stephen A. West was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to insert at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, required to remove the charge of desertion now standing on the rolls against the said Stephen A. West, as private of Company C, Eighteenth Regiment Ohio Volunteer Infantry, and of Company D, Seventy-seventh Regiment Ohio Volunteer Infantry, and to grant him an honorable discharge from said service: *Provided*, That, etc.

The amendment was agreed to.

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

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

AMOS DAHUFF.

The bill (S. 265) to correct the record of discharge of Amos Dahuff was considered as in Committee of the Whole.

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

That Amos Dahuff shall herafter be held and considered to have been honorably discharged from the military service of the United States as captain of Company H, Twelfth Indiana Cavalry Volunteers, on February 19, 1865: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting an honorable discharge to Amos Dahuff."

SUBPORT OF SUPERIOR, WIS.

The bill (H. R. 19519) to extend the privileges of the seventh section of the act approved June 10, 1880, to the subport of Superior, Wis., was considered as in Committee of the Whole.

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

BRIDGE ACROSS YAZOO RIVER, MISSISSIPPI.

The bill (H. R. 11030) to authorize the counties of Yazoo and Holmes to construct a bridge across Yazoo River, Mississippi, was considered as in Committee of the Whole.

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

JEROME L. BROWN.

The bill (H. R. 7871) granting an increase of pension to Jerome L. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jerome L. Brown, late of Company C, Sixteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

CHARLES W. TIMMS.

The bill (H. R. 7652) granting an increase of pension to Charles W. Timms was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of Charles W. Timms, late of Company F, Eleventh Regiment West Virginia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

HEMAN A. HARRIS.

The bill (H. R. 11888) granting an increase of pension to Heman A. Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Heman A. Harris, late of Company H, Tenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

IRA PALMER.

The bill (H. R. 8215) granting an increase of pension to Ira Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ira Palmer, late of Company C, First Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

BEVERLY M'K. LACEY.

The bill (H. R. 19604) granting an increase of pension to Beverly McK. Lacey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Beverly McK. Lacey, late of Company D, Battalion Mississippi Volunteer Rifles, war with Mexico, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

UNIVERSITY PREPARATORY SCHOOL OF OKLAHOMA.

The bill (H. R. 17186) granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section 33, in township No. 26 north of range No. 1 west of the Indian meridian, in Kay County, Okla., was considered as in Committee of the Whole.

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

BUREAU OF IMMIGRATION AND NATURALIZATION.

The bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States was announced as next in order.

Mr. NELSON. That is a very lengthy and important bill, and it ought to go over.

The VICE-PRESIDENT. The bill will lie over without prejudice at the request of the Senator from Minnesota.

FRANCES BECKER.

The bill (H. R. 18911) granting an increase of pension to Frances Becker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances Becker, widow of Ferdinand Becker, late of Company E, Twenty-third Regiment Ohio Volunteer Infantry, and Company G, Third Regiment New York Volunteer Light Artillery, and to pay her a pension of $20 per month in lieu of that she is now receiving.

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

SARAH V. MALONE.

The bill (H. R. 19043) granting an increase of pension to Sarah V. Malone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah V. Malone, widow of James R. Malone, late second lieutenant Company E, Battalion Alabama Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

SUSAN C. SMITH.

The bill (H. R. 19047) granting an increase of pension to Susan C. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan C. Smith, widow of Jordan Smith, late of Capt. Jesse Thomas's company, Georgia Militia Volunteers, war of 1812, and to pay her a pension of $24 per month in lieu of that she is now receiving.

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

LARSEY BOLT.

The bill (H. R. 19130) granting an increase of pension to Larsey Bolt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Larsey Bolt, widow of Martin Bolt, late of Company D, Battalion Georgia Mounted Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

JANE ELIZABETH KERR.

The bill (H. R. 19177) granting an increase of pension to Jane Elizabeth Kerr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane Elizabeth Kerr, widow of Jerome B. Kerr, late of Company I, First Regiment Mississippi Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

EMMA BYLES.

The bill (H. R. 19221) granting an increase of pension to Emma Byles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma Byles, widow of William H. Byles, late of Company B, Tenth Regiment Maryland Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

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

CHARLES H. THOMPSON.

The bill (H. R. 19253) granting an increase of pension to Charles H. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Thompson, late of Company I, Fifteenth Regiment Missouri Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

CHARLES M. LYON.

The bill (S. 5402) granting an increase of pension to C. M. Lyon was considered as in Committee of the Whole.

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

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Lyon, late captain Company I, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Charles M. Lyon."

JEROME LANG.

The bill (H. R. 14163) granting an increase of pension to Jerome Lang was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jerome Lang, late of Companies A and F, Fifty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

MARGARET S. MILLER.

The bill (H. R. 19659) granting an increase of pension to Margaret S. Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "sixteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret S. Miller, widow of Charles H. Miller, late of Company I, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

LOUIS H. GEIN.

The bill (H. R. 1549) granting an increase of pension to Louis H. Gein was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis H. Gein, late second lieutenant Company F, Fifty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JOSEPH SCOTT.

The bill (H. R. 17732) granting an increase of pension to Joseph Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Scott, late of Company I, Second Regiment Mississippi Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

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

JOHN W. COATES.

The bill (H. R. 18544) granting an increase of pension to John W. Coates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Coates, late of Company I, Fiftieth Regiment New York Volunteer Engineers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

MARIA A. MAHER.

The bill (H. R. 18606) granting an increase of pension to Maria A. Maher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria A. Maher, widow of Michael Maher, late of detachment of Ordnance Corps, United States Army, and to pay her a pension of $16 per month in lieu of that she is now receiving.

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

EFFINGHAM VANDERBURGH.

The bill (H. R. 19118) granting an increase of pension to Effingham Vanderburgh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Effingham Vanderburgh, late of Company I, First Regiment New York Volunteer Engineers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

GEORGE W. LAKING.

The bill (H. R. 6201) granting an increase of pension to George W. Laking was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Laking, late of Company H, First Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

NICHOLAS SCHUE.

The bill (H. R. 18657) granting an increase of pension to Nicholas Schue was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nicholas Schue, late of Companies E and D, Thirteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

SAMANTHA B. MARSHALL.

The bill (H. R. 19317) granting an increase of pension to Samantha B. Marshall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samantha B. Marshall, widow of David R. Marshall, late of Company A, Twenty-third Regiment New York Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

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

PHILIP KILLEY.

The bill (H. R. 19352) granting an increase of pension to Philip Killey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip Killey, late of Company G, One hundred and twelfth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

ORRIN S. RARICK.

The bill (H. R. 19686) granting an increase of pension to Orrin S. Rarick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orrin S. Rarick, late captain Company B, Sixth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

DAVID DIRCK.

The bill (H. R. 18432) granting an increase of pension to David Dirck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Dirck, late of Company B, Fourth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

DANIEL MORRISSEY.

The bill (H. R. 675) granting an increase of pension to Daniel Morrissey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Morrissey, late first lieutenant Company F, Twenty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

ASA G. BROOKS.

The bill (H. R. 19100) granting an increase of pension to Asa G. Brooks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Asa G. Brooks, late of Company H, Eighth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ENOCH M'CABE.

The bill (H. R. 2014) granting an increase of pension to Enoch McCabe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Enoch McCabe, late of Company G, Ninety-fifth Regiment, Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

JOSEPH KIRCHER.

The bill (H. R. 19662) granting an increase of pension to Joseph Kircher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Kircher, late of Company D, Fifth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

TAYLOR BATES, ALIAS BAITS.

The bill (H. R. 16575) granting a pension to Taylor Bates, alias Baits, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Taylor Bates, alias Baits, late of Michael Gilbreath's company, Alabama Scouts and Guides, and to pay him a pension of $8 per month.

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

CAVE RIVER, LOUISIANA.

The bill (H. R. 7083) to repeal section 5, chapter 1482, act of March 3, 1905, was considered as in Committee of the Whole.

Mr. MALLORY. I should like to inquire if the bill declares Cave River to be navigable?

Mr. GALLINGER. It was declared by a former act nonnavigable, but this repeals that act inasmuch as the river is navigable. It was so represented to the Committee on Commerce.

Mr. MALLORY. Does the Senator know whether the Senator from Louisiana [Mr. FOSTER] favors the bill?

Mr. GALLINGER. The Senator from Louisiana [Mr. FOSTER] gave that statement to the committee. It was under the force of that statement that the bill was reported favorably.

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

The VICE-PRESIDENT. This completes the Calendar of bills to be considered under the unanimous-consent agreement.

RETURN OF BILLS FROM THE HOUSE.

Mr. WARREN. Certain bills have passed the Senate and gone to the House, and the items have also been passed in the Army appropriation bill. I desire to have those bills recalled, and therefore I submit a resolution.

The resolution was considered, by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1304) for the construction of a driveway and approaches to the national cemetery at Salisbury, N. C.; the bill (S. 5288) appropriating $5,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina, and the bill (S. 5484) authorizing the Secretary of War to accept the tract of land at or near Greeneville, Tenn., where lie the remains of Andrew Johnson, late President of the United States, and establishing the same as a fourth-class national cemetery; the matters covered by the said bills having been included in the Army appropriation bill approved June 12, 1906.

Mr. CARTER. I move that the Senate adjourn.

The motion was agreed to; and (at 9 o'clock and 44 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 26, 1906, at 11 o'colck a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 25, 1906.*

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

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

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

EVENING SESSION.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that at 6 o'clock to-day the House take a recess until 8 o'clock this evening and continue in session until not later than 11 o'clock for the purpose of debate, and that nothing shall be in order except general debate in Committee of the Whole House on the state of the Union on the bill (H. R. 19750) an act to simplify the laws in relation to the collection of revenue, the purpose being to have general debate in the interest of some gentlemen who think they have a special message to the country at this time.

Mr. HEPBURN. Why should this evening's session be for debate only? Do you mean that nobody will be here except those gentlemen who desire to speak? Why should not this be an open session for the transaction of ordinary business? I think gentlemen can afford to have one night's session for the transaction of general business.

Mr. PAYNE. Well, this night is especially for debate upon this bill. There is great pressure for political debate, and it has been suggested from time to time that there should be an opportunity. Now, this is for this evening, and some other evening the gentleman might make his own proposition.

Mr. HEPBURN. I hope the gentleman will modify his proposition, so as to be a reasonable proposition.

Mr. PAYNE. I can not modify it at this time.

Mr. COCKRAN. Mr. Speaker, it is impossible to find out what is going on.

The SPEAKER. The point is made by the gentleman from New York that the House is not in order so that it can intelligently transact business. The point of order is sustained. The House will please be in order. Will the House indulge the Chair for one statement? In these, what all of us hope will be the closing days of the session, more business of importance to the country will be transacted than has been transacted in any three months of the session. It can not be transacted with intelligence or safety unless the House is in order, which means to cease conversation upon the floor and enable everybody to hear. Begging pardon for what might seem to be a lecture, but is simply a suggestion, the Chair recognizes the gentleman from New York.

Mr. PAYNE. Mr. Speaker, I will state my proposition again, because some gentlemen have come in since the proposition was first stated. It is that not later than 6 o'clock this evening the House take a recess until 8 o'clock, and then remain in session until not later than 11 o'clock, the evening session being devoted exclusively to general debate on the bill which I have mentioned (H. R. 19750), being a bill to simplify the laws in relation to the collection of revenue. The debate will be general on the bill in Committee of the Whole House on the state of the Union, and no other business to be in order.

Mr. WILLIAMS. The gentleman means by general debate on that bill, and not to confine it to the bill, but in Committee of the Whole House on the state of the Union?

Mr. PAYNE. It will be in Committee of the Whole House on the state of the Union, and any debate will be in order.

Mr. WILLIAMS. In that case, Mr. Speaker, I do not understand that the gentleman's request touches the question of the right of general debate during the daytime when this bill is brought up.

Mr. PAYNE. It does not affect the daytime at all. This is just for to-night.

Mr. WILLIAMS. Merely to-night, from 8 to 11 o'clock?

Mr. PAYNE. Which time is given for general debate.

Mr. WILLIAMS. Adding three hours.

The SPEAKER. The Chair so understands. Is there objection?

Mr. UNDERWOOD. Wait a moment, Mr. Speaker. Reserving the right to object, I want to ask the gentleman this question: I understand by to-day's paper—I do not know whether it is official—that the bill known as the "immigration bill" was to come up to-day.

Mr. PAYNE. I will state to the gentleman that after the immigration bill is considered this is simply for general debate on this bill.

Mr. UNDERWOOD. I understand; but if when 6 o'clock comes the immigration bill is not disposed of, this may sidetrack that, may it not?

Mr. PAYNE. We will have another day to-morrow.

Mr. UNDERWOOD. But if we agree to this it might cut off the proposition, as it will be brought in under the rule.

Mr. PAYNE. I do not know anything about the terms of the rule. I am not a party to that. I am not in that secret, but I hardly think a rule would be brought in that would not enable the business to be completed.

Mr. UNDERWOOD. If the gentleman will make it so that it will not interfere with the consideration of the immigration bill, if it comes up.

Mr. PAYNE. I think it would not interfere. I do not know anything about the immigration bill, nor want it interfered with, and the debate will not interfere with it.

Mr. UNDERWOOD. I would not be willing for it to interfere with the immigration bill. If I thought it would, I would object.

Mr. PAYNE. I am at liberty to say that it will not interfere with the immigration bill.

Mr. UNDERWOOD. If it is under consideration at 6 o'clock, it shall not interfere with the consideration of the bill.

Mr. PAYNE. It shall not.

Mr. UNDERWOOD. With that understanding, I do not object.

The SPEAKER. The Chair hears no objection, and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

H. R. 19854. An act to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River;

H. R. 17411. An act for the resurvey of certain townships in the State of Nebraska;

H. R. 11029. An act to authorize the holding of a regular term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va.;

H. R. 15506. An act authorizing the patenting of certain lands to school district No. 57, Nez Perces County, Idaho;

H. R. 16013. An act providing medals for certain persons;

H. R. 5681. An act for the relief of John Lewis Young;

H. R. 19916. An act withdrawing from entry certain public lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts;

H. R. 13106. An act granting to the Batesville Power Company right to erect and construct canal and power stations at Lock and Dam No. 1, White River, Arkansas;

H. R. 19756. An act to amend section 2844 of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands;

H. R. 18443. An act to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900;

H. R. 19566. An act to authorize the Coraopolis and Osborne Bridge Company to construct a bridge over the Ohio River;

H. R. 19850. An act to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania;

H. R. 7065. An act to amend section 858 of the Revised Statutes of the United States;

H. J. Res. 21. Joint resolution authorizing the President of the

United States to appoint a commission to examine and report upon a route for the construction of a free open waterway to connect the waters of the Chesapeake and Delaware Bays; and

H. J. Res. 158. Joint resolution amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1890, and for other purposes.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 13193. An act to prohibit the killing of wild birds and wild animals in the District of Columbia; and

H. R. 13190. An act to protect birds and their eggs in game and bird preserves.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4387. An act for the relief of Florence Lambert;

S. 3739. An act for the relief of A. A. Noon;

S. 3535. An act to authorize the President to appoint John E. Phelps, late brigadier-general of volunteers, first lieutenant in the United States Army, and place him on the retired list;

S. R. 69. Joint resolution directing that the Sulphur Springs Reservation be named and hereafter called the "Platt National Park;" and

S. 1430. An act for the relief of George Stoll and the heirs of Charles P. Regan, Marshall Turley, Edward Lannigan, James Manley, and John Hunter.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, disagreed to by the House of Representatives; had agreed to the conference asked by the House, and had appointed Mr. MALLORY, Mr. NELSON, and Mr. GALLINGER as the conferees on the part of the Senate.

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. 4387. An act for the relief of Florence Lambert—to the Committee on Claims.

S. 3739. An act for the relief of A. A. Noon—to the Committee on Claims.

S. 3535. An act to authorize the President to appoint John E. Phelps, late Colonel Second Arkansas Cavalry Volunteers, first lieutenant in the United States Army, and place him on the retired list—to the Committee on Military Affairs.

S. 1430. An act for the relief of George Stoll and the heirs of Charles P. Regan, Marshall Turley, Edward Lannnigan, James Manley, and John Hunter—to the Committee on Claims.

S. Res. 69. Joint resolution directing that the Sulphur Springs Reservation be named and hereafter called the "Platt National Park"—to the Committee on Indian Affairs.

GENERAL DEFICIENCY APPROPRIATION.

Mr. LITTAUER, from the Committee on Appropriations, reported the bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year 1906, and for prior years; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. FITZGERALD reserved all points of order.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I ask unanimous consent that the minority views of the committee may be filed to-day.

There was no objection.

COLUMBIA INDIAN RESERVATION.

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

The concurrent resolution was read, as follows:

Resolved by the House (the Senate concurring), That the President of the United States be, and is hereby, requested to return to the House of Representatives the bill (H. R. 18668) ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation in the State of Washington.

Mr. FINLEY. What is the necessity for this?

Mr. JONES of Washington. Some of the terms of the bill do not cover the real purpose that was desired.

Mr. FINLEY. Why not?

Mr. JONES of Washington. There were some terms used which commonly do not have the same meaning that they do technically, and we used them in their common sense instead of in the technical sense, so that they make the bill much broader than was intended. Therefore the Department objects to the bill in its present form, and wants to have it sent back so we can get it corrected. We would rather have it sent back than to have it vetoed.

Mr. FINLEY. The bill is objectionable to the Department in its present form?

Mr. JONES of Washington. Yes.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The concurrent resolution was agreed to.

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

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I call up the conference report on the naval appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman calls up the conference report on the naval appropriation bill and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

Mr. FINLEY. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Illinois what is there now in the way of difference between the House and Senate conferees?

Mr. FOSS. The only matter of disagreement is the amendment in regard to Port Royal, S. C., and that is reported in disagreement. If this report be adopted, that will be the only matter in disagreement.

The SPEAKER. Is there objection?

Mr. FINLEY. Mr. Speaker, I assume that there will be some little time given when that other amendment comes up, say ten minutes, on this subject.

Mr. FOSS. That matter will be considered after the conference report is disposed of.

The SPEAKER. The only thing that unanimous consent is asked for, the report being privileged, is that the statement be read in lieu of the report.

Mr. FINLEY. Mr. Speaker, I understand that.

The SPEAKER. The Chair hears no objection; and the Clerk will read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 9, 32, 33, 34, 35, 38, 47, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 11, 12, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 52, 53, 54, 57, 58, 59, and 63, and agree to the same.

Amendment numbered 6: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 6.

Amendment numbered 7: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 7.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with amendments as follows:

In line 10 of said amendment strike out the colon and insert in lieu thereof a period.

In lines 10, 11, 12, 13, 14, 15, 16, and 17 of said amendment strike out the following: "*Provided*, That hereafter the pay and allowances of chaplains shall be the same, rank for rank, as is or may be provided by law for officers of the line and of the Medical and Pay Corps, all of whom shall hereafter receive the same pay on shore duty as is now provided for sea duty: *And provided further*, That the present pay and allowances of any officer now in the Navy shall not be reduced: *Provided further*," and insert in lieu thereof, as a new paragraph:

"That all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: *Provided*, That naval chaplains

hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five members, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: *Provided further*, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving."

In line 17 of said amendment, commencing with the word "That," have a new paragraph; and in lines 17 and 18 of said amendment strike out the words "pay and," and in line 21 of said amendment strike out the words "pay and."

And the Senate agree to the same.

Amendment numbered 10: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 10.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In said amendment, after the word "million," strike out the words "three hundred thousand;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "immediately available and to be;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In the last line of said amendment strike out the comma and the words "to be immediately available;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two million nine hundred and fifty-two thousand four hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "graduation," insert the following: "or that may occur for other reasons;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In said amendment strike out the words "one million" and insert in lieu thereof the words "five hundred thousand;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: On page 76 of the bill, at the end of line 5, insert the following: "But this provision shall not apply to or interfere with contracts for such armor already entered into, signed, and executed by the Secretary of the Navy;" and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-three million four hundred and seventy-five thousand eight hundred and twenty-nine dollars;" and the Senate agree to the same.

On amendment numbered 13 the committee of conference have been unable to agree.

GEO. EDMUND FOSS,
H. C. LOUDENSLAGER,
ADOLPH MEYER,
Managers on the part of the House.

EUGENE HALE,
GEO. C. PERKINS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the amendments of the Senate, viz:

On amendment No. 1: Strikes out hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, as proposed by the Senate.

On amendment No. 2: Increases the appropriation for pay of the Navy from $20,000,000 to $20,269,637.

On amendment No. 3: Provides that the Secretary of the Navy may, in his discretion, require the whole or a part of the bounty allowed upon enlistment to be refunded in cases where men are discharged during the first year of enlistment, by request, for inaptitude, as undesirable, or for disability not incurred in line of duty, as proposed by the Senate.

On amendment No. 5: Reimburses officers and enlisted men of the Navy and Marine Corps who were on duty under orders in San Francisco during the recent fire in that city for losses of clothing and other personal effects sustained by them through said fire, $7,000, or so much thereof as may be necessary: *Provided*, That such reimbursement shall be made under regulations to be prescribed by the Secretary of the Navy and upon vouchers to be approved by him in each case, as proposed by the Senate.

On amendment No. 6: Provides that any officer of the Navy not above the grade of captain who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the official register of the Navy, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Navy with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this act shall not apply to any officer who received an advance of grade at or since the date of his retirement or who has been restored to the Navy and placed on the retired list by virtue of the provisions of a special act of Congress.

On amendment No. 7: Provides that any officer of the Marine Corps below the grade of brigadier-general who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the official register of the Marine Corps, and who has heretofore been or may hereafter be retired on account of wounds or disability incident to the service, or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Marine Corps with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this act shall not apply to any officer who received an advance of grade since the date of his retirement or who has been restored to the Marine Corps and placed on the retired list by virtue of provisions of a special act of Congress.

On amendment No. 8: Provides that the provision contained in section 13 of an act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," reading as follows: "*Provided*, That such officers when on shore shall receive the allowances, but 15 per cent less pay than when on sea duty; but this provision shall not apply to warrant officers commissioned under section 12 of this act," be, and the same is hereby, repealed.

And further provides that all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commanders in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: *Provided*, That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five numbers, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: *Provided further*, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving.

And further provides that the civil engineers and professors

of mathematics shall receive the same allowances as are or may be provided by or in pursuance of law for naval constructors and the assistant civil engineers the same allowances as provided for assistant naval constructors.

On amendment No. 9: Strikes out the provision that a sum not to exceed $5,000 may be expended by the Secretary of the Navy for legal advice out of this appropriation, as proposed by the Senate.

On amendment No. 10: Provides that the Solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter receive an annual salary of $4,000 during the service of the present incumbent.

On amendment No. 11: Strikes out the provision for transportation to the places of enlistment, or to their homes if residents of the United States, of enlisted men and apprentice seamen discharged on account of expiration of enlistment, with subsistence and transfers en route, or cash in lieu thereof, as proposed by the Senate.

On amendment No. 12: Provides that hereafter enlisted men discharged on account of expiration of enlistment shall receive, in lieu of transportation and subsistence, travel allowance of 4 cents per mile from the place of discharge to the place of enlistment, for travel in the United States, as proposed by the Senate.

On amendment No. 14: Provides that for the performance of such additional services in and about the Naval Home as may be necessary the Secretary of the Navy is authorized to employ, on the recommendation of the governor, beneficiaries in said home, whose compensation shall be fixed by the Secretary and paid from the appropriation for the support of the Home, as proposed by the Senate.

On amendment No. 15: Appropriates $2,000,000 for reserve supply of powder and shell, instead of $2,300,000, as proposed by the Senate.

On amendment No. 16: Appropriates $750,000 for reserve guns, as proposed by the Senate.

On amendment No. 17: Inserts the word "torpedo" after "naval;" so as to read "naval torpedo station," as proposed by the Senate.

On amendment No. 18: Provides for the preparation of sites, furnishing and erecting masts, buildings, and machinery foundations for United States naval wireless-telegraph stations on the Pacific coast in the States of Washington, Oregon, and California, to be limited to the purposes above named, $65,000.

On amendment No. 19: Provides that $1,500 may be expended by the Secretary of the Navy in procuring a survey and estimate of cost for a channel into Welles Harbor, Midway Islands, as proposed by the Senate.

On amendment No. 20: Provides that the Chief of the Bureau of Yards and Docks shall be selected from the members of the Corps of Civil Engineers of the Navy having not less than seven years' active service, as proposed by the Senate.

On amendments Nos. 21 and 22: Appropriates $75,000 for boiler shops and changes totals accordingly, as proposed by the Senate.

On amendments Nos. 23, 24, 25, and 26: Reduces appropriation toward the dry dock $50,000 and appropriates $40,000 for quay wall at dry-dock entrance; dry-dock latrines, $3,000; one officers' quarters, $7,000; dispensary building, $12,000, and changes totals accordingly, as proposed by the Senate.

On amendments Nos. 27, 28, and 29: Appropriates $30,000 for dredging and filling in at naval station at Key West, Fla.; also $3,000 for sewer system, and changes totals accordingly, as proposed by the Senate.

On amendments Nos. 30 and 31: Increases appropriations for navy-yard, Puget Sound, Wash., as follows: Telephone system, extensions, $1,500; central power plant, $60,000; water-closets for ships in dock, $2,500, and changes totals accordingly, as proposed by the Senate.

On amendments Nos. 32 and 33: Provides for the construction of a graving dock of concrete and granite, to cost in all $1,400,000, $100,000; in all, navy-yard, Pensacola, $140,000.

On amendments Nos. 34 and 35: Strikes out language "and power plant," as proposed by the Senate.

On amendment No. 36: Appropriates $35,000, or so much thereof as may be necessary, for the reclamation of that portion of the naval station at Honolulu, Hawaii, known as the "Reef."

On amendment No. 37: Provides for changes in the totals, public works, navy-yards and stations, from $2,848,450 to $2,952,450.

On amendment No. 38: Applies the word "all" to officers outside of the naval hospital, Newport, R. I., so that it will read "building quarters for all officers," etc.

On amendments Nos. 39 and 40: Provides for a heading, "Public works, Marine Corps," and the erection of barracks and quarters. Marine Corps: Erection and equipment of two laundries for enlisted men, marine barracks, $12,000, as proposed by the Senate.

On amendments Nos. 41, 42, 43, 44, 45, and 46: Provides for the completion of marine barracks on the Schmoele tract of land at the Norfolk Navy-Yard, in the State of Virginia, including plumbing, interior woodwork, painting, grading, and proper connections with the local waterworks, $15,000; for the construction of two additional sets of officers' quarters, Norfolk Navy-Yard, $24,000; in all, Norfolk Navy-Yard, $39,000.

For the erection of marine barracks and officers' quarters, naval station, New Orleans, La., $15,000, which sum shall be in addition to $15,000 appropriated for this object in the naval appropriation act approved March 3, 1901, and $6,500 provided in the naval appropriation act approved April 27, 1904.

For the erection of marine barracks and completion of officers' quarters, marine barracks, naval training station, San Francisco, Cal., $15,000.

For the necessary repairs and improvements to such buildings at the naval station, New London, Conn., as have been assigned to the Marine Corps by the Navy Department, $25,000.

For the purchase of land adjoining marine reservation, naval station, Sitka, Alaska, $400.

In all, public works, Marine Corps, $106,400, as proposed by the Senate.

On amendment No. 47: Strikes out provision that the Secretary of the Navy be, and he is hereby, authorized and directed to cause to be constructed a fully completed model of each vessel of war of the Navy of the United States which now has or may hereafter be given the name borne by any State of the United States, said model to be deposited in the capitol building of said State, and in every case said model shall be placed in a prominent position, convenient to public view: *Provided*, That such model shall not cease to be, when so deposited, the property of the Government of the United States, but shall be at all times subject to the authority and direction of the Secretary of the Navy, no model to cost in excess of $3,500, and the sum of $50,000 is hereby appropriated, as proposed by the Senate.

On amendment No. 48: Appropriates $60,000 to outfit boiler shop and changes totals accordingly, as proposed by the Senate.

On amendment No. 49: Changes totals, as proposed by the Senate.

On amendment No. 50: Changes totals, as proposed by the Senate.

On amendment No. 51: Provides hereafter the Secretary of the Navy shall, as soon as possible after the 1st day of June of each year preceding the graduation of midshipmen in the succeeding year, notify in writing each Senator, Representative, and Delegate in Congress of any vacancy that will exist at the Naval Academy because of such graduation, or that may occur for other reasons, and which he shall be entitled to fill by nomination of a candidate and one or more alternates therefor. The nomination of a candidate and alternate or alternates to fill such vcancy shall be made upon the recommendation of the Senator, Representative, or Delegate, if such recommendation is made by the 4th day of March of the year following that in which said notice in writing is given, but if it is not made by that time the Secretary of the Navy shall fill the vacancy by appointment of an actual resident of the State, Congressional district, or Territory, as the case may be, in which the vacancy will exist, who shall have been for at least two years immediately preceding the date of his appointment an actual and bona fide resident of the State, Congressional district, or Territory in which the vacancy will exist and of the legal qualification under the law as now provided. In cases where by reason of a vacancy in the membership of the Senate or House of Representatives, or by the death or declination of a candidate for admission to the academy there occurs or is about to occur at the academy a vacancy from any State, district, or Territory that can not be filled by nomination as herein provided, the same may be filled as soon thereafter and before the final entrance examination for the year as the Secretary of the Navy may determine. The candidates allowed for the District of Columbia and all the candidates appointed at large, together with alternates therefor, shall be selected by the President within the period herein prescribed for nomination of other candidates: *Provided*, That the President may select a candidate for the District of Columbia for the year 1908, as proposed by the Senate.

On amendment No. 52: Provides that the President be authorized to appoint, by and with the advice and consent of the Senate, two additional professors of mathematics in the Navy, who shall be extra numbers in said list and who shall take rank as now held by them.

On amendment No. 53: Provides that all records (such as muster and pay rolls and reports) relating to the personnel

and operations of public and private armed vessels of the North American colonies in the war of the Revolution now in any of the Executive Departments shall be transferred to the Secretary of the Navy, to be preserved, indexed, and prepared for publication, as proposed by the Senate.

On amendment No. 54: Provides for prizes for excellence in gunnery exercise and target practice, both afloat and ashore.

On amendment No. 55: Strikes out provision, etc., that from and after the date of the approval of this act the Commandant of the Marine Corps shall have the rank, pay, and allowances of a major-general in the Army, and when a vacancy shall occur in the office of Commandant of Corps, on the expiration of the service of the present incumbent, by retirement or otherwise, the Commandant of the Marine Corps shall thereafter have the rank, pay, and allowances of a brigadier-general.

On amendments Nos. 57, 58, 59, and 60: Provides for tests of subsurface and submarine torpedo boats to take place within nine months, instead of twelve, from the date of the passage of this act, and appropriates $500,000.

On amendment No. 61: Provides that the following clause, "That no part of this appropriation shall be expended for armor for vessels herein authorized except upon contracts for such armor when awarded by the Secretary of the Navy, to the lowst responsible bidder, having in view the best results and most expeditious delivery," shall not apply to or interfere with contracts for such armor already entered into, signed, and executed by the Secretary of the Navy.

On amendment No. 62: Changes totals from $32,975,829 for total increase of the Navy to $33,475,828.

On amendment No. 63: Provides that no part of any sum appropriated by this act shall be used for any expense of the Navy Department at Washington unless specific authority be given for such expenditure.

The committee of conference have been unable to agree on the following amendment:

On amendment No. 13, which provides that the naval station at Port Royal, S. C., including all buildings and other property thereon and the employees attached thereto, be hereby transferred to and placed under the control of the Bureau of Navigation, Navy Department, as an adjunct to the naval training station, Rhode Island, to be used for the instruction of recruits during the winter months and at such other times as may be deemed advisable, and for that purpose the following sums are appropriated: Necessary repairs to the buildings to fit them for berthing, messing, and drilling purposes, and for galleys, latrines, and washhouses for apprentice seamen, and for purposes of administration in connection with the training of the same, $51,000; installing necessary distilling plant or fresh-water supply, $20,000; maintenance of the station as a training station, $25,000; in all, $96,000.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
ADOLPH MEYER,
Managers on the part of the House.

The Clerk, proceeding with the reading of the statement, read as follows:

On amendments Nos. 32 and 33: Provides for the construction of a graving dock of concrete and granite, to cost in all $1,400,000, $100,000; in all, navy-yard, Pensacola, $140,000.

Mr. FOSS. One moment, please. I desire to interrupt the reading of the statement. In the paragraph which has just been read the words "provides for" should be stricken out and the words "strikes out" inserted. It is a clerical error, and I ask that the correction be made.

The SPEAKER. If there be no objection it will be read.

The Clerk resumed and completed the reading of the statement.

Mr. FOSS. Mr. Speaker, as I stated a moment ago, this is almost a complete report on all matters in disagreement between the two Houses, there being but one matter now in disagreement, that of the Senate amendment relating to Port Royal, S. C.

Mr. PAYNE. Mr. Speaker, I should like to ask the gentleman if the Senate accepted the amendment which the House made to their amendment relative to the solicitor in the office of the Judge-Advocate-General of the Navy?

Mr. FOSS. Yes. If no other gentleman desires to ask me any question, I move the previous question upon the adoption of the report.

Mr. FINLEY. After that the matter I spoke of will come up?

Mr. FOSS. After the adoption of the report the matter in which the gentleman is interested will come up.

The question being taken, the previous question was ordered.

The conference report was agreed to.

Mr. FOSS. Now, Mr. Speaker, I call for the reading of the Senate amendment, which is the only matter in disagreement.

The Clerk read as follows:

Amendment No. 13 provides that the naval station at Port Royal, S. C., including all buildings and other property thereon and the employees attached thereto, be hereby transferred to and placed under the control of the Bureau of Navigation, Navy Department, as an adjunct to the naval training station, Rhode Island, to be used for the instruction of recruits during the winter months and at such other times as may be deemed advisable, and for that purpose the following sums are appropriated: Necessary repairs to the buildings to fit them for berthing, messing, and drilling purposes, and for galleys, latrines, and washhouses for apprentice seamen, and for purposes of administration in connection with the training of the same, $51,000; installing necessary distilling plant or fresh-water supply, $20,000; maintenance of the station as a training station, $25,000; in all, $96,000.

Mr. FOSS. Mr. Speaker, I desire to state that I shall make a motion at the proper time to insist upon the disagreement of the House to this amendment, but as I understand the gentleman from South Carolina desires to make a motion to recede and concur in this amendment, I shall yield to him for that purpose, and also yield to him twenty minutes.

Mr. PATTERSON of South Carolina. Mr. Speaker, I move that the House recede and concur in the Senate amendment No. 13.

The SPEAKER pro tempore (Mr. OLMSTED). The gentleman from South Carolina moves that the House recede from its disagreement to amendment No. 13 and concur therein.

Mr. PATTERSON of South Carolina. Mr. Speaker, this amendment was made and reported by the Senate Committee on Naval Affairs and passed the Senate by a unanimous vote. It was done at the special request of the Secretary of the Navy, contained in a letter bearing date of May 21, 1906, addressed to the chairman of Naval Affairs Committee of the Senate. The Senate committee, realizing the importance and necessity of this appropriation, amended the House bill as requested by the Secretary of the Navy, and now it is before the House on a report of disagreement from the conferees. It has been in conference time and again. The same report made this morning has been made repeatedly, and the House has as often sent it back to conference. It will, no doubt, surprise many Members of this House when I state that, in my opinion, this appropriation is the most important one in this very important bill. If the Members of this House will give this matter a fair, careful, and impartial consideration I am satisfied that they will agree with me that it is a most important appropriation, and the House should recede from its disagreement and concur in the Senate amendment.

Now, Mr. Speaker, Secretary Bonaparte, in making this request, says, in his letter addressed to the Naval Committee of the Senate, that this amendment is requested for the reason that the Department thinks it necessary to have available some station for the training of recruits should an epidemic of disease render one of the other training stations inadequate. This condition, he says, has existed for the past two winters. Gentlemen, please give your attention to this. The Secretary says this condition has existed for the past two winters, causing the partial suspension of enlistment and unnecessary deaths to several men, besides risking the lives of a large number of others who were exposed to fatal diseases. Now, Mr. Speaker, is that a matter worthy of the consideration of this House? Here is a condition that not only involves the comfort and the health and the lives of the young men of the United States who have voluntarily entered the service of the Navy of their country: Is it not your duty, when the Secretary of the Navy calls upon you and lays the matter before you so plainly, so clearly, and so forcibly—is it not your duty to see that the proper provision is made to take care of these young men? If we are to have a navy, and if our Navy is to be manned by American men and boys, we must of necessity provide training stations where the young men of this country may be trained in the art of war, taught and prepared for service, how to handle our war ships and manage them in times of battle and war.

It is surprising to hear it stated that our battle ships are manned by so many foreigners, a part of whom can not speak the English language. In times of war, in times of great battles and peril, we can not expect these foreigners to give the exalted and patriotic service that is inspired by the love and the patriotism of the native American. It is therefore to the interests of the service that our battle ships and war craft be manned and officered by native-born Americans—men who love their country, honor the American flag, American ideals, and American institutions. [Applause.] This desirable condition can not be attained until we can induce young Americans to enter the naval service in numbers sufficient to meet the requirements. The raw recruit is useless—a menace, a danger to the orderly conduct and management of a battle ship or war vessel. Then we must have skilled officers and seamen

to man our warships. We can not have them unless we provide sufficient schools and training stations, where they may be prepared for the service. We have not sufficient provision for this purpose at present, and the Secretary of the Navy has requested this appropriation to fit out and prepare the Port Royal Naval Station for a training station, to be used as an adjunct to the Rhode Island training station. The Secretary's reasons for asking for this appropriation are good and must appeal to every Member of this body. He has the good of the service at heart, and, at the same time, he has the proper appreciation and solicitude for the comfort, health, and lives of the young men who have volunteered in the service of our Government. This exhibition of a manly heart, filled with the milk of human kindness, prompting him to ask this appropriation, must appeal to every Member of this body. The mothers and fathers of America who are surrendering their sons to the service of their country at least expect that their country will exercise due care in preserving the health of their boys, and if by reason of the refusal of this House to enact this amendment into law the health of these young men be undermined from exposure, disease, and epidemics which prevail in the cold and rigorous climates where the training stations are at present located, the country will not hold you guiltless. [Applause.]

Mr. Speaker, it may be that some Member of this House is opposed to and will vote against this amendment on the ground of economy. I want to say to you that this is the most economical expenditure of public funds that has been made at this session of Congress, and it will no doubt surprise you when I tell you—and I have the records here to prove what I say—that the Government property at Port Royal, S. C., is worth to-day nearly $1,000,000. The Government has expended on these grounds and buildings more that $1,000,000. I read from the report of Secretary Moody where he says that the Government has expended at Port Royal Naval Station on the lands and buildings that we have there to-day the sum of $1,225,648.94, and he gives in this report a detailed statement of this expenditure, giving a description of the houses and buildings, and he says these houses are all in good condition, comparatively new, some of them having never been used at all. These buildings are suitable for officers' quarters and for berthing and messing men. This property has been abandoned since the dry dock has been constructed at Charleston, and will in a few years go to ruin and be worthless, whereas the expenditure of the amount provided for in this appropriation will not only preserve this valuable property, but will serve as a very important and much-needed station for the Navy, as set forth in the letter above referred to.

These are the grounds and buildings for which the Secretary of the Navy has made this urgent appeal to you. This is the amendment that was put in by the Committee on Naval Affairs at the other end of the Capitol and passed unanimously by the Senate. And now it is up to the House to say whether we shall grant that request and turn over these grounds and buildings to the Secretary of the Navy, to be used as an adjunct to the training station in Rhode Island, or shall we refuse this appropriation, refuse this request, and allow this valuable property to be forever abandoned and go to rack and ruin, at a loss to this Government of nearly $1,000,000.

I appeal to the business sense and good judgment of the Members of this House, and ask you to care for and protect the Government's property as you would protect your own.

Mr. RIXEY. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER pro tempore (Mr. OLMSTED). Does the gentleman from South Carolina yield to the gentleman from Virginia?

Mr. PATTERSON of South Carolina. Yes.

Mr. RIXEY. Do I understand the gentleman to say that the Secretary of the Navy has recommended this amendment?

Mr. PATTERSON of South Carolina. Yes; he requested it in a strong letter addressed to the chairman of the Committee on Naval Affairs of the Senate.

Mr. RIXEY. Has the gentleman the letter there?

Mr. PATTERSON of South Carolina. Yes; I have the letter, and I shall send it to the Clerk and ask that it be read.

Mr. JOHNSON. Mr. Speaker, this amendment, as I understand it, simply undertakes to utilize property that the Government has already expended a million dollars on.

Mr. PATTERSON of South Carolina. That is all we ask for in this amendment.

Mr. JOHNSON. And the question is whether the Government will expend a little money to utilize the property or let it rot down?

Mr. PATTERSON of South Carolina. That is the proposition. I now send up to the Clerk the letter of the Secretary of the Navy to the Hon. EUGENE HALE, chairman of the Committee on Naval Affairs, United States Senate, and ask that it be read.

The SPEAKER pro tempore. Without objection, it will be read in the time of the gentleman from South Carolina.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, May 21, 1906.

SIR: I have the honor to recommend the following amendment to the naval appropriation bill now pending in the Senate (H. R. 18750), in order that the Department may make such use of the Port Royal Naval Station for a winter training station as may be found desirable and necessary:

On page 8, after line 8 of the bill (naval training station, Rhode Island), add:

"*Provided*, That the naval station at Port Royal, S. C., including all buildings and other property thereon and the employees attached thereto, be hereby transferred to and placed under the control of the Bureau of Navigation, Navy Department, as an adjunct to the Naval Training Station, Rhode Island, to be used for the instruction of recruits during the winter months and at such other times as may be deemed advisable; and for that purpose the following sums are appropriated: Necessary repairs to the buildings to fit them for berthing, messing, and drilling purposes, and for galleys, latrines, and washhouses for apprentice seamen, and for purposes of administration in connection with the training of the same, $51,000; installing necessary distilling plant or fresh-water supply, $20,000; maintenance of the station as a training station, $25,000; in all, $96,000."

This amendment is requested for the reason that the Department deems it necessary to have available some station for the training of recruits should an epidemic of disease render one of the present training stations inadequate. This condition has existed for the past two winters, causing the partial suspension of enlistments and the unnecessary deaths of several men, besides risking the lives of a large number of others who were exposed to fatal disease.

Respectfully,

CHARLES J. BONAPARTE,
Secretary.

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs,
United States Senate.

Mr. PATTERSON of South Carolina. Mr. Speaker, I hold in my hand quite a voluminous report, made by a naval board, of which Capt. J. J. Hunter, United States Navy, was senior member, that goes carefully into this subject, and recommends most highly the use of this Port Royal station as a training station, and I send it up and ask that the Clerk read section 2 of this report.

The SPEAKER pro tempore. Without objection, the Clerk will read the same in the time of the gentleman from South Carolina.

The Clerk read as follows:

2. The board is of unanimous opinion that the Port Royal station is a most suitable one for the purpose of training landsmen, owing to its mild and healthful climate; to the opportunities furnished by the commodious buildings for quarters, drill and inspection rooms; to the quiet and spacious waters adjoining for boat drill, gunnery practice, and exercise afloat; to the extensive, level grounds that can be made available for drill and parade; to its remoteness from large cities, with their accompanying distractions, and to its ready access by rail and water, and believes that if a sufficient quantity of fresh water could be furnished to allow a liberal supply for the purpose of cooking, washing, bathing, and scrubbing clothes, hammocks, etc., the site would fulfill every requirement.

Mr. PATTERSON of South Carolina. I have only this to say to the Members of this House, that I have presented in the short time that I have had the facts in this case as I have been able to gather them from the records; and I ask that you take it under careful consideration, and vote for this amendment, and give the Secretary of the Navy the right and the authority to use those buildings and grounds, and vote for this appropriation to protect the property of the Government. [Applause.]

Mr. FINLEY. Mr. Speaker, I want to say this, that there is no question of pull from the district bringing about this effort that is made here to-day to utilize the Government property at Port Royal, S. C., for the purposes of the Navy Department—none at all. The South Carolina delegation in Congress raised no protest when it was proposed to remove the naval station from Port Royal to Charleston, because they were convinced that the authorities were opposed to Port Royal. But there is a question to-day that is important to the American people; it is important that Congress should take it up and deal with it, and that is the enlargement, the development, of the American Navy. I desire to say to my friend from Illinois, the distinguished chairman of the Committee on Naval Affairs [Mr. FOSS], that in the opinion of a great many people the development, the building of the Navy in the matter of vessels and war ships is proceeding at a faster rate than is the training and equipment of men and of officers to properly man the vessels. So I hold, Mr. Speaker, that this proposition is one which will add to the efficiency of the Navy, because it will tend to bring to the Navy trained and efficient men to man our battle ships when they are placed in commission. If I should talk for one hour, and I only have a few minutes, I do not know that I could say more than this. If you build ships by the dozen each year and do not have men to man those vessels, you have an inefficient Navy. Here is a small proposition, one that asks for a small appropriation,

one making the Government property at Port Royal an addition to the Rhode Island Naval Training Station.

The Secretary of the Navy holds that for present conditions the present equipment is insufficient. He asks for this as an addition to the equipment the Government now has in the way of naval training facilities. I think that no better appropriation can be made, and I want to say that the cry has gone up all over this land that young men, seamen, men in the employ of the Government in the naval department are to-day put in the service of the Government when they are not equipped, when they are unprepared, when they are unfit for service. I submit that this is a condition that is serious and one that should be remedied. I believe in a great navy. I believe in making the Navy of this country as good as there is in all the world, because I believe it makes for the peace of the world. I believe it makes for the security of the people of this country, and when it is proposed in an appropriation bill to provide requisite, necessary, asked-for facilities in order to turn out trained seamen, I submit that the appropriation is one that should appeal to the judgment, wisdom, and to the patriotism of the House.

There should be no question of section in this. I may state that Port Royal is more than 200 miles from where I live. I have no personal interest in the proposition, but when I am asked here, as I have been for the past seven years, time after time, to vote for an increase in the Navy in the way of war ships, then I submit that I have a right to bring to the attention of the House facts which I know, that the crying need of the Navy to-day is trained seamen, men properly equipped and prepared to manage the war vessels of the Government. [Applause.]

Mr. FOSS. Mr. Speaker, I would like to say a few words upon this proposition, if I can have the attention of the House. Mr. Speaker, this amendment, as I stated a few moments ago, is the only amendment in disagreement between the two Houses upon the naval appropriation bill. In 1890 the Government owned a small amount of property at Port Royal, and since then, or during a few years succeeding then, it increased its holdings and started in to build a navy-yard. It built a dry dock there which cost $518,521, and also made some improvements in the way of shops in connection with the building of a navy-yard at Port Royal. In all, the appropriations for Port Royal amounted to $1,200,000. Then a few years later came up the question of the repair of the dry dock; and I may say that prior to that time we had some trouble in securing a right of way to the dry dock, because some gentleman down in the neighborhood claimed that they had the right to the land under the water in connection——

Mr. FINLEY. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield?

Mr. FOSS. I do.

Mr. FINLEY. Now, is it not true this land that you had so much trouble about was owned by a corporation which was not composed of men living in South Carolina—in other words, living in other States?

Mr. FOSS. I will say to my friend that I do not care who owned it, so far as that is concerned; I am only stating in a general way——

Mr. FINLEY. I know; but you stated "gentlemen living down there."

Mr. FOSS. I think some were interested in it, were they not?

Mr. FINLEY. I think if my friend will investigate——

Mr. FOSS. Were not some interested in the corporation?

Mr. FINLEY. If my friend will investigate the matter he will find it was a foreign corporation.

Mr. FOSS. I do not care whether it was foreign or not; but, anyhow, the Department came to the conclusion that it was not a fit place for a navy-yard, that we could not get a sufficient depth of water, and it would be of no use to repair the dry dock and attempt to build up a navy-yard there; and that was the situation then. Under those circumstances Congress passed a law providing for transferring the navy-yard to Charleston, S. C., where to-day we are building up a navy-yard, and those things which were available for use and equipment of a navy-yard at Charleston, S. C., have been removed or are being removed or will be removed from Port Royal.

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

Mr. FOSS. I will.

Mr. MONDELL. What has the Government there in the way of buildings?

Mr. FOSS. Oh, the Government has some shops there—machine shops and a few things which——

Mr. MONDELL. Has it buildings which could be used for barracks and accommodations, and that sort of thing for a training station?

Mr. FOSS. I presume some of the buildings could be used for barracks, but I do not know just how many, but all the machinery, tools, and everything of that sort—the fire engines, steel tower tank, railway track and scales, machinery, shop for steam engineering, locomotive train and track, electric light and power plant—have been taken away, or will be, to Charleston, so there is not so much left at Port Royal to-day, and while we have appropriated $1,200,000, a large part of that appropriation went into this dry dock, that is absolutely worthless.

Mr. PATTERSON of South Carolina. The gentleman stated that the dry dock was instituted at a cost of about $500,000. The statement of Secretary Moody, which I hold in my hand, shows that there was expended there one million two hundred and odd thousand dollars, which shows a balance in building alone of seven or eight hundred thousand dollars. I will ask the gentleman if he does not know that Secretary Moody in his report, giving a detailed statement of the buildings covering a page and a half, giving the number and the size of those buildings, states that a great number of those buildings are new and some of them have never been used at all?

Mr. FOSS. Secretary Moody made a personal inspection of this yard, and in his report he said that the property was of very little value except to use by the Government for the purposes for which it was designed, and that was a navy-yard.

But Congress, in its wisdom, abandoned Port Royal and went to Charleston, and it was the understanding that Port Royal *should be abandoned*. Ever since Congress has taken that action there have been attempts now and then to open up Port Royal, and this is another attempt. Port Royal is within 62 miles of Charleston, S. C.

Mr. FINLEY. There is no naval training school at Charleston.

Mr. FOSS. We are building up a navy-yard at Charleston.

Mr. FINLEY. No naval training school at Charleston?

Mr. FOSS. No.

Mr. FINLEY. Is it not a fact that the buildings at Port Royal cost the Government between $700,000 and $800,000?

Mr. FOSS. Well, whatever is stated in this report of Mr. Moody's.

Mr. FINLEY. No part of those buildings have been moved to Charleston, nor can they be moved.

Mr. FOSS. I think, though I am not sure—some of these buildings have been removed, as I stated a moment ago, or parts of these buildings or the equipment of the buildings.

Mr. FINLEY. There would only be such an equipment as would enter into a naval station; it would not be the building proper, would it?

Mr. FOSS. Not the building proper, but I mean the parts that could be properly transferred.

Mr. FINLEY. Is it not true, from the report of the Secretary of the Navy, that there are ample buildings at Port Royal to-day for this naval training school?

Mr. FOSS. Why, with an appropriation of money to change them over and to improve them and repair them and fix them up I presume they could establish a naval training station at Port Royal without any question, but the point I wish to make here is that when this Congress said that they would go to Charleston, we agreed to abandon Port Royal.

Mr. FINLEY. As a naval station?

Mr. FOSS. And that was the understanding, that we ought to abandon Port Royal. Now, Mr. Speaker, I want to say that Secretary Moody went down there and examined into the condition of the property. He stated:

> The property, of course, could be devoted to the purpose for which it was originally designed. It is, however, assumed that when the naval station at Charleston is completed the station at Port Royal will be discontinued. There is absolutely no reason for two stations in these waters. From light to light the stations are but 62 statute miles apart. There are no public uses for more than one station in this region, and that proposed at Charleston will be more than sufficient. No other use for the property has been suggested or occurs to me.
>
> Until buildings are erected at Charleston those at Port Royal can be employed for any uses which are desired, but as the Charleston buildings are completed those at Port Royal should be abandoned. It is believed that the property could be suitably guarded, at a small expense.
>
> It would be avisable to sell this property, but the probabilities of finding a purchaser for it would be remote.

Mr. Speaker, this is an amendment offered here for an appropriation for nearly $100,000, which, in my judgment, is only the beginning, to open up this whole abandoned navy-yard for a naval training station. Now, as I stated a moment ago, it was clearly the purpose and the understanding that when we went from Port Royal to Charleston this station at Port Royal should be abandoned. For that reason the House conferees, knowing the action of Congress at that time, and the understanding and sentiment of this House, have reported here a disagreement upon this proposition, and I trust that the motion of the gentleman will be voted down.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask a question. Have we not been having more trouble in getting men to man the ships than getting these battle ship appropriations here?

Mr. FOSS. Yes. I will say frankly to the gentleman that we ought to pay more attention to our personnel.

Mr. CLARK of Missouri. Now, why not go on and man these ships by establishing or using this naval station down there?

Mr. FOSS. We have a training station at Newport and one out on the Pacific coast and practically one down at Norfolk, Va.

Mr. CLARK of Missouri. It is patent that we do not have enough. If we are going to have battle ships, it is absolutely a waste of money not to man them.

Mr. JOHNSON. Mr. Chairman——

Mr. FOSS. I will yield to the gentleman for a question.

Mr. JOHNSON. Is this amendment not put in the bill at the request of the Navy Department?

Mr. FOSS. It may be.

Mr. JOHNSON. Well, I would like to call the gentleman's attention to a letter from Mr. Bonaparte.

Mr. FOSS. I have seen the letter, I will say to the gentleman, and the letter has been read. Mr. Speaker, I move the previous question on the motion made by the gentleman from South Carolina.

The SPEAKER pro tempore (Mr. OLMSTED). The gentleman from South Carolina moves that the House do recede and concur in amendment No. 13 of the Senate; and upon that the gentleman from Illinois demands the previous question.

The question was taken; and the previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from South Carolina, that the House recede from its disagreement to amendment No. 13 and concur therein.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. PATTERSON of South Carolina. Division!

The House divided; and there were—ayes 59, noes 111.

So the motion was rejected.

Mr. FOSS. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment No. 13 and agree to the conference asked by the Senate.

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

The Speaker announced the following conferees: Mr. FOSS, Mr. LOUDENSLAGER, and Mr. MEYER.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

The SPEAKER laid before the House the bill (H. R. 14396) incorporating the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and facilitate interstate commerce, with Senate amendment, which was read.

Mr. DAVIDSON. I move to nonconcur in the Senate amendment and ask for a conference.

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

The SPEAKER. The Chair announces the appointment of the following conferees: Mr. DAVIDSON, Mr. ROBERTS, and Mr. BURNETT.

IMMIGRATION BILL.

Mr. DALZELL. Mr. Speaker, I offer the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania presents the following privileged report from the Committee on Rules, which the Clerk will read.

Mr. DALZELL. With the permission of the Chair, I will read it myself. I do not believe the Clerk can.

Resolved, That immediately upon the adoption of this order the House shall resolve itself into Committee of the Whole House on the state of the Union for consideration of the bill (S. 4403) "To amend an act entitled 'An act to regulate the immigration of aliens into the United States,' approved March 3, 1903," and in the Committee of the Whole the amendment in the nature of a substitute reported by the Committee on Immigration and Naturalization shall be read through, after which section 1 of the said amendment shall be considered for not longer than one hour under the five-minute rule for amendments; and at the end of the consideration of section 1 section 38 shall in the same way be considered for not longer than two hours, with the provision that amendments pending at the end of the two hours shall be voted on by the committee; and immediately after the vote on the said specified amendments to section 38 the Committee of the Whole shall rise and the Chairman shall report the bill and substitute amendment, whereupon a vote shall be taken on the substitute and bill to the final passage, without intervening motion or repeal. General leave is given to print, to be confined to a discussion of the bill, within five legislative days from to-day.

On the adoption of the rule, I move the previous question.

Mr. GOLDFOGLE. Mr. Speaker, I desire to ask the gentleman from Pennsylvania a question.

The SPEAKER. The demand is for the previous question, which cuts off all debate.

The question was taken on ordering the previous question; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 131, noes 60.

So the previous question was ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] is entitled to twenty minutes.

Mr. DALZELL. Mr. Speaker, I shall only take a few moments to explain the provisions of the rule. As the House is probably aware, the Committee on Immigration of the House struck out of the Senate bill on immigration which came over here all after the enacting clause and reported a substitute. The question now before the House is not the Senate bill, but a substitute for the Senate bill, and that substitute, of course, as reported, is an amendment, or, in other words, is one whole paragraph. This bill thus reported by the committee as a substitute has only two features that are significant. All the others are rather matters of administration and in the line of previous legislation. These two features are embodied in section 1 and section 38. Section 1 provides for an increase in the head tax. Section 38 provides for an illiteracy test, providing that parties shall not be admitted as immigrants unless they are able to read in English or in some other language. The committee has selected these two conspicuous features for debate. Section 1 is to be debated under the five-minute rule, open to amendments, for one hour. Section 38 is to be debated, open to amendments, for two hours, and at the end of the two hours the committee is to rise and report the bill with such amendments as may be adopted by the House, and thereupon a vote shall be taken. General leave to print for five legislative days is given by the rule. I reserve the balance of my time.

Mr. BENNET of New York. I should like to ask the gentleman from Pennsylvania a question. After this resolution shall have been adopted, will the Chairman of the Committee of the Whole, whoever he may be, absolutely control the time? Is that correct?

Mr. DALZELL. Certainly.

Mr. BENNET of New York. In the second place, am I to understand from the reading of the rule that section 1 is to be open fully to amendment?

Mr. DALZELL. For one hour.

Mr. BENNET of New York. For one hour, under the five-minute rule?

Mr. DALZELL. For one hour under the five-minute rule.

Mr. GOLDFOGLE. Do I understand from the gentleman from Pennsylvania that the rule will prevent all general debate on the bill?

Mr. DALZELL. There is no provision for general debate.

Mr. GOLDFOGLE. In other words, we are cut off from general debate?

Mr. DALZELL. Yes; if the gentleman chooses to put it that way.

Mr. GOLDFOGLE. Will any other sections than 1 and 38 be open to amendment?

Mr. DALZELL. They will not.

Mr. GOLDFOGLE. Excepting in so far as amendments may be offered to those sections which may relate to other parts of the bill?

Mr. DALZELL. That is all.

The SPEAKER. The gentleman reserves the remainder of his time.

Mr. WILLIAMS. I yield ten minutes, or so much thereof as he may desire, to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, as a minority member of the Committee on Rules, I am safe in saying for myself, and, I think, also for my associate [Mr. WILLIAMS], that we have no objection to the bringing up of this measure. For my part, I am in favor of bringing it up. The cause of complaint and of objection is that there is not sufficient time allotted for its consideration, and not sufficient liberality with reference to amendments.

The subject is one of vast importance. It deserves very careful consideration. It ought to be the product of mature deliberation, and the measure ought, when it passes the Congress, to be the product of the best judgment and the deepest wisdom of the lawmaking body.

Three hours are to be given for discussion under the five-minute rule; no time for general debate; one hour upon one section, and two hours upon another; or, in all, three hours. As to the other provisions of the bill, there will be no opportunity for discussion, and no opportunity for amendment. And finally, when the bill comes back into the House, the work of the Committee of the Whole, if it adopts any amendments, will have to be

taken in bulk. In other words, after we get into the House the vote will be upon the substitute as the Committee of the Whole makes it or leaves it. It will be seen at once from this statement that the opportunity for the House to consider and intelligently express its judgment upon this most important subject is restricted as to time, and restricted as to the subject-matter.

Mr. GARDNER of Massachusetts. Mr. Speaker, do I understand the gentleman to say that there is no provision for a separate vote on the amendments when the bill gets back into the House?

Mr. DE ARMOND. That is correct. In the Committee of the Whole only amendments can be voted upon to the part of the substitute which deals with those two sections—1 and 38.

Mr. GARDNER of Massachusetts. The substitute proposes to strike out and insert.

Mr. DE ARMOND. In the Committee of the Whole there is to be an opportunity for one hour to offer and discuss amendments to section 1, and for two hours to offer and discuss amendments to section 38 of the substitute reported by the House committee for the Senate bill. At the end of that time, and after the House, in Committee of the Whole, has disposed of these matters, then we go into the House proper, and the vote there is to be upon the substitute for the Senate bill as the Committee of the Whole fixes that substitute, without any chance for a separate vote upon any amendment that may be adopted in Committee of the Whole. That is the provision of the rule.

Mr. GARDNER of Massachusetts. Mr. Speaker, am I to understand that if the House adopts an amendment striking out the educational test, when we come back into the House no yea-and-nay vote can be had on that amendment to the amendment striking out the educational test?

Mr. DE ARMOND. That, Mr. Speaker, is precisely the provision of this rule, and that is one of the reasons why my colleague upon the Committee on Rules and myself opposed reporting the rule in its present form.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, if the gentleman will yield.

Mr. DE ARMOND. If it will not come out of my time.

The SPEAKER. The gentleman from Missouri is entitled to the floor. If he yields to the gentleman from Massachusetts, he will yield out of his own time.

Mr. DE ARMOND. That is the situation, Mr. Speaker, under the rule; as to the educational test and as to any other matter embodied in these two sections, and as to every other part of the bill, the committee action is final, with the one exception that when you get back into the House you can vote for or against the whole substitute bill, as it comes out of the Committee of the Whole.

Now, we think this rule restricts the committee too much and the House too much. It does not tend to get the best judgment of the House, but it does not only tend, but makes it sure that, in the event of the adoption of any amendment in the Committee of the Whole, those who are in favor of this legislation will be compelled to take the bill in the condition in which the Committee of the Whole leaves it, or join its opponents to defeat it in the condition in which the Committee of the Whole leaves it.

Mr. Speaker, this is but another illustration, and a somewhat striking one, of the effect of rules designed to limit and hamper the House in the discharge of its business. These restrictive provisions are restrictions upon us, upon each Member of the House, and the effect may easily be to put this bill, when it comes to a final vote, in such a position that gentlemen can not vote for it or vote against it as they would like to do. They can not have an opportunity for an expression of opinion in the House upon provisions most important, and which greatly improve or greatly injure the bill in its tendency and effect. They are cut off from it. It is a hodge-podge, a lump affair. There is no necessity for that. It would be just as easy, if amendments be adopted in Committee of the Whole, to permit a vote upon those amendments in the House. If the House is in favor of them, the House would adopt them; if the House be opposed to them, then they ought not to be adopted; and no man who desires to vote for this bill, as I do and as I believe a large majority of the Members do, ought to be under compulsion to vote for it with things in it that ought not to be in it, or to vote for it with things out of it that ought to be in it. That is all, Mr. Speaker, that I wish to say upon the subject, and I yield back to the gentleman from Mississippi the remainder of my time.

Mr. GARDNER of Massachusetts. Will the gentleman from Pennsylvania yield to me?

Mr. DALZELL. How much time?

Mr. GARDNER of Massachusetts. Five minutes.

Mr. DALZELL. I will yield five minutes to the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. Mr. Speaker, I would like to ask the Chair if, in his opinion, this rule as drawn will permit a yea-and-nay vote at any stage, for instance, on the amendment striking out the educational test?

The SPEAKER. In reply to the question of the gentleman from Massachusetts, which the Chair will treat as a parliamentary inquiry, the Chair will say that this rule, if adopted, does not change the ordinary rules of the House upon that subject. The ordinary rules of the House would enable the Committee of the Whole House to perfect the substitute to the Senate bill reported by the committee, and would be treated precisely in that respect as substantially all similar amendments have been treated heretofore.

Mr. GARDNER of Massachusetts. Then I understand, Mr. Speaker, that no yea-and-nay vote would be possible at any stage of proceeding under that rule of the educational test.

The SPEAKER. Amendments perfecting the substitute itself would be in order. This special rule, if adopted, leaves the uniform practice as it has been in Congress for a hundred years.

Mr. GARDNER of Massachusetts. Then I ask that this rule shall be so amended as to permit at some stage in the proceedings a yea-and-nay vote on the educational test.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent as indicated. Is there objection?

Mr. STAFFORD. I object.

Mr. KEIFER. I would like to ask the Chair if the Chair does not mean that after we come into the House there may be a separate vote?

The SPEAKER. There would not be, because this rule, if adopted, orders the previous question to a third reading and final passage of the bill without intervening motion.

Mr. GARDNER of Massachusetts. Will the Chair treat this as a parliamentary inquiry: If after the proper stage of the bill is reached a motion is made to recommit with instructions to report forthwith an educational test, would that be in order, so that we could have a yea-and-nay vote?

The SPEAKER. Under the terms of the rule, while it is hardly a parliamentary question, the Chair will treat it as such. Under the terms of this rule, if it is adopted, a vote is to be taken on this substitute when it comes back into the House on a third reading to the final passage of the bill without intervening motion. Therefore a motion to recommit would not be in order.

Mr. GARDNER of Massachusetts. Then I ask that this order be amended so as to permit of a motion to recommit, with instructions to report forthwith, and that the Member of the House, myself, in charge of the bill be recognized to make that motion and to move the previous question thereon.

The SPEAKER. The request of the gentleman has been heard. Is there objection?

Mr. STAFFORD. I object.

Mr. GOLDFOGLE. I object.

The SPEAKER. Objection is heard.

Mr. GARDNER of Massachusetts. Mr. Speaker, I have nothing more to say, except that this rule is a very bad one indeed, and quite in violation of a great many understandings I have had with people in this building, but I shall vote for its adoption [laughter], because I do not believe that this House is composed of men who will use the fact that they can not be put on record to vote a different way from what they would if they were to be put on record.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. Mr. Speaker, how much time is there left?

The SPEAKER. The gentleman from Pennsylvania has twelve minutes and the gentleman from Mississippi has eleven minutes.

Mr. WILLIAMS. Mr. Speaker, I will ask the gentleman from Pennsylvania whether he proposes to take up the balance of his time in one concluding speech?

Mr. DALZELL. No; I do not.

Mr. WILLIAMS. Mr. Speaker, I yield at this time three minutes to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Mr. Speaker, there are, I understand, several amendments to be offered to this bill of a highly important character, amendments that deserve the clone attention and earnest consideration of this House. The questions involved in them are such that they are entitled to receive, and they ought to get, our careful attention and deliberate action. Within the short time proposed in this rule for discussion there will be, I fear, neither fair time for proper con-

sideration of all amendments nor ample time to perfect the bill as it ought to be perfected in justice to all who may be affected by it and in justice to the entire country.

At this moment and at this stage it is not for me or anyone else to discuss the merits or demerits of any of the clauses of the bill. Nor is it my desire to discuss now any of the amendments which are, at the proper time, to be offered.

I have in mind, however, conditions that have arisen in countries wherein bitter persecution arising out of religious bigotry and religious fanaticism has been waged against an unoffending people, causing the victims to abandon home and seek more hospitable shelter in the land of civil and religious liberty. Fleeing from scenes of slaughter, barbaric cruelty, and outrage, the refugees ought, as a matter of common humanity, to receive our consideration. How far and to what extent exception should be made in this bill in their favor will be for us to say. So, too, the educational feature is to be open for amendment. Upon matters so vital, so far-reaching in their consequences, fraught with such importance to the several constituencies whose interest in the subjects involved made itself manifest in the many communications coming from almost every part of the Union, we ought to have fair opportunity for debate even in these closing hours of Congress.

I am one of those who believe we can never suffer from a reasonably full and proper discussion of grave and important national problems. The proposed rule does not afford opportunity for a fair, full, open interchange of views. For want of it I do not regard the rule quite fair. Upon the clauses open for amendment we should be permitted some freedom of debate, some time to carefully and prudently consider amendments. This, it seems to me, the rule cuts off.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. Mr. Speaker, I yield to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, this rule is not as liberal as I should like to have it. I would like to have several days' discussion on this important question. I want to have a separate vote on the proposition to raise the head tax and on the educational test, a record vote in order that every Member of this House might be able to show his constituents where he stands on the record, but to those who agree with me that this is one of the most important bills that has come before this Congress, a bill to protect the citizenship of our country, I say that we should stand by this rule for this reason. We can not be deprived of opportunity that the House will have a chance to go on record on the important questions in the bill. This is an amendment to the Senate bill. The Senate bill provides an educational qualification, and it provides for a head tax, and even if these provisions of the substitute are stricken out in the Committee of the Whole House the bill must go to conference finally, and when it comes back from conference the issue of a head tax and an educational test will come directly before the House and a roll call will be in order, and every Member will have an opportunity to express his opinion in a record vote. Therefore I say to those who believe that this measure is in the interest of the country, and that it ought to be passed before we adjourn and go home, the wise course for us to pursue is to accept the rule, good or bad, because in the end it has the effect of bringing the two Houses together and ultimately will result in giving us an opportunity to determine what kind of an amendment we want to the present immigration laws. [Applause.]

In my opinion no legislation has come before this House for its consideration in many years past of greater importance to the coming generations of American citizens than the bill now under consideration, which proposes to restrict foreign immigration coming into this country. Rich lands, great rivers, and mineral wealth have never been the test of a nation's greatness. A country to be great must be occupied by great people. It is the man that makes the government; the man that makes the nation. Our country has astonished the world in its rapid progress and development in agriculture, manufactures, science, and the art of free government. The reason for this is the intelligence, character, and industry of the people who compose our citizenship. The Creator of the universe did not make all men with the same intellectual force or the same character, nor did he create all nations on an equal plane. In all animal life the rule is universal that where the inferior animal mixed its blood with the superior, it of necessity pulled down the standard of the higher at least to the extent that it lifted the standard of the lower.

If we open our doors to the unlimited and indiscriminate immigration of people, who are below the American standard of life and living, they will of necessity drag down the price of labor, the conditions of home life, and the characters of our children toward theirs, to the future detriment and injury of the nation. I believe this bill to a large extent will restrict the immigration coming into this country. It will separate the good from the bad. It will prevent the ignorant, degenerate, and pauper classes of Europe from coming here, and yet leave the door open for men of character and intelligence to join our common citizenship.

If I had the time I would discuss the bill in all its details, but as the time is limited, I intend to confine my remarks to one feature of the bill alone, and that is what is known as "the educational test." Under the provisions of the bill as presented to the House, every immigrant coming into this country will be required to read and write in some language. There has been much discussion as to the advisability of adopting this test for the admission of immigrants. Some have said that it is not fair; that it was not a proper test, and does not discriminate between good and bad immigration. Others have taken the extreme view that the educational test would keep out very few immigrants, and would be worthless for that reason. But, in my judgment, the requirement that every immigrant coming to this country shall be able to read and write in some language will stop from coming here about one-third of the immigrants that annually arrive, and, more than that, it will stop the ignorant, the vicious, and the depraved. I admit freely that education is not always a test of intelligence; that it is not always a test of character; nor is it always a test of energy or of thrift.

We all admit that we have at times known men of very great intellectuality who, on account of some peculiar circumstances, have not acquired an education. We all admit that we have known men of the very highest character who were unable to read and write. We have known thrifty and industrious citizens who have passed through the world as successful men without the knowledge of letters. But, Mr. Speaker, we recognize that these are rare exceptions to the rule, that where we find a man or a race of people of high intelligence and character they are sure to acquire a knowledge of letters in keeping with their times. It is a very rare thing that a man of intelligence does not obtain an education, even if he has to dig it out of the books by himself, as was the case with one of the Presidents of the United States, of whom it is said he was unable to read and write until he was a grown man, and learned his letters at the cobbler's bench. As to character, there are some instances that can be given of men of high education and learning who absolutely were lacking in character, but, as I stated before, these are exceptions to the rule. In any community in this country, or anywheres else in the world, when you are classifying the people of character in a locality, you will find them amongst the educated and learned. When you are looking for the degraded and depraved you will find them amongst the uneducated and the ignorant. For the boy or man to acquire an education requires thrift and industry on his part, and therefore demonstrates that these characteristics belong to the man who possesses it. There is no tool that man can use in his efforts to acquire his daily bread and improve the use of his hands in his daily toil that is of more aid to him than an education. It allows him to immediately take advantage of the experience of the past, as well as the improvements of the hour. On the other hand, we often find that the slovenly and the lazy will not take an education when it is within their very grasp. They prove their lack of intelligence and character by their lack of industry.

As I stated before, the intelligence, character, and industry of the citizen makes the greatness of the Republic. We are glad to welcome immigrants to this country who will uphold and maintain our present high standards of life, but we will be doing a serious injury to ourselves and our children if we allow the gates to remain open to the ignorant, vicious, and lazy who seek to come to us from the Old World. We must separate the good from the bad when they come to our ports for admission, and I know of no test that we can apply that universally will be more effective and more successful in excluding those whom we do not want and admitting those that we do than the educational test that is proposed in this bill.

The pride of our country is the high position of American labor, our good wages, and our comfortable homes. We do not want to bring our working classes down to the standard of life and living of the Old World; and yet the world over illiteracy is invariably coupled with a low standard of labor. Ignorance and vice, as a rule, stand hand in hand. They are a menace to the free government of our country. Our social institutions depend for their very existence on the ability of our citizens to exchange their views on the great public questions in order to achieve a common purpose for the common good. The greatest means of communication, of course, is through the public press, the magazines, and books of the country. This is a closed door to illiterates, and when the ignorant

exceed the educated in large numbers in any community, it must of necessity be a great detriment to the upbuilding of society and the maintenance of a stable Government. The life of a free nation—democracy itself—depends upon the intelligence and virtue of the average citizen. When intelligence in any community is at a low plane, democracy and free government become an absolute impossibility; an empire takes its place and a despot holds the reins of government. We are to-day suffering untold miseries as a nation from the reckless, selfish, and thoughtless introduction, purely for the purposes of material gain, of an alien people into the midst of our national life in the early history of our country; I mean the negro slaves who were brought here in our colonial days. There is no telling to what extent the introduction of this alien race has prevented the ultimate development and greatness of our people; there is no estimating the amount of money, of blood, and of pain that it has caused the nation and our people; and yet with that example staring us in the face, shall we continue, in order that a few great corporations engaged in the business of transportation may fill their pockets with money, to bring into this country alien races who are unable to live up to American standards and who must of necessity drag down the lives and characters of our own people and destroy the economic conditions at home that have made our nation great?

The keynote of all modern education and development are attention and suggestion. To a man ignorant of all letters, at least one of these—the power of suggestion—is largely cut off, and necessarily his intellectual growth and development is restricted to that extent. Why should we introduce into the body politic as an additional burden to carry people who are bound down by the shackles of ignorance when we are endeavoring in every way to lift our own people above the line of illiteracy? We boast of our great national progress and material development, but I want to say to you that our progress and development are merely the soil in which culture and character grow, and if the stock planted in that soil is poor, the plant will be vitiated and ultimately die.

The class of immigrants that we are receiving to-day are a very different people from those who developed the country a generation ago. They come from different races of people, and a different character of immigrants from the same race of people are coming to-day from those who came in past generations. In the past the strong, independent, and adventurous came. To-day the weak, dependent, and the dissatisfied are coming to our shores to compete in the battle of life with our own people. Education is a far greater test of intelligence, character, and industry to-day that it was in the generations of the past. In the countries of Europe one hundred years ago education for the masses of the people had not progressed to any great extent, nor had it for decades thereafter. Of necessity, opportunity and desire for education had not developed amongst the masses of the people. To-day in all European countries the facilities for education are such that as a rule it can be obtained by the intelligent and thrifty individuals composing the body politic, if they make an effort to acquire it. Therefore, as a rule, when immigrants come to this country uneducated it is a demonstration that they are from the least intelligent and industrious of their own people. Recent immigration has imposed a heavy educational burden on our country. The census of 1900 shows that 13,367,147 children were attending school. Of the total population of the country over 10 years of age there were 6,180,069 illiterate persons, or 10.7 per cent of the total population. But this is not a fair statement of the illiteracy in this country, for we are burdened with the development of the negro race who are only a generation removed from slavery, and only a few generations removed from the barbarity of their African homes. The census of 1900 shows that the illiteracy among the negroes of this country amounted to 44.5 per cent, thereby greatly reducing the average literacy of the nation. On the other hand, the same census report shows that the average illiteracy among the native whites was only 4.6 per cent, whereas the illiteracy among the foreign whites was 12.9 per cent. The great progress we have made in the education of our own people is shown by the fact that the illiteracy in the total population over 10 years of age in 1880 was 17 per cent and under the census of 1890 was 13.3 per cent, a great advance in the education of our children, notwithstanding the fact that millions of the ignorant of Europe have been dumped on our shores in the last two decades. At a conservative estimate at least from 25 to 30 per cent of the immigrants now coming into this country are illiterate, and by their admission we are placing a great burden on our own people to lift the illiterates of foreign lands to the American standard of educational advantages.

The educational test for immigrants is a protection for us in another way: Taking history as a whole, the nations that have left the greatest mark in the world's history in art, religion, and literature have been the homogeneous peoples and decadence has followed the mixture of races. The era of greatness of the people of Judea, Greece, and Rome was when they were homogeneous and before their blood had been contaminated by the mixture of foreign races. The greatness of the French, German, and English-speaking races to-day is due to the homogeneity of their blood and the purity of their race. The people who originally settled and developed this country, who founded our Republic and established our institutions, were practically all of the Teutonic and Celtic races from northern Europe; they maintained their racial integrity and refused to contaminate their blood with the Indian races they found here on landing. On the other hand, the peoples who settled and developed the republics of South America mixed their blood with that of the natives, to a large extent destroyed their own nationality, and the difference between the two Americas is such that it needs no argument to demonstrate that economic and social development must be along racial lines.

But, you say, what effect will the educational test have on maintaining the racial characteristics of our people? The statistics show that of the immigration that is now coming into this country from Europe there is no surer or more certain test that we can apply that will admit the Teutonic and Celtic races of northern Europe and at the same time exclude the Iberic and Slavic races of southern and eastern Europe than the educational test, unless we should pass a law prohibiting certain races from coming to this country, as we have done in the case of the Chinese. The peoples of northern and western Europe are mostly akin, belonging to the Teutonic and Celtic races. The statistics show that for the year 1904 the illiteracy of the peoples that came to this country was: Scotch, six-tenths of 1 per cent; Scandinavian, seven-tenths of 1 per cent; English, 1.3 per cent; Bohemian and Moravian, 1.8 per cent; Finnish, 2.7 per cent; French, 3.2 per cent; Irish, 3.4 per cent; Dutch and Flemish, 4.1 per cent; German, 4.8 per cent; northern Italian, 12.6 per cent, making an average of 4 per cent of illiteracy from the people of the Teutonic and Celtic races from northern Europe. On the other hand, the illiteracy of the Slavic and Iberic races from southern and eastern Europe was: Spanish, 9.8 per cent; Magyar, 14.1 per cent; Greek, 23.6 per cent; Russian, 26 per cent; Slovak, 27.9 per cent; Roumanian, 31.7 per cent; Dalmatian, Bosnian, and Herzegovinan, 35.6 per cent; Polish, 35.8 per cent; Croatian and Slovenian, 36.1 per cent; Bulgarian, Servian, and Montenegrin, 45.4 per cent; Lithuanian, 54.1 per cent; southern Italian, 52.2 per cent; Ruthenian, 58.8 per cent; Portuguese, 67.5 per cent, making an average of 42.6 per cent. This clearly demonstrates that the educational test will not only separate the ignorant, vicious, and the lazy from the intelligent and industrious classes that are coming to this country, but to a large extent it will eliminate the lower classes of immigration from the countries that are not of Teutonic and Celtic origin, and to some degree will solve the problem of the assimilation of the dissimilar races.

The future greatness of our Republic, the stability of our form of government, is dependent in the ages to come on the intelligence and character of the common masses of our people. The theory that some advance, that we can not develop the great mineral and agricultural resources of our country unless we have an ignorant and downtrodden class of people to perform our manual labor, is a false one and inconsistent with the theory of our Government and the traditions of our fathers. It is true that the monopolistic tendencies of great wealth will disappear before the development of the character and the enlightenment of our people, but the aggregate wealth of the country as a whole will increase with the growth of intelligence among the masses of the people. Great wealth in the hands of a few and great poverty in the homes of the many will disappear, and the wealth of the country will of necessity become more equally divided among all, not by socialistic laws or drastic measures, but through the power of the intellectual advancement of all our people.

Mr. WILLIAMS. Mr. Speaker, I will ask the gentleman from Pennsylvania if he will conclude in one speech?

Mr. DALZELL. Yes.

Mr. WILLIAMS. Mr. Speaker, we have had a most amusing illustration this morning of legislation by special rule. Perhaps the attitude of the gentleman from Massachusetts [Mr. GARDNER], the very sponsor of the bill, the questions asked by him of the Speaker, the effect of the responses to those questions upon the intellectual and nervous system of the gentleman from Massachusetts [Mr. GARDNER] is about as amusing an illustra-

tion of the general system of legislation by special rule as anything that ever occurred in the House, except the Speaker's response to the gentleman from Massachusetts.

He responded to the gentleman from Massachusetts that everything was lovely and well, because under the rules of the House, the time-honored rules, when the bill that was to be voted upon was a substitute, then you could not have a separate vote on the amendment. The Speaker neglected to say that in bringing in a special rule at all we already set aside a whole lot of time-honored rules, and that while he was molding a special rule he might just as well as not have so molded it as to meet the objection of the gentleman from Massachusetts, the father and sponsor of the bill, and permit a record vote on these amendments. It is as easy by a special rule to ride over two general rules as to overrule one general rule.

Now, Mr. Speaker, there is no party question presented here. Gentlemen upon both sides of this Chamber are of different opinions about the details of this legislation. Nobody desires to make any party question of it. Nobody could if anybody would, so that there was no party necessity even for this special rule. The gentleman from Massachusetts is right. The object of the rule is to let Members out from being put on record by a yea-and-nay vote on the head-tax and educational-test questions in the House of Representatives. That is plainly the object of the rule.

Mr. GARDNER of Massachusetts rose.

Mr. WILLIAMS. I can not yield. I have only eight minutes.

Mr. GARDNER of Massachusetts. Allow me to say I made no such statement that that was the object of the rule.

Mr. WILLIAMS. The gentleman interrogated the Speaker, and then the gentleman later on said the effect of this rule was to cut off a yea-and-nay vote upon these amendments. Now, the gentleman, I take it, has sufficient common sense to know that the Speaker of this House, the gentleman from Ohio [Mr. GROSVENOR], and the gentleman from Pennsylvania [Mr. DALZELL] are of such high intellectual caliber that they never at any time have brought into this House a rule which had an effect which was not their object. [Laughter and applause.] This is a demonstration, in my opinion.

Mr. GROSVENOR. Will the gentleman allow me?

Mr. WILLIAMS. I have only eight minutes, and the gentleman will have time, and I can not yield.

Mr. GROSVENOR. I would like to ask——

Mr. WILLIAMS. I have only eight minutes, and I can not yield. I have very little of that eight left now. Nor is there any adequate excuse on account of want of time for this rule. It is true now we are at the tail end of the session; very little time left; the dog days are coming on; but we are paid salaries to remain here and attend to public business if necessary, and this is a very important matter, it seems to me, and ought to be attended to right. But that is not all. It is also true that early in the session, when we might have been attending to it, we were literally burning up time upon all sorts of propositions; we had so much time to spare. What is this rule? Let us illustrate: Here is one man that believes that a man landing at Castle Garden with 50 cents in his pocket ought not to be allowed to enter this great Republic, while a man with $50 in his pocket ought to be allowed to enter unquestionably. There will be no opportunity for either of these men—equally patriotic and equally anxious to go on record, I suppose—to get their views upon the record. Everybody is in favor of some bill to regulate immigration; everybody is in favor of keeping away from America those who are mentally, morally, and physically unsound. Then, for a second illustration, here are men who believe that a man ought not to be allowed to work unless he can read and write. Some of them are the very same sort of men, by the way, who say Mississippi is traitorous to the spirit of our institutions because she does not allow men to *vote* who do not read and write, which is totally a different proposition. But to continue, here are men who say that a man ought not to be allowed to *work* unless he can read and write, and here are other men who say they do not see the justice of that proposition with any degree of perfect lucidity. No one of them on either side will ever have an opportunity to express his views by a yea-and-nay vote upon this part of this bill. That is not all. Here are men, for a third illustration, who believe there ought to be inserted an amendment in the bill to the effect that the rule, however stringent it is, ought to have this exception at any rate; that when a man is flying from death as a result of political or of religious persecution somewhere, this one great haven of rest ought to be open to him at any rate. [Applause.] There will be no opportunity to offer that amendment even, and there will be no opportunity to vote upon it separately when the House later on votes to adopt the bill. Then section 33, which you can not amend at all under this rule, purposely cuts the isthmian canal off, so that anyone can go there, unless, perhaps, Chinese prohibited by the Chinese treaty and law.

Mr. GARDNER of Massachusetts. It does not change the law a bit.

Mr. WILLIAMS. I have not time to read section 33, but when you get to it you will find that in that section there is a clause which says:

SEC. 33. That for the purpose of this act the term "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone.

Note the language: "Except the Canal Zone." So, Mr. Speaker, there will come one of those saddest moments in any man's life for the gentleman from Massachusetts [Mr. GARDNER] when he shall ascertain that faith is not always knowledge. He has expressed faith in the fact that there are no men in this honorable body that would vote one way in the Committee of the Whole when their vote is not recorded and a different way in the House when it is recorded. It was one of my sad experiences when I was also new to the evil influences of a bad world, but I have found out that the House of Representatives is filled with just such men as that, and that they are always very willing to adopt a rule that lets them out of that sort of a fix.

Now, Mr. Speaker, how much time have I left?

The SPEAKER. One minute and a half.

Mr. WILLIAMS. Now, Mr. Speaker, gentlemen must not deceive themselves. When they adopt this rule they adopt a rule that deprives the House of the power of amendment over any part of this bill, except section 1 and section 38, the parts of the bill dealing with the head-tax question and the educational-test question. When you adopt this rule you adopt a rule that cuts the House off from the right of dealing even with those sections in the House itself, where a record vote alone is possible. It fixes it so that the bill in each of its details must be dealth with in the Committee of the Whole altogether. So that if there should be only a fair quorum of a Committee of the Whole here present—101 or 102—and a majority of them—53 or 54—were to vote a certain way, and it should so happen that that way was not in accordance with the view of the House itself, with a quorum present later of 280 or 300 men, probably, the House still would be unable to control its own special Committee of the Whole except by voting down the entire legislation, which nobody hardly wants to do, because the bill on the whole has many good features. That is the situation. That is the plain alpha and omega of it. Are you going to vote the rule up or vote it down? If you vote it down, gentlemen will then have control of the bill and the bill will be here subject to amendment. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. DALZELL. Mr. Speaker, I understand that I have nine minutes of time remaining?

The SPEAKER. Nine minutes.

Mr. DALZELL. Mr. Speaker, I yield nine minutes to the gentleman from Indiana [Mr. WATSON].

Mr. WATSON. Mr. Speaker, when properly understood, I apprehend that there will be no difficulty about the adoption of this rule by the Members of the House who desire legislation on the subject of immigration at this session of Congress. The status of this bill at the present time is this: The Senate passed an immigration bill; it came to the House of Representatives in due course of time, and was referred to the Committee on Immigration and Naturalization of this House. In due process of time that committee in this body reported a substitute containing forty-one sections for the entire immigration bill passed by the Senate some weeks before. We shall see, Mr. Speaker, if we consult the report of the committee that it was a unanimous report from that committee, except as to sections 1 and 38, and that the minority report on those two sections was reported back by the gentleman from New York [Mr. BENNET] and his colleague from New York [Mr. RUPPERT], and on every other section of this substitute as reported by that committee there was a unanimous report. No single voice of dissent was raised by Members on this side of the House or on the other side of the House with regard to any other section of this bill. And these sections to which the gentleman from Mississippi [Mr. WILLIAMS] has referred came back from that committee in this House with a unanimous report and without a solitary syllable of dissent by any member of that committee.

So we have a unanimous report from the committee on those sections of the bill which relate to its administrative features and which do not in any very great respect or particular add to the excluded classes or exclude in great numbers those who can now be admitted under existing law. Therefore,

the only points of contest in this bill are in the first section, known as the "head-tax provision," and section 38, known as the "illiteracy test," or the educational qualification. Those are the only two sections in dispute. Therefore, this rule very wisely permits debate and amendment upon those two propositions. Upon the others there is from this committee a unanimous report. Nobody dissents to them. They relate largely to the administrative features of the law. Nobody objects, so far as I know, on either side of the Chamber to any of the provisions of those sections.

The gentleman from Massachusetts said that this is a gold brick. He does not believe it is a gold brick because it passes the other thirty-nine sections of the bill, because he is in favor of every one of them; but his idea is evidently that it is a gold brick because the rule does not cover the other two sections of the bill and prevent discussion and amendment to them and pass them by the operation of the rule itself. So before us now for our settlement is this question: Shall we adopt the rule; shall we thereby pass the administrative features of the bill as unanimously reported by this committee, and at the same time throw open to debate and amendment section 1 and section 38?

Why, they have said, Mr. Speaker, that there is no opportunity for amendment.

Mr. COCKRAN. Will the gentleman yield to me for a question?

Mr. WATSON. Certainly.

Mr. COCKRAN. Merely to elucidate the question before the House. Does the gentleman agree with the gentleman from Mississippi that amendments to sections which are open to discussion and amendment can be voted on in the House?

Mr. WATSON. Not at all. They are voted upon under the operation of the usual rule of this House, and the rule of this House, I will say to my friend from New York, provides, and, as the Speaker well remarked a short while ago, always has provided, that, whenever a substitute is considered in the Committee of the Whole, and amendments to the substitute are adopted, those amendments are not reported by the committee to the House, but the substitute stands as an entirety or falls as an entirety. But I will say to my friend from New York that amendments are in order to section 1 and section 38; and if my friend from Mississippi will pardon me, the refugee feature to which he has referred, and which he has said could not possibly be offered to any section of this bill by way of amendment, is in order as an amendment to either one of these sections.

Mr. WILLIAMS. In Committee of the Whole, but not in the House.

Mr. WATSON. Not in the House of Representatives. No bill is ever perfected in the House. It is considered by the committee and perfected by the committee; and this will be a substitute——

Mr. WILLIAMS. Whenever an amendment is offered in the Committee of the Whole and agreed to the House of Representatives has a right to a separate vote upon it.

Mr. WATSON. Not when a substitute has been adopted, and never has been.

Mr. WILLIAMS. But this is a special rule.

Mr. BARTHODLT. Will the gentleman permit me?

Mr. WATSON. Certainly.

Mr. BARTHOLDT. I merely desire to call the attention of the House to page 27, lines 23, 24, and 25, which reads:

Provided, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude.

Does this section, in the judgment of the gentleman from Indiana, cover political refugees?

Mr. WATSON. That was intended, I am told by a member of the committee [Mr. BENNET of New York], who intelligently discusses the whole subject, to cover the question of political refugees.

Mr. BARTHOLDT. I so construed it.

Mr. WATSON. Let me call the attention of the House to this fact: The Committee on Rules is not responsible for this parliamentary situation. That was presented by the committee when the committee reported a full substitute for the Senate bill; and it has always been the rule of this House, an invariable and uniform rule throughout its history, that when a substitute was voted on in committee it was reported by the committee as an entirety, and the amendments thereto have not been reported back for separate action.

Mr. WILLIAMS. Not when the committee has acted on it.

Mr. WATSON. On section 1 amendments are permitted. It will be in order to amend it. It will be in order to strike out "five" and insert any other number of dollars. That leaves it absolutely in the power of the majority to determine what the head tax shall be in this bill. It rests, not with the Committee on Rules, but with the majority, to say what the head tax shall be in the years that are to come under the operations of this law. Then, when we come to section 38, it, too, is open to amendment; it, too, is subject to such change and alteration as the majority may see fit to make to it, and is not subject to the dictates of the Committee on Rules. A majority shall determine whether or not that section shall be amended, altered, abridged, amplified, or stricken out altogether, and a majority of this committee shall determine whether or not the illiteracy test shall be ingrafted upon the law relating to immigration.

Now, that is all there is of this question, Mr. Speaker, and I ask for a vote. [Applause.]

Mr. JOHNSON. Mr. Speaker, the special rule under which we are considering this bill limits the debate to three hours. It is therefore impossible to do more than state my position. I am in favor of the bill as amended by the Committee on Immigration. I hope that the restrictive features of the bill will not be removed or modified by amendment.

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

The question being taken, on a division (demanded by Mr. WILLIAMS) there were—ayes 151, noes 59.

Accordingly the resolution was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On June 19:

H. R. 9813. An act granting a pension to Harriet P. Sanders;

H. R. 10106. An act providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii;

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes; and

H. R. 18330. An act transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa.

On June 20:

H. R. 17510. An act to provide for a reconnoissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula, in Alaska, and for other purposes;

H. R. 19815. An act to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River between Columbus, Ga., and Franklin, Ga.;

H. R. 19816. An act to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.;

H. R. 19432. An act to authorize additional aids to navigation in the Light-House Establishment;

H. R. 3997. An act for the relief of John A. Meroney;

H. R. 4464. An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes;

H. R. 4468. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895;

H. R. 18442. An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia;

On June 21:

H. R. 7771. An act for the relief of Judd O. Hartzell;

H. R. 14968. An act to amend the internal-revenue laws so as to provide for furnishing certified copies of certain records;

H. R. 15331. An act making appropriations for the current and contingent expenses of the Indian Department for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907;

H. R. 8428. An act to regulate the construction of dams across navigable waters;

H. R. 16125. An act authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park and to operate electric cars thereon;

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.; and

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.

On June 22:

H. R. 14928. An act for the relief of F. V. Walker;

H. R. 16472. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes; and

H. R. 8973. An act to amend section 5200, Revised Statutes of the United States, relating to national banks.

On June 23:

H. R. 5221. An act for the relief of Edward King, of Niagara Falls, in the State of New York;

H. R. 11787. An act ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School, at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory and approved the 15th day of March, 1905; and

H. R. 20321. An act to provide for the traveling expenses of the President of the United States.

On June 25:

H. R. 118. An act to amend sections 713 and 714 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by acts approved January 31 and June 30, 1902, and for other purposes;

H. R. 10292. An act granting to the town of Mancos, Colo., the right to enter certain lands;

H. R. 16290. An act to modify the requirements of the act entitled "An act to promote the education of the blind," approved March 3, 1879;

H. R. 18600. An act to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes; and

H. R. 20210. An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River.

PRESERVATION OF NIAGARA FALLS.

Mr. BURTON of Ohio. Mr. Speaker, I desire to present a conference report, with the accompanying statement, on the bill (H. R. 18024) for the control and regulation of the waters of the Niagara River, for the preservation of Niagara Falls, and for other purposes, and I ask that the same be printed in the RECORD under the rule.

The SPEAKER. The conference report and statement will be printed under the rule.

WILD BIRDS AND ANIMALS IN THE DISTRICT OF COLUMBIA.

The SPEAKER pro tempore (Mr. GROSVENOR) laid before the House the bill (H. R. 13193) to prohibit the killing of wild birds and wild animals in the District of Columbia, with Senate amendment thereto.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to; and the Speaker pro tempore appointed as conferees on the part of the House Mr. CAMPBELL of Kansas, Mr. TAYLOR of Ohio, and Mr. SIMS.

IMMIGRATION BILL.

The SPEAKER. The Chair declares the House in Committee of the Whole House on the state of the Union, under the terms of the rule, for the consideration of the immigration bill, and the gentleman from Indiana [Mr. WATSON] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 4403, and in accordance with the terms of the special order the Clerk will read the entire substitute reported for the original Senate bill.

The Clerk read as follows:

That there shall be levied, collected, and paid a duty of $5 for every alien entering the United States. The said duty shall be paid to the collector of customs of the port or customs district to which said alien passenger shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of every vessel or other vehicle of carriage or transportation bringing such alien to ports or places in the United States. The money thus collected, together with all fines and rentals collected under the provisions of this act or the acts to which it is amendatory, shall be paid into the United States Treasury and shall constitute a permanent appropriation, to be called the "immigrant fund," to be used under the direction of the Secretary of Commerce and Labor to defray the expense of regulating the immigration of aliens into the United States, including the expenses of the enforcement of all acts and parts of acts relative to contract labor, the cost of maintaining a bureau or bureaus of information for immigrants and the cost of reports of decisions of the Federal courts, and digest thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed for the purpose of enforcing the provisions of this act. The duty imposed by this section shall be a lien upon the vessel or other vehicle of carriage or transportation which shall bring such aliens to ports or places in the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels or other vehicles of carriage or transportation, and the payment of such duty may be enforced by any legal or equitable remedy. The duty herein provided for shall not be levied, collected, or paid for aliens in transit through the United States nor upon aliens who have once been admitted into the United States and have paid the duty who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section 32 of this act, may arrange in some other manner for the payment of the duty imposed by this section upon aliens seeking admission overland, either as to all or as to any such aliens: *Provided further*, That if in any fiscal year the amount of money collected under the provisions of this section shall exceed $2,500,000, the excess above that amount shall not be added to the "immigrant fund:" *Provided further*, That the provisions of this section shall not apply to aliens entering the United States from the Dominion of Canada, Newfoundland, the Republic of Cuba, and the Republic of Mexico, provided that they show to the satisfaction of the appropriate immigration officials that they have been respectively domiciled in any of said countries for a period of three years, nor to the inhabitants of the Philippine Islands, Guam, or Porto Rico, except as provided at the end of this section, nor to aliens permanently domiciled on the North American Continent returning overland from foreign contiguous territory after a temporary sojourn therein to resume a domicile in the United States already acquired and uninterrupted by absence except in foreign contiguous territory: *Provided further*, That the provisions of this section shall not apply to aliens arriving in the Philippine Islands, Guam, Porto Rico, or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent the provisions of this section shall apply.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots; insane persons; persons who have been insane; epileptics; imbeciles; feeble-minded persons; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons who are dependent for their support upon their own physical exertions and who are certified by the examining medical officer to be of a low vitality or poor physique such as would incapacitate them for such work; persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude; polygamists; anarchists or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government, or of all forms of law or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons, hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes, and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; all children under 16 years of age unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided, further*, That the provisions of this section relating to the payment for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in continuous transit through the United States to foreign contiguous territory: *Provided further*, That skilled labor may be imported, if labor of like kind unemployed can not be found in this country: *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

SEC. 3. That the importation into the United States of any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import or attempt to import into the United States any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, or whoever knowingly shall hold, keep, maintain, control, support, or harbor any alien woman or girl for any such purpose in pursuance of such illegal importation, shall, in every such case, be deemed guilty of a felony, and on conviction thereof be imprisoned not more than five years and pay a fine of not more than $5,000.

SEC. 4. That it shall be a misdemeanor for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the terms of the last two provisos contained in section 2 of this act.

SEC. 5. That for every violation of any of the provisions of section 4 of this act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any contract laborer into the United States shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

SEC. 6. That it shall be unlawful and be deemed a violation of section 4 of this act to assist or encourage the importation or migration of any alien by a promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a promise or agreement as contemplated in section 2

of this act, and the penalties imposed by section 5 of this act shall be applicable to such a case: *Provided*, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

SEC. 7. That no transportation company or owner or owners of vessels, or others engaged in transporting aliens into the United States, shall, directly or indirectly, either by writing, printing, or oral representation, solicit, invite, or encourage the immigration of any aliens into the United States except by ordinary commercial letters, circulars, advertisements, or oral representations, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision any such transportation company, and any such owner or owners of vessels, and all others engaged in transporting aliens to the United States, and the agents by them employed, shall be severally subjected to the penalties imposed by section 5 of this act.

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding $1,000 for each and every alien so landed or attempted to be landed or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment.

SEC. 9. That it shall be unlawful for any person, including any transportation company, other than railway lines entering the United States from foreign continuous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien afflicted with tuberculosis or with a loathsome or with a dangerous contagious disease; and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with such a disease at the time of foreign embarkation, and that the existence of such disease might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $100 for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid; nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

SEC. 10. That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens afflicted with tuberculosis or with a loathsome or with a dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section 2 of this act.

SEC. 11. That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien, whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

SEC. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing, or other vessel, having said alien on board, to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each alien the full name, age, and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the name and address of the nearest relative, if any exists, in the country from which the alien came; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage, or whether it has been paid by any other person or by any corporation, association, society, municipality, or government, and if so, by whom; whether in possession of $50, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend, and his name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States; and what is the alien's condition of health, mental and physical, and whether deformed or crippled, and if so, for how long and from what cause; that it shall further be the duty of the master or commanding officer of every vessel taking alien passengers out of the United States, from any port thereof, to file within sixty days of departure therefrom, with the collector of customs of such port, a complete list of all such alien passengers taken on board. Such lists shall contain the name, age, sex, nationality, residence in the United States, occupation, and the time of last arrival of every such alien in the United States; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section 15 of this act. That the collector of customs with whom any such list has been deposited, in accordance with the provisions of this section, shall promptly notify the Commissioner-General of Immigration that such list has been deposited with him, as provided, and shall make such further disposition thereof as may be required by regulations to be issued by the Commissioner-General of Immigration with the approval of the Secretary of Commerce and Labor: *Provided*, That it shall be the duty of the master or commanding officer of any vessel sailing from ports in the Philippine Islands, Guam, Porto Rico, or Hawaii to any port of the United States on the North American continent to deliver to the immigration officers at the port of arrival lists or manifests, made at the time and place of embarkation, giving the names of any aliens on board said vessel.

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or imbecile, or a feeble-minded person, or insane person, or a pauper, or is likely to become a public charge, or is suffering from tuberculosis or a loathsome or a dangerous contagious disease, or is a person who has been convicted of a felony or other crime or misdemeanor involving moral turpitude, or is a polygamist, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States, or a prostitute, or a woman or girl coming to the United States for the purpose of prostitution, or for any other immoral purpose, and that also, according to the best of his knowledge and belief the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

SEC. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens, the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessel.

SEC. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof, as required in sections 12, 13, and 14 of this act, he shall pay to the collector of customs at the port of arrival the sum of $10 for each alien concerning whom the above information is not contained in any list as aforesaid: *Provided*, That in the case of failure without good cause to deliver the list of passengers required by section 12 of this act from the master or commanding officer of every vessel taking alien passengers out of the United States, the penalty shall be paid to the collector of customs at the port of departure, and shall be a fine of $10 for each alien not included in said list; but in no case shall the aggregate fine exceed $100.

SEC. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of aliens provided for in sections 12, 13, and 14 of this act, it shall be the duty of said officers to go or send competent assistants to the vessels to which said lists or manifests refer, and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which such aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transporation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention thereafter until the return of such aliens to their care.

SEC. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health and Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien, or, should medical officers of the United States Public Health and Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergencies for the said service, upon such terms as may be prescribed by the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor. The United States Public Health and Marine-Hospital Service shall be reimbursed by the Immigration Service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of Commerce and Labor.

SEC. 18. That it shall be the duty of officers, owners, or agents of any vessel or transportation line bringing an alien to the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the negligent failure of any such officers, owners, or agents to comply with the foregoing requirements shall be deemed a misdemeanor and be punished by a fine in each case of not less than one hundred nor more than one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported as provided in section 20 of this act.

SEC. 19. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back to the countries whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessel shall refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens, or shall fail to detain them thereon, or shall refuse or fail to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, or shall make any charge for the return of any such alien, or shall take any security from him for the payment of such charge, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine of not less than $300 for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid: *Provided*, That the Commissioner-General of Immigration, with the

approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner-General of Immigration, the deportation of any alien found to have come in violation of any provision of this act, if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund," but no alien certified, as provided in section 17 of this act, to be suffering with tuberculosis or with a loathsome or with a dangerous contagious disease other than one of quarantinable nature shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: *Provided*, That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the "immigration fund," be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported.

SEC. 20. That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing, shall be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States, upon the warrant of the Secretary of Commerce and Labor. Such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, at the expense of the immigrant fund provided for in section 1 of this act: *Provided*, That pending the final disposal of the case of any alien so arrested he may be released under a bond in the penalty of not less than $500 with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been arrested, and for deportation if he shall be found to be unlawfully within the United States.

SEC. 21. That in case the Secretary of Commerce and Labor shall be satisfied that an alien has been found in the United States in violation of this act, or that an alien is subject to deportation under the provisions of this act or any law of the United States, he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section 20 of this act, and a failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 19 of this act: *Provided*, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person of the same sex for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner.

SEC. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of Commerce and Labor, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bonds, reports, entries, and other papers and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud or loss, and shall have authority to enter into contracts for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of Commerce and Labor. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time, as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges: *Provided*, That the Commissioner-General of Immigration may, with the approval of the Secretary of Commerce and Labor, whenever, in his judgment, such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons, in accordance with the provisions of section 17, for service in foreign countries.

SEC. 23. That the duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Commerce and Labor.

SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed, and their compensation fixed and raised or decreased from time to time, by the Secretary of Commerce and Labor upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service act of January 16, 1883: *Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, may employ, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw from the immigrant fund annually $50,000, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be to the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August 18, 1894, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered under the provisions of this act who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of an alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section 5392, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

SEC. 25. That such boards of special inquiry shall be appointed by the commissioners of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the aproval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of Commerce and Labor, upon recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision, which shall be rendered solely upon the evidence adduced before the board of special inquiry: *Provided*, That in every case where an alien is excluded from admission into the United States under any law or treaty now existing or hereafter made the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Commerce and Labor; but nothing in this section shall be construed to admit of any appeal in the case of an alien rejected as provided for in section 10 of this act.

SEC. 26. That any alien liable to be excluded because likely to become a public charge may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor, upon the giving of a suitable and proper bond or undertaking, approved by said Secretary in such amount and containing such conditions as he may prescribe, to the people of the United States, holding the United States or any State, Territory, county, municipality, or district thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, district, county, or municipality in which such alien becomes a public charge.

SEC. 27. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

SEC. 28. That nothing contained in this act shall be construed to affect any suit, action, or proceeding brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act; but as to all such suits, actions, proceedings, acts, things, or matters the laws or parts of laws repealed or amended by this act are hereby continued in force and effect.

SEC. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act.

SEC. 30. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigration station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe: *Provided*, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the United States Treasury to the credit of the immigrant fund provided for in section 1 of this act.

SEC. 31. That for the preservation of the peace, and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purposes of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose.

SEC. 33. That for the purpose of this act the term "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone: *Provided*, That if any alien shall leave the Canal Zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.

SEC. 34. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

SEC. 35. That all aliens who shall enter the United States except at

the seaports thereof, or at such other place or places as the Secretary of Commerce and Labor may from time to time designate, shall be adjudged to have entered the country unlawfully and shall be deported as provided by section 20 of this act.

SEC. 36. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable or that they can be permitted to land without danger to other persons, they shall, if otherwise admissible, thereupon be admitted.

SEC. 37. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals of of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of Commerce and Labor under such rules and regulations as he shall prescribe.

That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of Commerce and Labor, shall be fined not more than $5,000 or imprisoned for not less than one nor more than five years, or both.

SEC. 38. That no alien over 16 years of age physically capable of reading shall be admitted to the United States until he has proved to the satisfaction of the proper inspection officers that he can read English or some other language or dialect, and the Secretary of Commerce and Labor is hereby authorized and directed to prescribe from time to time such methods and rules as he may think best for the purpose of testing the ability of such immigrants to read: *Provided*, That an admissible alien over 16 years of age, or a person now or hereafter in the United States of like age, may bring in or send for his wife, his mother, his grandmother, his affianced wife, his father who is over 55 years of age, or his grandfather, if they are otherwise admissible, whether they are able to read or not; and such persons shall be permitted to land: *Provided further*, That a daughter not exceeding 21 years of age or a son not exceeding 18 years age, otherwise admissible, if accompanying an admissible alien father or mother, shall be permitted to land whether said daughter or son is able to read or not: *Provided further*, That the provisions of this section shall not apply to aliens entering the United States from the Dominion of Canada, Newfoundland, the Republic of Cuba, and the Republic of Mexico, provided that they show to the satisfaction of the appropriate immigration officials that they have been respectively domiciled in any of said countries for a period of three years, nor to the inhabitants of the Philippine Islands, Guam, or Porto Rico, except as provided at the end of this section, nor to aliens permanently domiciled on the North American Continent returning overland from foreign contiguous territory after a temporary sojourn therein to resume a domicile in the United States already acquired and uninterrupted by absence except in foreign contiguous territory, nor to aliens in contiguous transit through the United States to foreign contiguous territory: *Provided further*, That the provisions of this section shall not apply to aliens arriving in the Philippine Islands, Guam, Porto Rico, or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent, the provisions of this section shall apply.

SEC. 39. That the Commissioner-General of Immigration, under the direction of the Secretary of Commerce and Labor, be, and he is hereby, authorized and directed to establish and maintain at each of the immigrant stations within the United States a bureau of information. Such bureau shall be properly officered, and shall, under such rules and regulations as the Commissioner-General of Immigration may from time to time establish, collect and furnish to all incoming aliens, who may ask for the same, data as to the resources, products, and manufactures of each State, Territory, and District of the United States; the prices of land and the character of the soils therein; the routes of travel thereto; the cost of transportation thereto; the opportunities for employment in the various skilled and unskilled occupations in each of said States, Territories, and Districts; the rates of wages paid for such labor, respectively, in each of said States, Territories, and Districts; the cost of living therein, and all other information that in the judgment of said Commissioner-General of Immigration might tend to enlighten the alien immigrants coming to such immigrant stations as to the inducements to settlement in each of the various States, Territories, and Districts of the United States: *Provided*, That the bureau provided for in this section may, at the discretion of the Commissioner-General of Immigration, furnish such other information to alien immigrants as may be useful and proper.

SEC. 40. That when any State or Territory appoints and maintains at its own expense an agent or agents to represent it at all or either of the immigrant stations, the Commissioner-General of Immigration shall furnish such agents with suitable quarters and accommodations, and permit them to have access to all immigrants after they have been duly admitted, for the purpose of furnishing them information, oral or printed, and displaying resources and products to induce immigrants to settle in their respective States and Territories; and, so far as may be consistent with the discharge of the duties assigned them, the various immigration officers of the United States shall be required to aid said agents, under appropriate regulations prescribed by the Commissioner-General of Immigration; and such sum of money as may be necessary to carry into effect the provisions of this section is hereby appropriated, and shall be paid by the Commissioner-General of Immigration out of the immigrant fund provided for in section 1 of this act.

SEC. 41. That nothing in this act shall be construed to apply to accredited officials of foreign governments nor to their suites, families, or guests.

SEC. 42. That the act of March 3, 1903, being an act to regulate the immigration of aliens into the United States, except sections 34 and 39 thereof, and the act of March 22, 1904, being an act to extend the exemption from head tax to citizens of Newfoundland entering the United States, and all acts and parts of acts inconsistent with this act are hereby repealed: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section 6, chapter 453, third session Fifty-eighth Congress, approved February 6, 1905.

SEC. 43. That this act shall take effect and be in force from and after ninety days after its passage.

The CHAIRMAN. Under the order adopted by the House, which the Chair will read for information, the House is in Committee of the Whole—

on the amendment in the nature of a substitute reported by the Committee on Immigration and Naturalization, which will be read through—

Which has been done—

after which section 1 of said amendment shall be considered for not longer than one hour under the five-minute rule for amendments.

So that section 1 is now open for consideration. The Chair recognizes the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

In line 19, on page 23, strike out "five" and insert "two."

Mr. STEENERSON. Mr. Chairman, that amendment places the head tax at $2, the same figure which it now is under existing law, instead of $5 as proposed by the committee.

In this connection I desire to state that the State of Minnesota, which I have the honor in part to represent, is in favor of the encouragement of immigration of the right sort. The State has a large amount of unoccupied lands, recently ceded by Indian tribes, which lands need settlers. The last legislature of the State appropriated money for the purpose of advertising the State and the unoccupied lands, in order to induce immigration. The platform of the dominant party recently adopted a plank in favor of further appropriations for that purpose and in favor of the encouragement of immigration for the development of the resources of the State.

I believe that if this "head tax," so called, is raised from the present figure, $2, it will discourage the kind of immigrants which are in every way desirable, and which the State of Minnesota especially wants. It is stated in the report of the committee that the head tax is intended to restrict immigration. I will read the part of the report which refers to it:

The increase of the head tax was adopted largely owing to the belief that it will tend to decrease the number of aliens and tend to exclude the less desirable.

Now, in my humble opinion, it will have exactly the opposite effect. It will discourage the most desirable. It will discourage the immigration of men with large families, but it will permit the landing of laborers who come singly, who come here not to make their homes in the country, but to compete with our own high-priced laborers. A difference of $3 in the head tax to the man who comes here to work for wages amounts to but a day or two of labor. He may come here to labor for a year or for six months with the intention of returning to his native land to spend his earnings.

In our State we have a large percentage of foreign-born citizens, but nowhere is the standard of citizenship higher. Our people are as patriotic and progressive and as prosperous as any in this Union or in the world. We have a most liberally endowed and efficient system of free common schools, as well as higher institutions of learning. We offer the advantage of these institutions to all and welcome the honest, the industrious, and law-abiding who desire an opportunity to improve their condition and become citizens of this great Republic. We do not desire to encourage those who come simply to labor for wages for a time, eventually to return with their earnings to the country from whence they came.

It is such people who compete with our own labor and which are not desirable. Such immigration should be discouraged. It is only those who come here with the intention of making this their permanent home, with the intention of settling here permanently, and raising families here that we desire and which we ought to encourage. Now, Minnesota lies right alongside of Canada, and if this policy should be adopted, it would be impossible for Minnesota, with her vast unoccupied lands, to compete in immigration with Canada. I desire to have read, Mr. Chairman, in my time a clipping from the Geographic Magazine relative to the policy of Canada in this regard, which shows the effect that encouragement of this kind, either by a bonus or lowering the head tax, has upon immigration.

The Clerk read as follows:

CANADIAN IMMIGRATION.

The Canadian commissioner of immigration in London, Mr. W. T. R. Preston, talking on the successful efforts of the Canadian government to induce immigration to that country from Great Britain, said:

"Five years ago Canada was receiving 12½ per cent of the total of from 60,000 to 70,000 emigrants from Great Britain to North Amer-

ica. Now she receives over 50 per cent. In these five years the immigrants into Canada from Great Britain have increased from 8,000 annually to 65,000. Canada wants population. A net bonus of $1.75 per head is given by the government to every immigration agent in Great Britain sending out emigrants to settle the land. Each British agricultural emigrant averages a total cost of $13 to the Canadian government, and each continental emigrant costs the sum of $5. Consequently the Canadian government is paying $8 per head more for British than for continental emigrants."

The Colonizer, of London, publishes an interview with a firm in that city which makes it its business to send children to Canada. The head of the firm stated that for $125 they would send a boy, pay his fare, and take care of him until he has settled with some farmer. The boy is paid from $5 to $12 per month by the farmer.

The payments by the Canadian government to the emigration agents in Europe for each emigrant sent to Canada accounts for the large increase of emigration to that country in recent years.

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

Mr. BENNET of New York. Mr. Chairman, I ask that the gentleman have two minutes more.

The CHAIRMAN. The gentleman from New York asks that the gentleman from Minnesota may have two minutes more. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, I think the experience of Canada in this regard shows that the tax or bonus does influence immigration. Now, they wanted immigration from England, and Canada five years ago only got 12 per cent of the sixty or seventy thousand that left England for other countries, and by giving this small bonus they increased it, so now they are receiving 57 per cent of the immigration leaving England. So, I say, if we should raise this head tax $5 it would discourage the very best kind of immigrants. Men with families of eight or ten children would have to pay some $50 or $60, while it would permit a single man to come here with a single tax upon his own head.

For this reason I believe I speak the sentiments of my State and of the Northwest, as well as the enlightened opinion of the American people, when I say that we are opposed to this proposition of raising the head tax. Outside of that provision, I believe the bill is a very good one. It adds many restrictive provisions to the present law, so that immigrants to be admitted must be both physically and morally sound. It selects the best kind of people obtainable and permits them to come here. I believe this amendment should be adopted. [Applause.]

Mr. GARDNER of Massachusetts. Mr. Chairman, the great difficulty with the argument of the gentleman from Minnesota is its inaccuracy. As a matter of fact, he says the most desirable immigrants would be kept out because they would have to pay $5 a head for each one of their children, and that is what the minority report says. Let us see. The minority report says that by general consent northern races are the most desirable.

Mr. BENNET of New York. The minority report says that those are the races that send the majority of the immigrants.

Mr. GARDNER of Massachusetts. I will read what the minority says:

We are thus discouraging the very kind of immigration that, by general consent, should be encouraged, and to that extent assisting the vigorous efforts being made by the Canadian government to divert immigration to that country.

Southern Italy, which is said to be undesirable, sent 16,000 children *under* 14 years of age. The Scandinavians sent only 6,000 under 14 years of age. The Irish sent only 2,500 under 14 years of age. What becomes of your argument that these races which by general consent are said to be the most desirable will have to pay a great deal more on account of large families?

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

Mr. GARDNER of Massachusetts. Yes.

Mr. COCKRAN. What does the gentleman mean by "general consent?"

Mr. GARDNER of Massachusetts. I refer the gentleman to the author of the minority report, who used the phrase.

Mr. COCKRAN. The gentleman just used the phrase, and I thought he could state what he meant.

Mr. GARDNER of Massachusetts. I have answered the gentleman as best I could. The $5 head tax was put on because the higher the head tax you make the steamship companies pay the less people are coming to this country.

Mr. COCKRAN. Then the gentleman——

Mr. GARDNER of Massachusetts. I have not yielded to the gentleman from New York. I will yield to the gentleman when my time is extended.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. GARDNER of Massachusetts. I do not yield. Now, the increased head tax was adopted for this purpose. I accepted the responsibility of reporting the bill on the express condition that I should favor a higher head tax than that proposed. I believe that the head tax ought to be $25 instead of $2, because we are getting a million people here every year. We got more than a million last year, and we will have a good deal more than that this year. It is entirely too many to come to this country in any one year, even if they were the best in the world. It is entirely too many to assimilate. Now, if you pass this bill as it stands, with the educational test, it may cut off 250,000, and that will leave our immigration next year about 800,000.

Eight hundred thousand is entirely too many in my opinion. If you want to cut them down still further, instead of adopting the suggestion of the gentleman from Minnesota [Mr. STEENERSON], raise your head tax to $25, instead of depressing it to $2. Let me, by the way, remind this House that the steamship companies pay that tax. You may say that it ultimately comes out of the immigrant's pocket, but the steamship companies argue that it comes out of their pockets.

Mr. BENNET of New York. Mr. Chairman, I want to disagree for a brief time with the facts as stated by the gentleman from Massachusetts [Mr. GARDNER]. In the first place, the minority report—and I say this in justice to the gentleman from New York [Mr. RUPPERT], who is absent, as well as to myself—did not attempt to draw any line between races as to which were the more desirable, but took the ground, which I stand on here, that persons who come here with large families and with the intention of staying and becoming American citizens do make the most desirable kind of immigrants. So much for that.

The gentleman says there are a million coming in every year. I dissent from that idea. There were 1,026,000 paid the head tax in 1905. In addition to that there were a number who came in from Canada and Mexico, of whom no record was kept whatever, but on the steamers going the other way there were in the steerage 340,000 or 350,000. That is an approximate estimate only, but it is not far from right. That number has to be deducted from the million.

Mr. POLLARD. Are these 340,000 or 350,000 immigrants that the gentleman speaks of immigrants who are refused?

Mr. BENNET of New York. No. There are no exact statistics; but we have the right to draw the inference that being in the steerage and going back they were mainly aliens, and everybody concedes that to be the fact. Then, besides that, there were in that million 175,000 people—aliens—who had been in this country before, so that instead of adding a million to our population the immigration of 1905 added somewhere between six and seven hundred thousand, in round numbers.

As to the head tax, the present head tax is $2, and if the amendment of the gentleman from Minnesota [Mr. STEENERSON] is adopted it will remain at that figure. What has that done up to date? It has paid every dollar of expense of the Immigration Service. It has built every building that is used for the Immigration Service in the country; it has built every vessel that is used in the Immigration Service. We have appropriated this year in the sundry civil bill, to be paid out of that fund, $500,000 for the exclusion of the Chinese. All of those things I have enumerated have been paid for out of the $2 head tax. Yet on the 31st of December, 1905, there was a surplus in this fund of $2,400,000. Mr. Chairman, this proposition to add $3 to this head tax is just like taking pennies from a dead man's eyes. It is making these poor people pay a tax for the benefit of the United States Treasury.

Mr. HINSHAW. Mr. Chairman, I desire to ask the gentleman if he believes that raising the head tax from $2 to $5 would tend to exclude any undesirable people?

Mr. BENNET of New York. Answering the gentleman's inquiry, I would say that it would not stop 400 folks from coming.

Mr. GAINES of Tennessee. Will the gentleman please tell us why he wants so many people to come to the United States and live whom he does not know personally and whom very few people know personally without any certificate of character? [Laughter.]

Mr. BENNET of New York. There is an obvious answer, but I do not desire to make it. I will discuss that under section 38, where it is more germane.

Mr. GAINES of Tennessee. Information is always germane, I think.

Mr. BURLESON. I would like to answer the gentleman from Tennessee. I would ask him whom he expects to issue the certificate of character?

Mr. GAINES of Tennessee. We could have somebody on this side and somebody on the other side and some one on the ship which brings them over here to examine them.

Mr. BURLESON. Why, under that condition of affairs, Carl Schurz could not have come to this country.

Mr. GAINES of Tennessee. Well, there are a good many of them that come here that haven't any shirts at all. [Laughter.]

Mr. BENNET of New York. Mr. Chairman, the majority of

the committee that reported this bill knew that this $3 would produce a surplus, for on page 25 you will find this provision:

Provided further, That if in any fiscal year the amount of money collected under the provisions of this section shall exceed $2,500,000 the excess above that amount shall not be added to the immigrant fund.

In other words, it shall be paid into the general Treasury, and we are to tax these poor people $3 apiece for money that we do not need. Mind you, this tax applies to a baby just as much as it does to a grown man, so that you have this effect, that a man of the very best character coming here with his wife, and, say, four or five children—and we will say five for the purpose of illustration—will pay a penalty of $21 for coming into this country, while the man who comes here a free lance, simply with the idea of seeing if the country suits him, pays only $3, and to the man who comes here simply for desultory labor, to go back and forth, $3 means nothing. It means less than two days' work, while with the man who comes here after a struggle, who has to pay the steamship company fare for a big family, to pay this extra unnecessary item adds considerably to his expense, and there is no justification whatever for the additional $3.

The CHAIRMAN. The time of the gentleman has expired.

Mr. POLLARD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BENNET of New York. There is going to be offered under a later section a provision for a commission to study this whole subject. So far as the facts go now, the argument is with us. The argument can not be against us if the commission proposition be adopted. There can not anybody show why $3 should be added, and I trust the amendment offered by the gentleman from Minnesota will be adopted. A head tax which has produced a surplus of two and a half million dollars ought to be let alone, and these poor people should not have money extorted and squeezed from them by a Government which ought to be rich enough to raise money in some other and more reputable way. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, it is impossible under the five-minute rule to discuss the general problem of immigration. It should be more extensively discussed, because it is a problem that, in my judgment, is more talked about and less understood than any other question before the American people, but under the rule I shall have to confine myself to a discussion of the two special features of the pending bill which seem to me most objectionable, namely, the increase of the head tax and the illiteracy or educational test. Before doing so, however, I wish to remind the House of the fact that this is the first time in our history that a serious restriction of immigration is attempted in times of prosperity. Heretofore, in prosperous times, these waves of humanity were usually permitted to come to our shores unmolested, and only in periods of industrial depression, when our own labor was unemployed, was every shipload of newcomers regarded, more or less, in the light of a hostile invasion. The hard times immediately preceding and during Buchanan's Administration gave rise to the so-called "Know-nothing" agitation, and the depression under Grover Cleveland again turned the public mind against what were called the evils of immigration. But at a time such as this, when American labor is fully employed, when the great West and the South are loudly clamoring for manual laborers, the cry against immigration has never before been raised. The inference is, Mr. Chairman, that the present agitation is not based on natural causes, but is an artificial one, especially in view of the fact that the stream of immigration usually regulates itself—that its tide rises and falls with the tide of our prosperity and industrial conditions.

But be that as it may, it is certain that the American people, while opposed to undesirable immigration, are still largely in favor of permitting really desirable immigrants to cast their lots with us. The question is, How and where shall the line be drawn? In effect, this bill as it now reads stigmatizes the man who is unable to read or who can not put up $5 for himself and each head of his family as an undesirable immigrant, and excludes him. He may be strong and healthy, of sound mind and good character; he may come to better his condition, as nearly all of them do; he may be willing to help build our railroads, dig our canals, harvest our crops, and work in our mines and to make this country his home and identify himself with our institutions; it makes no difference; under this bill he is barred if he can not show a certain amount of money and if he has not had the opportunity to learn how to read in the English or his own language. The head tax at present is $2. This is to create the fund out of which the administration of the immigration laws is paid, but that fund, I understand, has a surplus at the present time of over $2,000,000; consequently the increase from $2 to $5 can not be justified on financial grounds. Hence, the advocates of this increased tax appear to believe that the difference between $2 and $5 converts an undesirable to a desirable immigrant.

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

Mr. BARTHOLDT. May I have a moment or two more?

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes.

The CHAIRMAN. Is there objection to the request?

Mr. GARDNER of Massachusetts. Mr. Chairman, pending agreeing to that, I should like to ask how much time has been exhausted already by those favoring this amendment?

The CHAIRMAN. The Chair will state to the gentleman from Massachusetts that the Chair has not kept the time in that manner, but twenty-five minutes of the one hour has been exhausted now.

Mr. GARDNER of Massachusetts. Twenty-five minutes of the one hour, and on this single amendment.

The CHAIRMAN. The Chair will state to the committee that this debate is proceeding now by uanimous consent. If anyone objects, he can not proceed further, because this is an amendment to an amendment, and therefore five minutes on each amendment exhausts debate except by unanimous consent.

Mr. GARDNER of Massachusetts. Mr. Chairman, I give notice that after the gentleman for whom time has just been extended has concluded, I shall object to any further extension either on this side or on the other.

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent that his time may be extended for five minutes. Is there objection?

There was no objection.

Mr. BARTHOLDT. Is it possible that any sane and well-meaning man can hold to the opinion that the difference of $3 furnishes a test of character? It is unnecessary, I believe, to attempt an answer to such an absurd question. But we should bear in mind that the increased tax will work a particular hardship to the man who comes with his family; in other words, it discriminates against the man we want and in favor of the adventurer who comes alone and whom we do not want. I sincerely hope, therefore, that the bill will be amended so as to restore the old tax, which has proved an ample source of revenue. Surely it can not be the intention of our Government to make money out of the poor immigrant, and thus make his start in the New World the more difficult.

Reverting to some of the arguments of the gentleman from Massachusetts [Mr. GARDNER] as to the addition to our population by immigration, I should like to state in a general way only, because I have not the time to go into the subject more fully, that at the present time we have in this country about 19 heads of population to the square mile. In Germany they have 340; in Belgium, 567. Consequently it seems to me that we are able to welcome to these shores hundreds and hundreds of millions before we will even have a population as dense as that of the European countries to-day. The fact is that you could move all of the people of the United States into the one State of Texas, and then Texas would not be populated as densely as Germany is to-day.

I hold, Mr. Chairman, that that country represents the highest type of civilization which is able to support the largest number of people. If the people of Europe can support the numbers indicated, why should Americans not be able to do it? Is our land less fertile? Are our natural conditions not as favorable as those of Europe? Why, then, should we discriminate against the newcomer? Another point I should like to call the attention of the House to is that population fixes values. If you would take one-half of the people out of the city of New York to-day property would go down just 50 per cent. If you would move into the plains of the West a million people where there were none before, property values would rise to just that extent. Consequently, every newcomer to this country adds, no matter what he has in his pocket, to the wealth of this country. Furthermore, Mr. Chairman, we must remember that every immigrant is old enough to battle for himself. His expenses of education, the expenses of his raising, have been paid by Europe, and when he comes to this country just at a time when Europe expects a return for the outlay, I claim that to us he represents an economical value. Like every other good citizen, I am in favor of keeping out undesirable immigrants, but I can not admit that lack of money and the inability to read make any human being objectionable as a man. Let us uphold American traditions and give the poor a chance as well as those who are already punished enough by a lack of opportunity to learn in the countries whence they come.

[Here the hammer fell.]

Mr. BURNETT. Mr. Chairman, I desire to say just a few words in support of the proposition as reported by the committee relative to the $5 head tax. There were various propositions before the committee, and there will perhaps be offered amendments to increase the head tax. I am not a high-head-tax man. I support this proposition as presented by the committee against the proposition to increase the head tax beyond that.

I believe, Mr. Chairman, that this bill will pass, and I believe this bill will entail considerable expense. There are general propositions involved in it, so far as the execution of the immigration plans are concerned, that will increase the expenses and will necessitate, in my opinion, an increase of the head tax to meet those expenses. It is true, as gentlemen have said, that under the present law the Bureau of Immigration has not been able to consume the amount of the head tax that has really been realized, but, Mr. Chairman, there is a bureau of information provided for in this bill. It is a bureau of information that every State in this Union will have an interest in, and in connection with that the States are authorized to have their agents at each immigration post, and the immigration inspectors and the commissioner are required to have quarters prepared for these State agents who attend the post. Then there is that item additional, and an additional expense when each State has an agent, and it provides that these agents shall be furnished information whenever they request it. Not only that, but this bill will require more careful and more cautious and active guarding of the Canadian and Mexican borders. In that way a very great additional expense, in my judgment, will be incurred, and we will find that after a while these additional expenses will more than consume the amount allowed under the $1 head tax, and we will be having a deficit, and it will be necessary to pass additional appropriations for the purpose of carrying out our policy with this information bureau and these guards. It is my opinion that it is necessary that there should be an increase. I believe the $5 additional increase will meet all the necessary expenses, at least for a long time to come. Not only that, but there is another item. This bill proposes that there shall be a more careful examination and weeding out of these immigrants on the other side of the waters, so that they will not be put to the necessity or the expense and trouble and inconvenience of being returned if they are not admitted. That will, of course, incur additional expense. There are many other items that I could name all of which I believe render it necessary to have this increase.

Now, gentlemen say it will discourage laboring men from coming to us that we would like to have. I for one stand here to say that so far as the section of the South I represent is concerned, we welcome every man from northwestern Europe—German, English, French, Irish, Scotch, Scandinavian, and all people of that kind; and Mr. Braun, who was sent as a special immigrant inspector to Europe, says that one of the principal reasons of the decrease in the immigration from that particular section of Europe has been brought about by the considerable increase from southern Italy, Austria-Hungary, and Syria, and from undesirable immigrants generally.

Mr. McNARY. What nationality is Mr. Braun?

Mr. BURNETT. I think he is a Hungarian. I will say to the *gentleman* that Mr. Braun has been given a certificate of good character from the gentleman from New York, Mr. SULZER, and he sat upon the platform with the gentleman from New York, Mr. BENNET, the other day in New York when the gentleman who filed the minority report was speaking against this very proposition.

Mr. McNARY. A Hungarian Jew.

Mr. BURNETT. It does not make any difference whether he be Jew or Gentile; so that he is a white man and an honest man, he is entitled to respect in a white Congress. [Applause.]

Mr. BENNET of New York. I ask unanimous consent that the gentleman from Alabama be allowed to proceed for two minutes longer. As the gentleman does not seem to desire it, I will withdraw the request.

Mr. PARSONS. I make the point of order that debate on this amendment is exhausted.

Mr. COCKRAN. Was there not to be an hour's debate on the amendment?

The CHAIRMAN. Not on the amendment to the amendment. The Chair will state to the gentleman from New York that we are now considering an amendment to an amendment, and under the rules of the House five minutes of debate is permitted on each side, except by unanimous consent.

Mr. COCKRAN. I ask permission to say a word on this amendment. This subject is one I would like to speak to.

The CHAIRMAN. Only one speech on each side can be made on the amendment.

Mr. COCKRAN. I ask consent of the committee to be heard.

The CHAIRMAN. The gentleman from New York asks unanimous consent——

Mr. PARSONS. Mr. Chairman, there are other amendments to be offered to this section, and if unanimous consent is asked to debate this one, I shall have to object.

The CHAIRMAN. The gentleman from New York objects. The question is on the amendment.

Mr. COOPER of Pennsylvania. I ask that the amendment be again reported.

The amendment was again reported.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. BENNET of New York. Division!

The committee divided; and there were—ayes 73, noes 67.

Mr. GARDNER of Massachusetts. I ask for tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] and the gentleman from Minnesota [Mr. STEENERSON] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 94, noes 79.

Accordingly the amendment was agreed to.

Mr. LITTAUER. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 26, in line 10, after the words "shall apply," add *"Provided further,* That an immigrant who proves that he is seeking admission to this country to avoid prosecution or punishment on religious or political grounds, for an offense of a political character, or prosecution involving danger of imprisonment or danger to life and limb on account of religious belief, shall not be deported because of want of means or the probability of his being unable to earn a livelihood.

Mr. LITTAUER. Mr. Chairman, our forefathers sought refuge on this continent to escape from civil and religious persecution. The very foundation of this Government was attachment to civil and religious liberty. That heritage never demanded or deserved greater recognition than on this day, when we are confronted with the horrors of the Russian situation from Kishinef to Bialystok [applause], horrors depicted in lurid statements in the press throughout the world, arousing the just sympathy of humanity. To refuse to the political or religious refugees who seek admittance to our country, to refuse to permit them to enjoy the blessings of our land, would prove that we are unworthy of our origin and that we do not hold in just esteem the heritage of the fathers. [Applause.]

Mr. Chairman, I appeal to this House to adopt this amendment, which grants only to those who prove they are political or religious refugees that they shall not be deported because of want of means or the probability of being unable to earn a livelihood. I ask this in order that we may reiterate our continued attachment to the principles of civil and religious liberty.

Mr. GOLDFOGLE. Mr. Chairman, I rise for the purpose of supporting the amendment offered by the gentleman from New York [Mr. LITTAUER]. I had prepared and it was my purpose to offer an amendment in the line of that before us now, making an exception in favor of immigrants who unfortunately are the victims of political and religious persecutions, and who, to avoid the dangers and outrages that threaten them, seek habitation in our land, where they can best work out their destinies and be freed from the evils of racial and religious intolerance. The amendment I desired to offer goes a little further than the amendment now under consideration, for it contemplates to relieve the political and religious refugee from the operation of the so-called "educational clause" in the bill.

Mr. Chairman, there are excellent reasons why the amendment should pass. The recent massacres in darkest Russia following closely upon others of a like barbaric character, in which unoffending men, women, and children were slaughtered and thousands more subjected to brutal outrages, make it fitting that at this time we should exempt from certain provisions of this immigration bill the poor, unfortunate, oppressed refugee who, to escape the horrors of bitter race hatred and fanatical persecution, seeks America as his home and our shores as his asylum against tyranny and oppression. [Applause.]

In the country from whence comes the refugee whose only offense is loyalty to conscience—whose only crime is fidelity to religious faith—the victim becomes the subject of the greed and rapacity of his persecutors. He is robbed of his means, if he have any, and despoiled of his possessions, whether great or small. There is nothing he has, whether life or wife or child, that is safe or sacred in the eyes of the bigot or fanatic. He is pursued with relentless fury and his property and his habitation falls a prey to the brutal and frenzied mob. Rapine, murder, and outrages that beggar description and too frightful to relate are the unhappy lot of the victims of religious persecution

in Russia. Streets have run red with the blood of the innocents and the fires kindled by the fanatical miscreant have laid waste the homes of the proscribed. Do you wonder, then, that fleeing from the scenes of these dastardly and diabolical outrages, the unfortunate victims of these persecutions seek a more hospitable clime and look to America as the haven wherein they can find an abiding place and be permitted under our constitutional system here to worship as their consciences dictate? [Applause.]

In seeking the adoption of the amendment we do not seek the admission to our shores of the unworthy or the vicious. But the unfortunate and downtrodden who, departing from his country to escape persecution as a consequence of his religious beliefs, ought not to be barred out simply because he comes to us poor in pocket or can not pass an educational test.

In many instances and in many places in Russia, denied the right to enter the schools, and then again compelled because of cruel and restrictive laws to live under conditions in certain places that render education impossible to many, you must not be surprised that the refugee ofttimes comes unable to read or write so as to pass an educational test.

And yet, Mr. Chairman, these people are quick to learn when given the opportunity. Their children are quick to learn, and anyone who has at all watched their progress in our American schools will bear me witness that they make some of the brightest, smartest, and most intelligent pupils in our public schools.

In the district I have the honor to represent there dwell many thousands of men and women, natives of Russia, of Roumania, of Hungary, and other countries where the spirit of intolerance still exists. They have made good citizens. They are law-abiding. They come to us poor, some penniless, some illiterate. Yet they realized that here is the God-blessed land of opportunity. They were thrifty. They were anxious to learn. They were industrious and good home builders. They were freed from the enslaved and proscribed conditions of intolerant monarchies, and breathed the free air and drank in the bright sunshine of our land that gave them liberty and insures them the enjoyment of human freedom. [Applause.]

What has been the result of all this? Through their brawn and muscle and brain they have thrived and contributed to the general welfare. They have been stirred by the spirit of American patriotism and are grateful to America for what America has done for them.

If I had but the time now, how I would like to describe the soul-stirring and patriotic scenes that I have time and time again witnessed when I visited the exercises of the children of these foreigners in our public schools. Many of them—yes, thousands upon thousands of them—children of just the kind of refugees as we have spoken of to-day, the pride of the school, quick to learn and making some of the best pupils of our public schools.

Mr. Chairman, only recently I visited one of these schools in the lower part of New York. There was a very large class of poor immigrant children—children of men who abandoned the lands of tyranny and despotism—and it would have gladdened your hearts, as it gladdened mine, to hear those little ones, with a patriotic fervor which would have done credit to a native American, sing in accents clear and sweet such songs as "My Country 'tis of Thee," "The Star-Spangled Banner," and "Hail Columbia, Happy Land."

Such, sir, are these poor refugees, such their offspring, when you give them the God-given right to breathe the air of human liberty.

I regret that time does not permit of an extended discussion of the questions before us. If it did, I should like to discuss the educational clause of the bill. Many of our best citizens of to-day came to us without education—without a knowledge of those rudiments that would enable them to pass an educational test.

In the moment I have remaining I want to appeal to the House in the name of a common humanity for the adoption of the amendment. I want to ask for the unfortunate, persecuted, maligned, and downtrodden political or religious refugee that protection which is the God-given right of every man—protection against the cruelties of the bigot, against the cowardly murder of the assassin, against the frenzied fanaticism and barbarous outrages of the misguided zealot. [Applause.]

In the spirit that should ever animate Americans in standing for humanity's cause I implore the Members of this House to give their support to the pending proposition. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COOPER of Pennsylvania. Mr. Chairman, before a vote is taken on this I would like to have a clear understanding about the force and effect of this amendment. If I understand it, I think it is possible for a class of people to come into this country and then claim that they are political offenders, no matter whether they are anarchists or otherwise dangerous, and claim that they are political offenders and that they can not be deported. I would like some light on the subject.

Mr. LITTAUER. If the gentleman will permit, the very next section in this bill controls the admission of anarchists and those of a similar tendency. The second section of this bill declares that the following classes of aliens shall be excluded. Among the classes so included are polygamists, anarchists or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all governments or of all forms of law, or the assassination of public officials. Surely nothing in the amendment now pending before the House would exempt those classes or classes of any such character.

Mr. COOPER of Pennsylvania. That prohibits those persons from being admitted as immigrants into the country. Suppose they get here, then the amendment says they shall not be deported because of certain things.

Mr. LITTAUER. This amendment provides that they shall not be deported because of want of means or inability to earn a livelihood.

Mr. COOPER of Pennsylvania. But if they succeed in getting in and then say that they are political offenders the amendment says that they shall not be deported.

Mr. LITTAUER. Section 2 of the bill would expel them because they come within the classes excluded in that next section.

Mr. COOPER of Pennsylvania. If they have succeeded once in getting in and it is declared afterwards that they belong to this class of political offenders, you want to put them out, and then they can not be deported under this amendment.

Mr. LITTAUER. If they be political offenders and come under the designation of anarchists they could be deported at any time. Section 20 declares those who enter the United States in violation of law and become public charges, etc., shall be taken into custody and deported to the country from whence they came at any time after three years' entry into the United States upon the warrant of the Secretary of Commerce and Labor.

Mr. GARDNER of Massachusetts. Mr. Chairman, this amendment purports to be a copy of the amendment in the British alien act which I hold in my hand. It is a copy with a very important difference. The British alien act says "in the case of an immigrant who proves that he is seeking admission to the country solely to avoid prosecution."

Mr. LITTAUER. With the consent of the House, I will modify my amendment to that extent.

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

Mr. GARDNER of Massachusetts. For the purpose of asking unanimous consent.

Mr. LITTAUER. Mr. Chairman, I ask unanimous consent that my amendment may be modified by the insertion of the word "solely" after the word "country;" so that the first clause will read "an emigrant who proves that he is seeking admission to this country solely to avoid prosecution."

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his amendment in the manner stated. Is there objection?

There was no objection.

Mr. GARDNER of Massachusetts. I do not think the amendment reaches what the gentleman from New York wishes to reach. He does not say that those people shall be admitted. He simply says that they shall not be deported, which is a very different proposition. There is nothing in that amendment, to my mind, which will admit the people the gentleman wants to have admitted. Now, I want to say that if an exception is carefully drawn to prevent the educational test applying to these unfortunates I shall not oppose it, if it be carefully guarded and drawn; but that is very different from applying it to this bill at this stage, because it undoes existing legislation. It throws the door open to every one who is coming in now and who is excluded as likely to become a public charge. I am informed that the immigration bureau seriously objects to its being inserted in this paragraph. I do not know, nor do I believe, that they object to its insertion in the educational-test paragraph. The educational test is a new test, and if it is adopted it might be very proper to make this exception, but if it be put in in the present place, it will weaken existing law instead of maintaining it where it ought to be maintained, and where we all know it ought to be maintained.

Mr. GROSVENOR rose.

The CHAIRMAN. The gentleman from Ohio is recognized for the last five minutes under this hour.

Mr. GROSVENOR. Mr. Chairman, I fear that very grave complication will grow up under this hasty style of legislation. Here are three sections, or paragraphs, in this bill which have to be construed in some way. In the second section, in the twenty-third line, we find that the excluded persons—that is, those who are not allowed to come here at all—are anarchists or persons who believe in or advocate the overthrow by force or violence of the United States Government. I think we may take it as a matter of fact that a great many of these people do succeed in getting into this country. No barrier can be created that can exclude improper persons from coming over here and through the gates and into the Republic. Then we have the provision in the twentieth section, which is well drawn, that any alien who shall enter the United States in violation of law—that is to say, these same anarchists who came in here because they were anarchists—and I use the word "anarchist" in its generic sense as covering all those who may come in improperly—and such as become public charges, etc., may be deported under certain circumstances and sent out of the country. But now comes this amendment, and it seems to me that it applies directly to the very class of people who are ordered to be deported under the two provisions of section 2 and section 20:

Provided, That an immigrant who proves that he is seeking admission to this country solely to avoid persecution or punishment on religious or political grounds.

I *submit that* an anarchist, that a man who strikes a blow at all governments, is chargeable with being a political enemy of the country from which he has fled, and clearly by the literal terms of this amendment he is covered and saved from deportation.

But I have another ground that staggers me. I would like to be extremely liberal upon both of these points, but what is religious persecution, or what are religious grounds? Are we to constitute our Board of Immigration at the ports of our country a court to try an immigrant's religious opinion? If so, and this application is made for the purpose of staying here and drawn up on the proposition that the immigrant is protesting against deportation because of persecution upon religious grounds, then, to use a slang phrase, we are "up against" the very proposition that we have steered clear of in all our history as a nation. What is religion? We are driven right to that. What is religious persecution? Why, religious persecution is condemnation, the avoidance, the proscription of a man because of his religious opinion. In Turkey a Mahommedan would proscribe a Christian.

Mr. GOLDFOGLE. Does not the gentleman from Ohio understand that the men, women, and children who were massacred in Russia last year and this year and in years before were massacred and that the outrages occurred because they were Jews?

Mr. GROSVENOR. Undoubtedly.

Mr. GOLDFOGLE. And does not the gentleman from Ohio also recognize the fact that those who profess to have a different religious belief set themselves up because of the religious belief of the people they persecuted?

Mr. GROSVENOR. That is not the point that I am aiming at. There is no question about the position of the gentleman. There is no doubt that those people are driven out of Russia by reason of their religion, among other things.

Mr. GOLDFOGLE. And we want to protect them.

Mr. GROSVENOR. We must protect them in some other way than this way. I would admit every one of them, and I would not have this question of deportation arise in their faces. I have voted to cut down the head tax for the very purpose of letting in exactly such people.

Mr. GOLDFOGLE. What remedy, then, does the gentleman from Ohio suggest?

Mr. GROSVENOR. I would not prohibit an alien from coming into this country because he was totally unfit to come into the country—a pauper——

Mr. GOLDFOGLE. No; but suppose he was without means.

Mr. GROSVENOR. And then put the shield of protection over him because he says he has been persecuted because of some religious belief.

Mr. GOLDFOGLE. The gentleman from Ohio will pardon one suggestion. These people first are robbed, despoiled of all their means by their persecutors——

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

Mr. GOLDFOGLE. I ask that the gentleman's time be extended two minutes that I may ask a question.

The CHAIRMAN. That can not be done under the order, because the House has voted a rule which binds the committee.

Mr. GOLDFOGLE. I ask unanimous consent that two minutes——

The CHAIRMAN. Unanimous consent can not be asked, because it is in contravention of the rule of the House which limits the time of the committee. Debate on the pending paragraph is exhausted. The question is on the amendment offered by the gentleman from New York [Mr. LITTAUER].

The question was taken; and the Chair announced the noes appeared to have it.

Mr. LITTAUER. Division!

The committee divided; and there were—ayes 66, noes 79.

Mr. GOLDFOGLE and Mr. BURLESON. Tellers!

Tellers were ordered.

The CHAIRMAN. The gentleman from New York [Mr. LITTAUER] and the gentleman from Massachusetts [Mr. GARDNER] will take their places as tellers.

The committee again divided; and the tellers reported there were—ayes 92, noes 69. [Applause.]

So the agreement was agreed to.

The CHAIRMAN. Under the operation of the rule, section 38 is now open to the consideration of the committee.

Mr. GROSVENOR. Mr. Chairman, I move to strike out section 38 and insert the following.

The CHAIRMAN. The gentleman from Ohio moves to strike out section 38 and insert the amendment which the Clerk will report.

The Clerk read as follows:

Strike out section 38 and insert in lieu thereof the following:

"SEC. 38. That a commission is hereby created, consisting of two Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and two citizen members, to be appointed by the President of the United States. Said commission shall make full inquiry, examination, and investigation into the subject of immigration.

"For the purposes of the said inquiry, examination, and investigation said commission is authorized to send for persons and papers, make all necessary travel, and, through the chairman of the commission, or any member thereof, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the subject, and to employ necessary clerical and other assistance.

"Said commission shall report to the Congress the conclusions reached by it, and make such recommendations as in its judgment may seem proper.

"Such sums of money as may be necessary for the said inquiry, examination, and investigation are hereby authorized to be paid out of the "immigrant fund" on the certificate of the chairman of said commission, including the expenses of the commissioners, and a reasonable compensation, to be fixed by the President of the United States, for those members of the commission who are not Members of Congress."

Mr. GARDNER of Massachusetts. Mr. Chairman, I raise the point of order that the amendment is not germane to the section which it seeks to amend. I leave it to the Chair without discussion.

The CHAIRMAN. The gentleman states he makes the point of order?

Mr. GARDNER of Massachusetts. I make the point of order, but I have no desire to instruct the Chair on the point of order, that it is not germane to the section which it seeks to amend.

The CHAIRMAN. The Chair will state that, in the opinion of the present occupant of the chair, the amendment is in order. There is not a uniformity of decisions on this question. In times past it has been beld that an amendment of this character must be germane to the section, and at other times it has been held that it is in order if it be germane to any portion of the bill. Under the circumstances which exist, because of the adoption of the rule by the House under which this bill is being considered in the Committee of the Whole and by reason of the fact that the amendment offered by the gentleman from New York [Mr. LITTAUER] was not strictly in order, for, at least, it was a question whether or not it was in order, and the committee did not see fit to make a point of order, and itself fixed the rule in this instance, the Chair believes that the amendment is in order, and therefore overrules the point of order made by the gentleman from Massachusetts. The Chair will further state that this being in the nature of a substitute, it is not in order until the section shall have been perfected by amendment, and not in order for voting, and therefore will not rise until the expiration of the two hours given for the consideration of this section.

Mr. DENBY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert on page 54, line 1, after the words "or not," "*Provided further,* That in case of an immigrant who proves that he is seeking admission to this country solely to avoid religious prosecution or punishment on religious or political grounds or for an offense of a political character,

or persecution involving danger of imprisonment or danger to life or limb on account of religious belief, such immigrant may be admitted, although unable to satisfy the educational test provided in this section, at the discretion of the Secretary of Commerce and Labor, or under such regulations as he may from time to time prescribe."

Mr. DENBY. Mr. Chairman, I thoroughly and earnestly believe in the educational test provided in this bill, because it will restrict a tide of immigration which I think must soon be restricted for the welfare of the American nation. It is, therefore, as a friend of the bill that I offer this amendment. While I do not believe that a large percentage of the immigrants who come here from Europe now come, as did our forefathers, to find here "what there they lost, freedom to worship God," yet it is unfortunately still true that many forms of oppression exist in Europe to-day. And I think no harm can be done by maintaining the noble practice that has prevailed so long in the United States of offering a welcome to those who flee from intolerance in other lands.

The amendment is carefully guarded. It is also based upon the English alien act, as was the amendment offered by the gentleman from New York [Mr. LITTAUER], not that I think for one moment we can learn anything from Great Britain upon the subject of immigration, but that act is well and carefully drawn. And this section is based upon it, and I think is so safeguarded that no harm will be done to the cause of restriction and much good may be shown to the people of Europe. It will be noticed that the section provides that the immigrant must prove that he comes here solely to avoid religious persecution or punishment or persecution involving the danger of imprisonment or danger to life or limb. It is not left with the bare statement, but proof must be made. I opposed the last amendment in regard to the likelihood of becoming a public charge, because it tends to lower the bars, but this does not lower the bars now existing. It will be noticed also that the matter of admission or nonadmission of any immigrant claiming the exemptions of this amendment is left with the discretion of the Secretary of Commerce and Labor, or if he does not care to exercise that discretion, then under such regulations as he himself may prescribe. As a friend of the provision providing for an educational test, I hope there will be no opposition.

Mr. MAHON. I would like to ask the gentleman a question. What do you mean by political persecution? That is a pretty broad term. Suppose a political party in France tried to destroy the Government and because of that the Government would drive them out, and from that cause they would come to this country?

Mr. DENBY. The moment a political offense involves moral turpitude or the moment it becomes anything which infringes upon the rights of other individuals to the extent of doing harm amounting to a violation of the laws of our country, that moment it ceases to be a political offense in the purview of international law. You may not commit a Phœnix Park murder, which many claim to have been purely political, and claim refuge on the ground of political offense. You may not commit any such offense against good order and right living and still claim the benefit of political exemption in international law.

Mr. GROSVENOR. The amendment offered by the gentleman from Michigan [Mr. DENBY] is logical and indispensable to the perfection of the provision of the statute. It is directly in line with the provision that has been amended in the bill, and ought to be adopted if the former amendment ought to have been adopted. The provision of the former amendment was that no matter how fraudulently a man got into this country, if he could prove that he was in danger of persecution, political or religious, whatever that may be, if he went back to his former country he should not be deported. Now, I submit that the man who comes boldly to the door and says, "I am an anarchist; I am here because I am afraid I will be persecuted, or I believe in a certain kind of religion, to wit—naming it—and that if I go back I am going to be persecuted, and therefore I want to get in," I say he is the manly man of the two, and if the other fellow ought not to be deported, the man who would sneak in, this man ought to be permitted to come in. How can that proposition be answered? These two amendments deal with the same class of people exactly, men who have fled from political or religious persecution or are afraid they are going to have it. Two of them are on the same ship, just alike, and one of them gets in. This amendment comes forward and says that he shall not be sent back, and the pending amendment comes and says the other fellow may come in. Certainly if one is correct the other is, for they are logical parts of the same performance and proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

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

Mr. BURLESON. I move to strike out section 38.

Mr. BARTHOLDT. Mr. Chairman, is section 38 still under discussion, and can I have the floor? I move to strike out the last word.

Mr. Chairman, I desire to have read at the Clerk's desk a set of resolutions adopted by the National German-American Alliance on this question.

The Clerk read as follows:

The following resolutions were passed by the national executive committee of the National German-American Alliance, and were indorsed by the executive council of each State branch in every State of the Union, representing one and a half millions of members, all of whom and citizens:

"Whereas it has become necessary that a better distribution of immigrants should be made possible, and

"Whereas a rational system should be devised to carry such laws into effect, and

"Whereas so complicated a question would require deep study and careful research, and

"Whereas the immigration bill now pending would afford no relief, but would tend to make the present laws still more cumbersome, and as it contains a ridiculous educational test which would debar the brawn of laborers so urgently needed in various sections of our country:

"*Be it resolved*, That the National German-American Alliance most respectfully petitions the President to sanction, and the members of Congress to cause the installation of a commission whose duty it shall be to thoroughly study the matter and to formulate suggestions for a feasible system for carrying these into effect: Further, be it

"*Resolved*, That the Members of Congress be petitioned to withhold further action on the immigration bill now pending until the report of the above-mentioned commission is received.

"*Resolved*, That a copy of these resolutions be transmitted to the President of the United States and to every Member of Congress."

C. J. HEXAMER, *President*.
ADOLPH TIMM, *Secretary*.

PHILADELPHIA, *June 6, 1906*.

Mr. BARTHOLDT. Mr. Chairman, as is stated in these resolutions, they emanate from an organization representing a million and a half citizens of this country. These citizens are opposed to an educational test, and are in favor of a commission to investigate this question. They take this stand on the theory that for about twenty years no thorough investigation of this question has been had; that in that time the character of immigrants has changed, and to-day it is less a problem of restriction than it is a problem of proper distribution, considering the fact that many sections of this country are clamoring for immigrants. I desire to call the attention of the House in this connection to the risk of passing the provision relative to the illiteracy test. We have a number of treaties with the countries of Europe, treaties of amity and commerce, and in these treaties is guaranteed the right of what is known as the "most-favored nation."

It is believed by jurists and experts in international law that this educational test will be a direct violation of "the most favored nation" clause of these treaties. Consequently I believe it is well for this House and for Congress to go slow before we enact such a provision. The Commission provided for in the substitute proposition would properly investigate this question, in connection with all others, and thus save our country the humiliation of putting upon the statute books a law which might get us into trouble with all the nations with whom we have concluded treaties of amity and commerce. Hence, Mr. Chairman, I hold that the substitute is a wise, a good, and patriotic provision, and should be adopted by the House. Before making a leap in the dark, let us first investigate where we shall jump. There is no hurry. American labor is employed at good wages, and Republican prosperity furnishes jobs not only for those who are already here, but also for those who are coming. Let the Commission tell us where and how the line shall be drawn between the desirable and the undesirable immigrant. and if that line is found and properly defined you will find me among the first to vote in favor of keeping out all those who are really undesirable additions to our citizenship. But not until then shall I be ready to cast aside a great American principle, a principle which inspired the founders of this Republic in the Revolutionary war, and to which the United States owes, in a great measure, its wonderful growth and development. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, the gentleman has called attention to a petition against the passage of this bill. In answer to that, I will say that the two great political parties of the United States, both expressing the will of the people of the United States, have at various and many times declared in favor of a restriction of the immigration coming into this country. More than that, almost all of the great organizations of men in this country have declared in favor of restricting immigration. I understand recently, even in the last few days, an agitation has gone forth, giving out that certain leaders of labor and certain leaders of capital and certain men in other high positions are opposed to this bill, and are using that influence to prevent the adoption of the educational test.

Mr. Chairman, I hold in my hand a letter from a gentleman who represents a large number of American citizens in this

country; men who work for their daily bread, men who are Americans in every sense of the word, men who are of the highest type of American labor and represent the highest standards of our citizenship. I send that letter to the desk and ask the Clerk to read it.

The Clerk read as follows:

WASHINGTON, D. C., *June 25, 1906.*

Hon. O. W. UNDERWOOD, M. C.,
Washington, D. C.

DEAR SIR: In view of the various stories which have recently been circulated to the effect that organized labor of the United States is opposed to, or at least is not in sympathy with, the provisions of the pending immigration bill providing for an educational test and an increase in the head tax, I deem it proper to say that I am authorized, on behalf of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen, representing in all 230,000 railroad employees, to give their most hearty indorsement to these, as well as all the other restrictive provisions of the bill, and hope that the head tax will be increased over the amount now provided in the bill. I can no better express the sentiments of one of the organizations I represent than by quoting the following resolution:

"Whereas the Republican party platforms of 1896 and 1900 contained planks favoring the further restriction of immigration; and

"Whereas the representatives of that party have been in complete control of the Congress of the United States for the past ten years, and have failed to carry out these pledges: Therefore, be it

"*Resolved by the Brotherhood of Railroad Trainmen in seventh biennial convention assembled, at Buffalo, N. Y., this 24th day of May, 1905,* That we criticise the representatives of the Republican party in Congress for their failure to make good their pledges with regard to legislation for a further restriction of immigration."

Very truly, yours, H. R. FULLER,

Legislative Representative Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railroad Trainmen.

Mr. BARTHOLDT. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. I can not yield except for a question.

Mr. BARTHOLDT. I desire to ask him how he reconciles his views on this question with the editorial expression of the Age-Herald, of his city—Birmingham, Ala.?

Mr. UNDERWOOD. I will say to my friend that paper, a great paper, that is published in Birmingham—and it is a good and a great paper—and myself differ entirely on this question, and have done so for many years, and I do not attempt to reconcile my views with theirs at all.

Mr. BARTHOLDT. The gentleman, then, does not desire to have it read to the House?

Mr. UNDERWOOD. Not in my time. The gentleman can have it read in his time.

Mr. BARTHOLDT. It is only three lines.

Mr. UNDERWOOD. Mr. Chairman, I have not come to my conclusions in reference to this matter, because there are any set of men or body of men in this country that are petitioning for it or because there is any set of men who are against it. I have not come to my conclusions with reference to this matter because any set of individuals are for it or against it. I believe that an educational test as a qualification in admitting immigrants into this country is right.

Mr. COCKRAN. Why?

Mr. UNDERWOOD. And we ought to vote for it, for that reason; and I will tell the gentleman why.

We can not of necessity exclude people on account of their nationality. I say the present standard of American labor is the highest in the world.

[The time of Mr. UNDERWOOD having expired, by unanimous consent, at the request of Mr. JAMES, it was extended for five minutes.]

Mr. UNDERWOOD. I thank the House.

We can not exclude these people according to nationalities. That might involve us in foreign troubles. We must take the best test that we can get. Now, I say, the best test of citizenship is intelligence and character. I do not think anybody will disagree with me on that subject, that we want those people admitted into this country who possess intelligence and character, and we want those excluded from citizenship, and from admission to this country, who lack intelligence and who have not character. Now, you may say that an educational test is not a test of citizenship and character. You may point to the man who has no education, but who is a man of high intelligence. I admit there are exceptions of that kind. You may point to the man without education who has character, who stands in the community among the foremost for right living and good life. I admit that there are exceptions of that character. But I say to you as a rule, when you go among the people of Europe and seek for those of intelligence and character, just the same as in this community, you will hunt among the educated people to find them.

Mr. COCKRAN. Will the gentleman allow me?

Mr. UNDERWOOD. For a question.

Mr. COCKRAN. Just merely on the question of fact. Have you ever known one man, who worked every day, who was vicious? You are speaking of rules and exceptions. I ask you if you have ever known one man who worked every day of his life, who was vicious or lacking in good character?

Mr. UNDERWOOD. Yes; I have known some men who worked every day, but who committed crimes. I admit that they are exceptional cases.

Mr. COCKRAN. I did not say "had committed a crime." I said "who are habitually vicious."

Mr. UNDERWOOD. Oh, well; of course if they were habitually vicious they would not work at all.

Mr. COCKRAN. That is just my point. We are at one.

Mr. UNDERWOOD. Character means more than not being habitually vicious. Character means that a man does not stoop to crime. On the other hand, if you are going to look for the unintelligent, for those who are vicious, for those who are depraved in any community in the world, you will find them among the uneducated classes, as a rule. Now, do you not want the best for your own country and to leave the worst abroad?

You may point to the fact that a hundred years ago, when the country was populated by the greatest people on the face of the earth, many of them were illiterate; but you must remember that the opportunities for an education in the European countries were not then what they are to-day. There is hardly a country in Europe where a man or a child of character and of intelligence can not obtain an education sufficient to enable him to read, and that is all that this test requires.

Mr. COCKRAN. Read and write.

Mr. UNDERWOOD. No; the test in the provision here requires merely that he shall be able to read the English language or some other language or dialect.

Now, I have heard the argument made against this bill that its provisions would exclude many of the Jewish people who speak what is called Yiddish, because that is not a language, but a dialect; but the terms of this bill are so broad that they expressly admit that class of people, and there is no Jew in Russia who can speak and read the Yiddish dialect who would not be admitted under the terms of this amendment.

Mr. GOLDFOGLE. The bill is so drawn, however, that some of the immediate family of the alien who could enter would be excluded for want of proper educational qualification.

Mr. UNDERWOOD. I do not agree with the gentleman, and I will tell him why. I understand his question.

Mr. GOLDFOGLE. As, for instance, the son would be over 19 or the daughter over 21. He would have to leave the son and daughter behind him, though he could be admitted, and the son and daughter would be kept in the land where they are subject to persecution.

Mr. UNDERWOOD. I understand the gentleman's question, but I say this of the Jewish race, that where the father is an educated man among the Jewish race you will not find the son of 19 who is uneducated.

Mr. GOLDFOGLE. How about the daughter?

Mr. UNDERWOOD. Or the daughter either, as a rule.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. Mr. Chairman, it was especially gratifying to me this morning when this committee by a large majority refused to increase the head tax on immigrants coming to this country. Every thoughtful person, if only a moment's consideration is given the subject, must reach the conclusion that to have increased the head tax would have barred the very people we are most anxious to have come to our country. It was intended to exclude people who come from extreme south Italy and the Slovaks, these people who generally come singly. As a matter of fact, in its practical operation it would bear most heavily, as I have said, on the very class we should encourage to come. The Germans, the Swedes, the Danes, the Norwegians, the Bohemians, and the Irish usually bring large families; and as this head tax is levied on every member of the family, young or old, you can readily see that its increase would not probably bar out the undesirable single person who wanted to enter, but would place a heavy burden on an immigrant with a numerous family, conceded by every one to be desirable.

Mr. Chairman, I repeat that it is especially pleasing to me that this committeee by a substantial majority has placed the stamp of disapproval on that provision of this bill increasing the head tax; and in my opinion to have done otherwise, to have increased the charge upon worthy persons who are desirous of casting their lot with us in this free country, would have been a reflection on our powerful and rich Government.

Mr. Chairman, I am constrained to believe that but for certain extraneous influences now being exerted upon the members of this body that this other objectionable provision in this bill, the one prescribing an educational test, would also be stricken

therefrom; in fact, I feel sure it would not receive one-third of the vote of the membership of this House.

Mr. GARDNER of Massachusetts. May I ask the gentleman a question?

Mr. BURLESON. No; I regret I can not yield to the gentleman. I speak under a time limit, and if my time is extended I will yield to him with pleasure. Every broad-minded, intelligent, patriotic American, whether native born or whether he has become a citizen of our country from choice, welcomes at all times desirable immigrants when they come to our shores. [Applause.] Just as earnestly and universally are undesirable immigrants opposed when they here seek admission.

There can be no issue on these two propositions, and the iteration or reiteration of the statement that we favor desirable immigrants and oppose undesirable immigrants will not serve to obscure the real issue here, and that is whether we are going to enact a law prescribing the so-called "*educational test*," which test will exclude from this country a large number of persons emigrating to our shores who otherwise are desirable immigrants. Mr. Chairman, I am opposed to this educational test and I contend that the present law as it is written, with a few amendments, will fully meet the necessities of our present condition, provided it is properly enforced.

Mr. Chairman, why should we favor such a change in the law? Who can say that the time has come when we should put up the bars and reserve this great country for ourselves—we who are here, and our descendants? No one will contend that there is not room here for many, many times our present population.

As was so pertinently stated a moment ago by my genial friend from Missouri [Mr. BARTHOLDT], "you could move all of the people of the United States into the one State of Texas and then Texas would not be as densely populated as Germany is to-day."

It is admitted by all that we are but at the beginning of the development of the agricultural and mineral resources of this wonderful land, not to speak of the infinite possibilities of our industrial growth and expansion. Then why all this agitation and turmoil in favor of restricting immigration? If there are defects in the present law because of which the undesirable classes are obtaining admission I will gladly cooperate with my distinguished friend from Massachusetts in remedying these defects. Now, what of our present law? Under its terms we now exclude contract laborers, as they should be excluded, and I welcome the fact that the bill under consideration, which is in charge of the gentleman from Massachusetts, very properly strengthens the present law so as to more rigidly exclude this class and will enable us to enforce this provision of the law better than heretofore has been done. Every Democrat here stands ready to aid the gentleman from Massachusetts in this effort.

The present law also excludes in addition to contract laborers all paupers, or persons likely to become public charges, all epileptics, idiots, and insane persons, all polygamists, persons convicted of crime, and anarchists, and this bill amends the present law, and I heartily approve the amendment, enlarging the excluded classes so as to embrace the feeble-minded, consumptives, and people who have been at any time insane. Now, what else is wanted? Will some one tell me what other class should be excluded? The gentleman from Massachusetts answers that we do not want the unintelligent. *We do not want the unintelligent!*

Why, gentlemen of the committee, is there a necessity to stimulate immigration to this country in order to recruit the professional class? Do we need more doctors and lawyers? We have too many of them now. Do we want to stimulate immigration in order to bring to us more teachers? We all know that at this time there is a dozen applicants for every vacancy that occurs in our teaching force, whether in common school or university. Surely we do not need more skilled laborers, because it is a fact familiar to us all that the labor organizations in this country at this time are limiting the number of apprentices in order to limit the number of skilled laborers. Yet, Mr. Chairman, no person will deny that from one end of this country to the other there is need of a certain class of immigrants. Then in God's name what class is it that is wanted? I will tell you: Our country needs those who will work with their two hands. [Applause.] We need farm hands—day laborers—thousands of whom on the other side are anxious to come and will come if not prevented by this foolish legislation; who are willing to earn a livelihood by honest labor. An educational test will exclude this very class, or largely exclude them.

Mr. Chairman, especially does the South stand in sore need of this class of immigrants. It is now well understood by those who have informed themselves that the phenomenal increase in the consumption of cotton during the past few years clearly indicates that within the near future (nearer than even many enthusiasts expect) there will be a demand for an annual production of sixteen or eighteen million bales of cotton. Every well-posted man interested in this subject also knows that when this time comes the South alone can be looked to to meet this demand. Where can be found the additional labor required for the production of this cotton? Can it be secured in the South or elsewhere in our own country? I believe not. I know that as far as my own State is concerned that we are recruiting our cotton-growing population from some of the northern and western States, as is shown by this telegraphic dispatch clipped within a month from my home paper, the Austin Statesman.

THOUSAND FROM IOWA COMING TO SEE TEXAS.

SIOUX CITY, IOWA, *May 29.*

An event which may have much to do with the future history of the State of Texas and in which nearly 1,000 Iowans will be concerned is about to occur. For a long time there has been a general exodus from Iowa, and mostly to States farther west. Now there are 200 families from the northwest part of Iowa almost ready to embark for the State of Texas to buy land and make it their future home.

John E. Rogers has been nearly all spring trying to get a company of Iowans ready to go to Texas to settle, and he has been rewarded with the honor of escorting a whole colony to that State, the largest as well as one of the greatest in the Union.

The company which will leave this State in about a month for the South intends to settle in the fertile lands of Burnet and Llano counties, central Texas. They have investigated and found that the water supply at that place is good and that they can engage in farming and stock raising with few drawbacks, and the climate is more even than in Iowa.

The special train of coaches and freight cars which will arrive at Burnet about the 1st of July will startle all the natives there, but they will see little of these hardy Iowans, for they will at once seek their locations and begin living where fruit is abundant and easily grown.

One of the reasons why these people are leaving Iowa is because of the excessive rents charged them for the farms of the northwest part of the State. And it is because they wish to get to a State where they can soon own their own farms and homes that so many seem willing to take this move. Most of the farm land in Iowa is held from $78 to $135 per acre, and landlords can not see fit to realize any profit on their investments unless they derive at least $6 per acre annual rent. Anyone who has ever rented a farm knows that no man in Iowa and the average farmer can not much more than make a living and pay such rates for rent. It is this reason, largely, that has caused over 100,000 farmers and their families to leave Iowa and move to where cheaper and just as good land could be had on better terms, and where a lease of a farm did not mean a lease of life to the man who rents the farm.

To move this company of people it will require nearly a total train of passenger cars. The women and children will ride in these, while the men will accompany the stock and farm implements in another train of freight cars. It is not known yet what railroad will carry them into the State of Texas.

Every one of these people will come either from Calhoun, Ida, Monona or Sac counties, and all are fully imbued with the fact that they are going to a new country to make their homes and that that means hard work—work unlike they are used to, but which they will try to perform with all the conscience they possess. It is to be said in their favor, however, that they are among the best farmers and citizens Iowa has produced, and in getting them Texas can not but feel proud that such determined people would come to her vast domain.

If it is found that the country is all that it is expected to be many more will follow this company in another few months.

But this is probably not happening in the other States of the South. We know, furthermore, that heretofore the South, with the exception of Texas, has received an insignificant percentage of the immigration coming to our country. It is known also that negro labor has been the chief reliance of the cotton planter, but for the past ten years the marvelous industrial development of the South in railroad construction, factory building, and along every other line has resulted in a reduction of the percentage of increase in our rural population and a very material advance in the percentage of increase of our urban population. This is especially true of the negro population. They are quitting the cotton fields and taking advantage of the more quickly remunerative employment offered by the railroads, lumber camps, and mills. Hence you see that the serious problem forces itself on everyone who has the welfare of the South at heart—how can this increased demand for labor be met? I will embody in my remarks, showing the drift of thought on this subject, a leading editorial, printed on May 12, in the Statesman, a leading paper published at the capital of my State:

SOUTHERN IMMIGRATION.

What the South may expect through immigration from abroad as a source of relief from its labor problem was suggested in the landing one day last week of more than a thousand Poles, Russians, Jews, Germans, Bohemians, and other Europeans at Galveston, most of them destined for Texas points, and described as a healthy, strong-looking lot of men, women, and children, ready and willing to hustle for an honest living. They came by one of the vessels of the North German Lloyd Steamship Company, and the experiment of establishing a line direct from Bremen to Galveston has been so successful that Mr. Friederich von Pilis, a director of the company, who has been studying conditions in the South, announces that on his return to Germany he will recommend the establishment of another line to New Orleans, which he regards as the gateway to the great agricultural States of Louisiana, Mississippi, Alabama, and Georgia.

In an interview with the New York Herald Mr. von Pilis says that European immigrants are beginning to learn that there is something more in America than New York, and he suggests that Southern States in need of good farmers, of whom hundreds of thousands will arrive in

this country within the next few years, cooperate with his company in bringing the South to their attention. He expresses the belief that while Italy will continue to send immigrants here and Russia will continue to pour Jews into the cities, the next flood of immigration will come from the German districts of southern Russia, Roumania, Bulgaria, and Hungary, and that there will be a type of the men that the South needs. He says:

"The people who are now turning their eyes to America are agriculturists, and I fully expect to see a great exodus of them to your shores. Some will go to South America, but the great mass will strike out for America, and their destination will not be the centers of population. They will want to cling to their occupation—that of tilling the soil. The German residents of the countries I have named are powerful men, of exemplary habits, and their idea of success in life is to have homes of their own and to rear healthy families.

"These people would be a boon to the South. They are accustomed to temperature and soil much the same, and would bring about an almost magical development of the great area which now lacks proper cultivation. They are natural farmers and hard workers. They will start a new race in the South—will be the real pioneers. Twenty years from now, I confidently predict, America will be glad she left her doors open and pointed the way to the land of the cotton fields.

"There need be no fear in America that Europe is unloading upon her her undesirable population. It is quite true that many of the immigrants, notably from Italy, are not the best sort of citizens, but those who come from central Europe are the kind of people that Europe does not wish to lose. Many of those who come from Italy spend part of the year here and return to their homes with their American earnings. This is a custom which should be discouraged. But in the case of the people from Hungary, Bohemia, Roumania, Bulgaria, and other parts of Europe they emigrate for good. They sever all ties abroad, and start out with the determination to link their fortunes with those of America, and to send for their relatives as soon as they can scrape together sufficient money."

I also invite the attention of the committee to the following editorial taken a few days ago from one of our evening papers here:

IMMIGRANTS FOR THE SOUTH.

At last the lack of facilities that have kept the foreign influx away from the South, where it could do so much both for itself and for the country, seems about to be remedied.

People used to wonder why the Italians, for instance, kept persistently to our few great seaports, but the reason is clear enough. Their services were in demand immediately, and as they wanted work at once, what call was there for them to go to a region they had never previously heard of, paying from their scant hoard of money to get there? Spite of the fact that the Italians are a race of natural soil tillers, they have preferred to remain in big cities, digging subways and cellars for skyscrapers, because there were the rest of their countrymen and there was the dollar to be picked up forthwith.

Now the tide is beginning to turn southward—slightly, it is true, but perceptibly. The North German Lloyd has already established a passenger line to Galveston, Tex., with a special view to transporting immigrants to the South, and expects also to make landings at New Orleans. The first lot of immigrants landed at Galveston, more than a year ago, consisted of only 15; a few days ago, however, one of the German ships landed 1,100 homeseekers at the Texas port. Paradoxically, the ice has been broken in a latitude where it rarely forms.

The South needs workers for its best development, and the negroes are not altogether sufficient. There are splendid opportunities there for honest and capable immigrants, and anything that will shake them out of their national herds in the cities will be for the advantage of the whole land.

Thus, Mr. Chairman, it is seen that just when it seems there is a prospect of this urgent need for labor being partially met it is to be checked by this unwise legislation. In order that I may make clear the pressing demand for more labor on the farms and in new enterprises throughout the South, I send to the Clerk's desk and ask that it be read an article from the Manufacturers Record, published at Baltimore, Md., a paper of high character, devoted to the industrial interest of the South, and which is thoroughly reliable and accurate in all statements it makes:

THE GREATNESS OF TEXAS

In the Manufacturers' Record last week, in editorial correspondence from Birmingham, it was stated that it was probably conservative to say that at the present time the South could easily absorb 500,000 laborers in filling the actual demands of the hour without considering the steady increase in agricultural and industrial interests of the coming years. Texas, however, comes to the front with an announcement that at least 200,000 laborers are needed in that State, and thus the estimate of 500,000, thought at the time by some to have been an exaggeration, proves to have been below the actual needs. The statement that Texas needs and could immediately provide work for 200,000 men brings to mind the amazing progress of that imperial Commonwealth. Indications of what Texas is doing in the accumulation of wealth are seen in the fact that a Dallas bank carries deposits of $8,000,000, an amount not equaled by any bank in Baltimore with one exception, and that in one of the smaller towns of Texas a bank of $200,000 capital has $1,500,000 on deposit.

All over the State this condition exists, and everywhere great progress in the extension of agricultural interests, in the advancement of manufactures, in the construction of railroads is under way. As one undertakes to look over this broad State and see the vast railroad enterprises under construction and those projected and likely to be built in the near future, he can but be amazed at what is going on, and in has amazement realize that at last Texas is coming into its own. Its prosperity has within the last year or two, brought about in part by the great increase in the value of cotton and in part by a general realization and utilization of some of the vast resources of Texas, been moving forward with a stride of the fabled "seven-leagued boots."

So vast it its area that it has been well described in the statement that if we should cut from a map of the country the State of Texas and put the center of it on Nashville, the northern end would reach Chicago, the southern Mobile, and the eastern wing would stretch to Raleigh, and the western to Little Rock. It is twice as large as Japan, which has a population of 50,000,000, and in natural resources, in the ability to support population and to create wealth, Texas is so far ahead of Japan that a comparison between the two would be useless. Within five years it has taken rank as one of the foremost oil producers of the world. It is a State of vast mineral wealth, of iron ore ranking in quality with the best known and with quantity great enough, it is believed, to support a vast iron and steel industry; it is a State of granites and marbles which in quantity and beauty baffle description, and the extent and variety of which can never be understood, except by those who see for themselves. Much of it is a region of the greatest wealth of timber, of hardwood as well as of pine. Though ranking for years as a leader in the cattle interests of the United States, many of its vast cattle ranches are being divided up into smaller farms, thus insuring far greater general agricultural development and at the same time not lessening the possibilities in cattle growing.

With an area of 265,000 square miles, or but little less than that of France, it is on only one-tenth of this area, or 15,000,000 acres out of a total of 170,000,000 acres, annually producing $300,000,000 in agriculture. Every year sees a higher development of agriculture, a stronger tendency to diversification, a greater increase in fruit and truck growing, and likewise, by reason of the establishment of immense stock yards and packing houses, a rapid advance in connection with diversified farming or hog raising. We are so accustomed to think of Texas, with its annual production of cotton averaging about 3,000,000 bales, or nearly 30 per cent of the country's crop, as a cotton State that we are prone to overlook the fact that it also produces 200,000,000 bushels of grain, and that every year sees an expansion in corn and wheat and oats.

In diversity and extent of profitable agricultural products, combined with mineral resources, as well as in areas, Texas probably leads the Union. With a population of less than 4,000,000, though capable of easily supporting 50,000,000; with a variety of soil suitable for every crop from that of the Tropics to that of the higher altitudes of the temperate zone; with great water powers yet unutilized; with a wealth of mineral resources little realized as yet; with a beauty of mountain scenery of which but little is known by the world at large; with a charm of climate not surpassed in America, of every variety from that of a region almost as cold as the Northwest to that where roses blossom throughout the winter, imperial Texas may well claim the world's attention as the predestined center of wealth, of population, of a civilization which shall rank with that of the greatest and best of the world. It has been peculiarly blessed in the character of much of its population, which can hardly be equaled for the well-proportioned combination of aggressive, virile, Anglo-Saxons of the South and the West and the best of foreign settlers, with a limited negro population.

Practically free, as Texas is, from the problems which so long and so seriously burdened other Southern States, especially the problems faced by those where the negro equals or exceeds in numbers the whites, and with a school fund representing a valuation of $100,000,000, Texas stands unmatched by any other State in the Union in the possibilities which are ahead of its people if they but utilize to the fullest extent the resources and opportunities vouchsafed by heaven. Into Texas before and after the war came many of the foremost men of the South. It was to them the Land of Promise. The foreign element of that State is, on the whole, the best which has settled in any State in the Union; and with the whites so largely in the majority the negro becomes a useful factor rather than a load holding back advancement. It has been justly said that the transplanted man is the best man for the upbuilding of the country. He is the man who had the energy, the activity, and the imagination which could not be contented with the old things, but looked forward to a better land. Texas has the transplanted man. He has gone from Virginia, from the Carolinas, from Georgia, from Tennessee, from Kentucky, from the West, from the North, and from Europe, and in this attrition of races and of people from different sections Texas has the opportunity to develop as one of the foremost leaders in the highest type of American citizenship. What this character of citizenship means in manhood, in strength and virility to meet every emergency found an illustration in the redemption of Galveston from the fearful destruction by the hurricane of 1900 and the rebuilding of a greater Galveston such as has never been surpassed in the history of modern civilization, if ever surpassed in the world's history. With a people of which Galveston is but a type, with resources which tax the imagination if one undertakes to even grasp the latent wealth of the State, there is no wonder that Texas is calling for 200,000 laborers. These 200,000 will soon be coming, and many hundreds of thousands more, and the tramp of millions more will be heard as the years pass by until the population of Texas is somewhat commensurate with its matchless advantages.

In confirmation of the statements contained in that article from the Manufacturers' Record, showing the great demand for labor, I read a recent clipping from the paper having the largest circulation published in north Texas, the Dallas News:

LABOR IN GREAT DEMAND—SCARCITY IS DUE TO EXODUS TO THE FARMS, WHERE VERY FANCY PRICES ARE PAID.

* * * * * * *

So great has been the demand for laborers in the field, so enticing the prices paid, and so comparatively easy the work required that even white people have been attracted. To such an extent has this movement gone that for the first time the street railways are working large numbers of Mexican laborers, none other being obtainable in sufficient numbers for the active operations now under way in all parts of the city.

In the height of the demand the farmers were offering from $1 to $2.50 per day for workers and giving board along with the wages. These prices have shaded down somewhat, but nothing less than $1 and board is looked at by the workers.

It is estimated that not fewer than 2,500 persons have left the city for the fields. At the same time there is a heavy demand for railway laborers all over the State.

An effect of this is seen in the police records, where it is shown that the arrests for vagrancy are lower at this time than they have been in a long time before.

Another from one of the leading papers published in south Texas, the Galveston News:

There is an unprecedented demand for labor of almost every kind in Texas now. In almost every issue of The News are articles from various sections of the State telling of the scarcity of labor, especially on the farms. Farmers are making strenuous efforts to get help in the cultivation and harvesting of crops, and are offering high prices for labor. Farmers around Mexia are offering fancy prices for cotton choppers, but procuring very few, as all the laborers are busy working with the railroad building. The demand for hands is so strong that Mexican laborers are being brought in every few days. A dispatch from Paris says: "Numbers of farmers have been in town the past few days

hunting cotton choppers and report them hard to find. Labor is said to be scarcer than it has been for years in this county." There is no excuse for the loafer now, and he should be put to work.

A cry also goes up from Kansas for more laborers, as is shown from this which I read from the Houston Post, a leading Democratic paper in Texas:

LABOR SCARCE IN KANSAS—FARMERS MAKING EVERY EFFORT TO SECURE FIELD HANDS.

Kansas is sending out the strongest appeal of her history for men to work in the harvest fields. At least 25,000 more men than are now in sight will be needed, and if need be they will resort to desperate measures to draft men into the service behind the self-binders. Competition this year for labor is stronger than ever before. There seems to be no surplus of idle men anywhere. Vain appeals have been addressed to the employment houses of Chicago, St. Louis, and other large western industrial centers. Factories are running at full capacity all over the country, building operations are going on on a scale exceeding anything of the kind in past years. These activities have absorbed the bulk of the country, skilled and unskilled. As in recent years, much store is set by the sturdy college men who are finishing their year of study. Hundreds of these men who have worked in the wheat fields are coming back this season. The hint has gone out unofficially that there must be no idle able-bodied men in Kansas at harvest time. The street loafer who can work will be obliged to work or leave the State. Local authorities in cities and towns hitherto have cooperated with the agriculturists in enlisting the whole available force for field work. They will do so again this year.

Mr. Chairman, this demand for more laborers must be met, and the question naturally arises, Where are they to come from? We know if this educational test is adopted that the supply can not come from immigration. But gentlemen here say that among the unintelligent—the uneducated—are found the vicious and dangerous. Now, I submit in all candor, Is not just the reverse of that proposition true?

Frequently the anarchists and socialists who come to our shores are highly educated, or nearly always it is the case that their brains are befuddled with a so-called education. None of these would be excluded by this educational test. The man that threw the bomb the other day in Madrid was a graduate, as I understand it, of a German university. This provision of the law—the so-called educational test—formulated by the gentleman from Massachusetts would not exclude that person, and yet would exclude thousands of simple, sturdy, peasants who may come here to earn a livelihood with their hands.

Mr. Chairman, as I view it, any immigrant who on his own initiative conceives a desire to come to this country and by his own efforts manages to get together sufficient means to bring himself across the ocean, if he does not fall within one of the classes excluded, should be admitted. By this I am not to be understood in any sense as favoring assisted immigration. If I had my way I would provide in this law for the severest scrutiny and absolutely prohibit the landing of assisted immigrants subject to very few exceptions—assisted immigrants being those so impoverished that they can not get here without aid from others. The European charitable societies send many of this class to our shores. They should not be permiltted to enter. The European official class who have to deal with the poor and needy send over many of their charges to enter here. These should be speedily returned.

Europeans of means frequently send their indigent poor relatives to this country to be rid of them. These should be stopped when they seek to enter. To accomplish this will require not only rigid but intelligent inspectors, and this should be amply provided.

I would go even further, Mr. Chairman. I would exclude all those who are toled over by fairy tales they have heard from steamship agents about the easy way open in this country to accumulate riches. This stimulated immigration should also be checked, and the steamship companies should not only be made to bear the expense of retransporting this class, but I would also lay heavy penalties against these companies for such attempts and thus impress them that we are in earnest in our efforts to enforce our immigration laws.

Mr. Chairman, having taken these steps to protect our country against the admission of undesirable immigrants I would go no further. If I can have my way, we will entirely eliminate this educational test. I thoroughly understand the character of influence which has been brought to bear on members of this body to support this proposition—innumerable resolutions adopted by labor organizations have been sent us through the mails favoring it. I now hold in my hand the latest of these, forwarded by special messenger to each Member, informing us that the particular labor organization (said to be quite influential) "has not changed its position, which is clearly set forth in the following instructions to the officers, etc."

Mr. Chairman, I do not say that the advocacy of this educational test by the labor organizations of our country is not entitled to respectful consideration at our hands; it is, and such I have accorded it. I do not agree with them on the proposition; and I am not to be deterred from the discharge of my duty as I see it by these persistent, if not threatening, importunities of labor organizations. My sole guide in the discharge of my duty here is my own conscience and the declarations of policy embodied in the platforms of the political party to which I belong. I receive instructions as to what I shall do as a Representative in this body only from the sovereign people in the Tenth Congressional district of Texas. I do not believe that it is to the interest of my section, my State, or my constituents for this educational test to be adopted; hence, I shall vote against it. [Applause.]

Furthermore, Mr. Chairman, in my deliberate judgment, the same spirit of prejudice, the same feeling of intolerance that hid itself for so long a time within other political parties, but finally in 1856 openly manifested itself in what was then known as the Know-nothing party, is behind this proposition. [Applause.] I can not for the life of me understand how a Democrat can support it. In 1856, when Know-nothingism had grown so strong in this country that other political parties had not courage to do so and would not declare themselves upon this hurtful un-American doctrine, the great Democratic party threw itself in the breach and——

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

Mr. COCKRAN. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from New York asks that the time of the gentleman from Texas be extended five minutes. Is there objection?

There was no objection.

Mr. BURLESON. The Democratic party threw itself in the breach, declaring its hostility to everything akin to Know-nothingism. At that time our political party, notwithstanding the fact that the Whigs were too cowardly to declare in their platform upon the issue; notwithstanding that the Republican party remained silent on the question, our great political organization boldly attacked it, and for the time being completely crushed and destroyed the spirit of Know-nothingism that was then so rampant in our country.

For full forty years there was no revival of this spirit of racial prejudice, but within the past few years in various sections through different newspapers one occasionally could see slight manifestations of its revival. Quite recently this effort has apparently been directed against Germany. We have read of the peaceable invasion of South America by the subjects of King William II, etc. During the last month the German ambassador has given notice to this spirit by an able article in the North American Review, and I ask that a comment on this article, clipped from the Seattle (Wash.) Times of date May 16, be read by the Clerk.

The Clerk read as follows:

THE GERMAN PERIL.

Baron Speck von Sternburg has an exceedingly strong, sinewy, and earnest article in the May number of the North American Review on the question of German emigration, particularly to South America. In its aspect of what he justly calls "the phantom peril," which some alarmists have pretended to believe exists for the United States, the baron's article is inspired with the friendliest of sentiments toward this country, which are evidently sincere. If anyone had any doubt as to the phantom character of the German peril, Baron Speck von Sternburg's article will remove it.

It will surprise many persons to know that, while Germans came to this country in great numbers prior to our civil war, the greatest number of annual immigrants since that period in any one year was 220,902 in 1881 from Germany to all parts of the world; that since 1892 the total German emigration has not exceeded 100,000; that for the past six years it has steadily decreased, and that in 1904 only 27,984 left the fatherland.

The German ambassador properly attributes this retrogressive tendency in emigration to the extraordinary economical development of Germany during the last decade, with the consequent steady improvement of the social status of the laboring classes, which has removed the chief incentive for leaving home, which is to do better abroad.

So far as Germany is concerned, in a total of 2,279,000 immigrants received by the Argentine Republic from 1857 to 1895, there were only about 25,000 Germans. So far as Brazil is concerned, there are to-day only about 20,000 native Germans there, of whom only 8,000 are German subjects, although there are, in the total population of Brazil, something like 200,000 persons of German extraction, emigration from Germany to Brazil having gone on for very nearly a century.

The German ambassador really need not have taken the pains he has to persuade Americans that there is no German peril for this country in South America. The proof of that assertion lies before the eye of Americans, for in this country, by the Federal census of 1900, there were more than two and a half million native Germans out of a total population of 75,500,000, and it is estimated that the total percentage of German blood circulating in the veins of the inhabitants of the United States is a little over one-third. Naturally, with such a condition existing here and with the knowledge of the facts that Americans possess, that Germans not only make the best of citizens in any country into which they may migrate, but that they divest themselves of their German citizenship and become loyal, patriotic sons of their adopted land, there is no German peril.

Mr. BURLESON. In Texas we would gladly welcome a peril of this kind. We who live there know the value of the German immigrant. More than half a century ago Texas was fortunate enough to receive quite an influx of German immigration. To-

day their descendants, thoroughly American, constitute a substantial element of our highest and best citizenship. One of them is the leading physician in the largest city in Texas, associated with his venerable father, who still lives to bless with his valuable service his adopted country. Another is a State official and the largest ranch owner in Texas, whose brother was an honored representative on this floor for many years. In every walk of life the sons and grandsons of these pioneer German immigrants are found discharging the full duties of citizenship in accordance with its highest standard.

Texas invites this character of immigration and holds a welcome for hundreds of thousands of their like.

Mr. Chairman, the Republican party having failed to declare its opposition to Knownothingism in 1856, announced its policy with reference to this issue of literacy as a test for admitting immigrants in 1896 by declaring in its national platform of that year in favor of the educational test.

After the election that year, we all know that when Congress convened an immigration bill was passed containing an educational test. That Congress was overwhelmingly Republican. This bill, after it passed, was sent to the other end of the avenue, and a Democratic President returned it with a veto upon the express ground that an educational test should not be prescribed for emigrants coming to this country.

The RECORD will disclose that that bill was passed by the House over President Cleveland's veto. The membership of this body sitting on the other side of this Chamber voted to pass it over his veto. An overwhelming majority on this side of the Chamber, notwithstanding the fact that at that time many Democrats were in bitter antagonism to Mr. Cleveland, true to their *convictions*, adhering to their principles, refused to vote to pass it over his veto. Subsequently the President of the United States, Mr. McKinley, in his message, recommended the educational test. Afterwards, in December, 1901, Mr. Roosevelt made the same recommendation in his message, using this language:

> The second object of a proper immigration law ought to be to secure by a careful and not merely perfunctory educational test some intelligent capacity to appreciate American institutions and act sanely as American citizens.

And again in his message of December 2, 1902, Mr. Roosevelt reaffirmed the position of his party on this issue. Afterwards during the Fifty-seventh Congress, as I now recollect it, the immigration bill with an educational test embodied therein, passed the Senate, nearly every Democrat voting against it. It was passed by Republican votes. Thus you see this illiteracy test has been given the indorsement of the Republican party. I can understand how the spirit of intolerance might move that party, now dominant, to support this measure, but for the life of me I can not understand how men who ally themselves with the Democratic party, which has at all times upheld the doctrine that the doors of America should be open to the oppressed of other countries, provided they are not criminal and do not fall within the excluded classes, can consistently support this proposition.

For these reasons, Mr. Chairman, and for the additional reason that there is a constantly increasing necessity for labor in the South, and especially in Texas, labor of the very character that will be excluded by an educational test, I shall vote to strike out this section of the bill. As I have shown, Texas now needs 200,000 laborers. The only opportunity we have to secure these much-needed laborers is through the open door of our ports, where the sturdy immigrant, willing to work, can enter to furnish it to us. To be consistent, I say Republicans can well afford to vote for this proposition, but I submit that the Democrats on this side of the Chamber will be true to the history and traditional policy of our party if they record their votes against it. [Applause.]

Mr. GRAHAM. Mr. Chairman, under the five-minute rule I would not desire, nor do I think it would be meeting with the views of the House, to attempt to make a lengthy argument in favor of this bill. I want to state in the few minutes that I shall occupy the floor that I am heartily in favor of this bill as reported by the committee. I had the pleasure of introducing a bill that I consider better than this one, but the committee, in the exercise of their judgment, incorporated in their bill some of the excellent sections from my bill and the good points from other bills as presented in this House. Upon the whole, I am satisfied with this bill if we can prevent its emasculation by amendment. I am in favor of it not only as a whole, but I am especially in favor of this section, the educational test. I think we should have that test in this country. I think it is high time that this flow of immigration should be checked, and the only way to check it is to put up these barriers against an unimpeded flow. I regret that the committee to-day have reduced the head tax from $5 to $2 per capita. This is a step in the wrong direction and weakens the bill, and should this educational test be stricken out this bill will be selective rather than restrictive—a great mistake, in my opinion. I urge upon the Members of this House the voting down of all amendments and the passage of this bill if they desire to check the influx of undesirable immigrants.

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 disagreed to the amendment of the House of Representatives to the bill (S. 88) for preventing the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious foods, medicines, and liquors, and for regulating traffic therein, and for other purposes.

The message also announced that the Senate had passed, with amendment, the following House concurrent resolution:

> *Resolved by the House of Representatives (the Senate concurring)*, That a joint special committee be appointed, consisting of four 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 and other asssistance; 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 deemed necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. GALLINGER, and Mr. STONE as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18030) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the amendments to the bill (H. R. 18024) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 19379. An act providing for the manner of selecting and impaneling juries in the United States courts in the Territory of New Mexico; and

H. R. 19607. An act for the acknowledgment of the deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories.

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

H. R. 12080. An act granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon.

PURE-FOOD BILL.

The SPEAKER laid before the House the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, with House amendments thereto disagreed to by the Senate.

Mr. MANN. Mr. Speaker, I move that the House insist upon its amendments and ask for a conference.

The SPEAKER. The question is on the motion of the gentleman from Illinois, that the House do insist on its amendments, and ask for a conference.

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

The SPEAKER announced the following conferees on the part of the House: Mr. HEPBURN, Mr. MANN, and Mr. RYAN.

CONDEMNATION OF LANDS, ETC., IN CONNECTION WITH RIVER AND HARBOR IMPROVEMENTS.

Mr. BURTON of Ohio. Mr. Speaker, I present a conference report on the bill (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with the works of river and harbor improvements at the expense of persons, companies, or corporations," approved

May 16, 1906, together with the statement of the conferees thereon, for printing under the rules.

The SPEAKER. The conference report and statement will be printed under the rule.

REVISION OF THE LAWS.

The SPEAKER laid before the House the House concurrent resolution No. 35, to appoint a joint commission of Senate and House to examine, consider, and submit to Congress recommendations upon the revision and codification of the laws, etc., with a Senate amendment thereto.

The Senate amendment was read.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House concur in the Senate amendment.

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

The SPEAKER announced the following members of the joint commission, on the part of the House: Mr. MOON of Pennsylvania, Mr. HOAR, Mr. SMYSER, Mr. SHERLEY, and Mr. HOUSTON.

UNLOADING OF BONDED MERCHANDISE IN THE NIGHTTIME.

The SPEAKER laid before the House the bill (H. R. 7099) to amend section 2871 of the Revised Statutes, with Senate amendments thereto.

The Senate amendments were read.

Mr. PAYNE. Mr. Speaker, I move that the House nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Mr. PAYNE, Mr. DALZELL, and Mr. WILLIAMS.

CONFERENCE REPORT ON MILITARY ACADEMY BILL.

Mr. HULL. Mr. Speaker, I submit the conference report on the bill (H. R. 18030) making appropriation to support the Military Academy for the fiscal year ending June 30, 1907, and for other purposes, for printing under the rule.

The SPEAKER. The report and statement will be printed under the rule.

IMMIGRATION BILL.

The committee resumed its session.

Mr. RICHARDSON of Alabama. Mr. Chairman, I shall support this bill in its entirety, and I do so because I deem it is but a modest and limited response not only to the demand of the public, but the interests of the public; and I support it from another standpoint, probably different from what any gentleman has thus far expressed on this floor. I believe that as conditions exist it is far more important, Mr. Chairman, to northern cities and some of the Northern States than it is to any Southern State or any southern city. I do not say that the South is not interested in immigration. It is.

The reason I say that the South is not primarily as much interested in the question of immigration is because the Southern States, for reasons and conditions easily explained, are not suffering from the intolerable conditions existing to-day in some of our northern cities and other sections, resulting directly from the unrestrained flood of immigrants of all classes from foreign countries to our shores. It is certainly true that the South has received less than 10 per cent of the immigrants that have come to our country in the last ten years. It is to-day an undeniable fact that it is the undesirable class of immigrants—paupers and criminals—who have located in Northern States and cities that causes the present imperative demand for a change in our immigration laws, by such restrictions as we find contained in this bill, reported by the Immigration and Naturalization Committee of this House. It certainly behooves us of the South to avoid in every possible way the introduction of that class of immigrants into our section that would burden us, as they have done in the North, with vast expenditures for their support. We do not wish to repeat among our people the gorged tenements, the disease-breeding congestion of illiterate and immoral colonies of aliens that have been a curse to northern cities. The South may stand in need of labor, but we can afford to wait, and wait for years, before we open our doors to an influx of such immigrants as the North is now trying to get rid of.

The States of the North and the cities of the North are actively seeking to rid themselves of this scandalous foreign element that is the chief burden on their charities, who pay no taxes and despise all form of government, law, and order and revel in riots and anarchy. I hope their deliverance will be accomplished, but the South does not want that class to be sent down on that section, nor do we intend to take them. [Applause.]

Mr. Chairman, we have passed the point of needing statistics to convince this House that the present importation of immigrants to this country is a menace to our free institutions. It is simply appalling, and, if left unrestricted and allowed the same freedom of ingress as exists now for ten years to come, the degradation of our American civilization will be accomplished beyond redemption. Yes; the principles of our Government, established as the most wonderful political paradox by our fathers—that those who make the laws are ruled and governed by the laws they make—will be forgotten and lost. [Applause.]

We are all agreed that it is time to act and act decisively. We may talk about wanting "desirable" immigrants. That means but little. There are great interests in this country that would think any alien "desirable," regardless of his ignorance or debased criminal tendencies, if he would serve the purpose of a strike breaker or had his fare paid on a railroad train to some distant point in the country. The thing to do is to so amend our statutes with such restrictions and penalties that none but "the desirable" and worthy can be landed on our shores.

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

Mr. RICHARDSON of Alabama. I ask, Mr. Chairman, that five minutes more be given me.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes. Is there objection?

Mr. GARDNER of Massachusetts. Reserving the right to object, I should like to have joined with that request that I may be allowed to close this debate in the last twenty minutes of the two hours.

Mr. COCKRAN. I object to that, Mr. Chairman. This gentleman [Mr. RICHARDSON of Alabama] is speaking on his side.

Mr. GARDNER of Massachusetts. I have no objection to the gentleman's request.

Mr. COCKRAN. I would like to ask the gentleman this question, and that is, Would you define what you mean by a "desirable immigrant?"

Mr. RICHARDSON of Alabama. Yes; I will tell you right now, and will describe as well as I can the meaning of "desirable" as applicable to immigrants. To my mind it has a different significance from the ordinary usual acceptation of the word. When I say "desirable immigrant," I mean I want him to be physically well developed, able to earn a living for himself and those dependent on him. I want him to be able to read in some language. I want him to be of such a character as gives a reasonable promise that he can by process of time be assimilated to our people. I want him to have some pride of character, and be capable of aiding in elevating American labor, and promise otherwise to be a reputable law-abiding American citizen. That substantially is the outline of what I consider a "desirable immigrant." An undesirable immigrant is the reverse of this.

We must realize that however drastic in its restrictions our laws may be that great difficulties will arise in their enforcement. The countries from which these aliens come—such as we are now trying to get rid of—are just as anxious to get rid of that class of people as we are to keep them out of our country. They are burdens of taxation and the producers of criminal expenses; and such governments are using all facilities and instrumentalities at their command and at the command of their charitable and relief associations to unload such incumbrances on free America at all times. This is but natural.

The one object, Mr. Chairman, of this bill is to restrict the present flow of immigrants to this country. It seeks to do that in a practicable way. It means to cut down the number, and thereby lessen our chances to be injured. The bill proposes to accomplish this by increasing the head tax, by prescribing an educational test, by imposing heavier fines on steamship companies for violations of our laws regulating the admission of aliens to our country, and, last, by a more rigid inspection of immigrants before sailing from a foreign port. Each and all of these proposed restrictions strike directly at the evil we seek to correct. I shall briefly, before I close, refer to and discuss each of these proposed amendments. I shall, Mr. Chairman, support the bill, notwithstanding the fact that it does not go as far in some of its restrictions as I would like to have it. It seems to me, Mr. Chairman, that a study of the statistics for the past few years by the Commissioner-General of Immigration is all that is needed to convince us that such restrictions as the bill provides for are demanded to protect this country from the overflow of worthless aliens that are daily reaching our shores. We can not apply the same rules to the immigration to-day that we did fifty or even twenty-five years ago. We fully realize that entirely a different class—different in character, intelligence, morality, and aspirations from those fifty years ago—are flocking to our shores from foreign countries.

I would uselessly consume the time of the House were I to enter a rehearsal of statistics or to describe the sociological,

industrial, intellectual, racial, and home-building and home-loving differences existing and recognized throughout the world between the Slavic-Iberic races of southeastern Europe and the Anglo-Saxon-Teutonic races of the United Kingdom, Germany, and the Scandinavian countries. The latter are the people who helped us lay safely the foundation principles of our Republic and an unsurpassed civilization. The former are represented chiefly in the bum, pauper, and criminal aliens that are congesting the jails and the asylums of the cities of the northern section of our country.

Just one reference to statistics to show the marked change that has taken place in recent years in the character of immigrants. In 1869 out of the 352,000 immigrants that entered the United States not more than 1,000 were from southeastern Europe, and practically all the balance were from southwestern Europe—the Anglo-Saxon-Teutonic race—while during last year 75 per cent of the unprecedented number of aliens that entered the United States came from southeastern Europe, or rather 300 times as many came from the stagnant reserves of pauperism, ignorance, and degradation of south Italy as came from Germany and such countries. I do not wish, Mr. Chairman, to be understood as advocating legislation that would prohibit immigrants absolutely from any one country from coming into our country.

Such prohibitive legislation would be of no practicable benefit to us. I believe that all foreign sections, or countries, have worthy and desirable citizens that will ask admission to our shores, and I beleve that these same countries have many worthless citizens that we are unwilling to add to our population. Hence I think we should amend our immigration laws so as to exclude the unworthy citizens of all foreign countries and admit those whose character and qualifications fit them to become citizens. I desire in this connection to read a letter from the secretary of the Junior Order of American Mechanics.

NATIONAL COUNCIL
JUNIOR ORDER UNITED AMERICAN MECHANICS,
Washington, D. C., May 30, 1906.

Hon. WM. RICHARDSON, M. C.

DEAR SIR: One million immigrants each year does not seem to satisfy the greed of the steamship companies, and they are now "plying their trade" among the ignorant classes of Spain with a view to offering special inducements and rates to the hordes of ignorant and treacherous Spaniards for emigration to our Southern States.

That race of people have already intermingled with the negro of the South American countries to such an extent that a half Spanish and half negro people are in the majority, and we will have a like condition in our Southern States if laws are not enacted for the restriction of immigration and thereby prevent the coming of the ignorant, vicious, and unfit of all countries.

Better to keep out a few of the good than to let in all the bad.

My duties as chairman of the above-named committee and as editor of The American has caused me to travel throughout the South, and I know the public sentiment in the Southern States overwhelmingly demands the passage of what is known as "the immigration bill" reported by the House committee (all of the southern members voting for the report), now on the Calendar in the House and in charge of Mr. GARDNER of Massachusetts. Please assist him to secure the consideration of the bill and do not let the "Williams filibuster" interfere with its passage.

Sincerely, yours, Z. P. SMITH, *Chairman.*

One of the dangers, Mr. Chairman, that now threatens the South is that the criminal and "bum" classes of aliens that northern cities and States are so painfully afflicted with, may be turned over to the South. Is there any good reason why the South should invite such a population? To-day the South stands boldly as the true representative of the conservatism and fundamental principles of our Republic. We are yet untouched by the contaminating influences of a flood of undesirable foreigners who are paupers, ignorant, and lazy. We are growing wealthy, in an unprecedented speed, on the resources that we now have and enjoy. We must be ready, as was so strongly put by the president of the Southern Cotton Association a few days since, to furnish 40,000,000 bales of cotton, if the world demands it, and the world in due time will demand it. The South in the past has survived disastrous calamities and borne burdens that would have crushed out the aspirations, pride, and life of any other people on earth. But, backed by the courage and manhood of a homogeneous American population, the South rose, Phœnix like, from the ashes and greets the world to-day as its most formidable competitor for commercial supremacy. Why shall we then, on the thoughtless clamor that we demand more labor, invite among us a people who love riots, and will welcome anarchy, a people coming from foreign lands bringing with them the murderous teachings and practices of the Mafia and the Black Hand Society.

Mr. Chairman, what the South needs and what we are getting is not the ignorant and penniless alien to lower the standard of the wages of our laborers in the mines, the shops, or the cotton fields, and degrade the habits and customs of living; but we want the small farmers of the North and the West, and they are coming to the South and buying small plantations. These are the settlers, friends, and Americans that the South needs. They mingle with us, they are bone of our bone and flesh of our flesh. We can afford to wait and study and have a choice as to who we permit among us. The South, not in boasting but in sincerity, proposes in the midst of great growth and prosperity to remain the harbor, the abode, the possession of true Americanism. No past period of the history of the South, with all its vicissitudes and sorrows, is more pregnant with danger that threatens to tear down our proud ideals and standards of manhood, integrity, virtue, conservatism, and patriotism than the conditions confronting us to-day. The world knows that we are not a stagnant people. The vital impetus of life and energy throbs in our mineral, manufacturing, and agricultural resources, and our people are content, our labor well paid and happy. We see with open eyes that northern cities are suffering not only from having been made the dumping ground for years past of the indiscriminate immigration from foreign countries, but also from the many new problems to be solved created by this alien population. Hence, I shall gladly join in the most drastic restrictions to check and reduce into reasonable advantageous limits this influx of aliens to our shores.

If a choice of immigrants can be had, then our country is entitled to make the selection. We have every assurance that the States of the South, with the warning we have by reason of the experience of many of the States and cities of the North, will, through their State immigration bureaus, protect their people against an inundation of alien paupers and criminals. Can anyone fully describe the evils that would follow a distribution broadcast in the rural communities of the South, vast numbers of these refuse and derelict aliens that are to-day congesting northern cities? Their standards of living, their illiteracy, their immorality and criminal propensities, with the weight of centuries of degrading servility entering into their make-up would be to force such people into competition with our own labor. I do not deny that labor is scarce in some sections of the South, and relief might be given by the introduction of alien laborers. In what manner, I ask, or in what way, or where in the South is labor so scarce that we are called on to open our doors to that class of immigrants, coming either from the North or foreign countries, that this bill seeks to exclude? We made the largest cotton crop ever raised in the South but recently. We had labor ample to do that—both white and black. Do you wish us to make such a supply of cotton that would glut the market and reduce the price to 5 cents a pound? The South should be careful, prudent, and wise.

I am not contending that the South does not need more laborers in all its varied interests, but we want those who will assimilate with our people, and adopt the habits, customs, and mode of living of our people, and will maintain the standard of just and fair wages and aid in elevating the moral tone of the people they live among. Many of us have doubtless read in the recent statistics, compiled by the Manufacturers' Record, setting forth the assessed valuation of property in the South in the year 1905 as compared with 1900 and 1904. The result of the comparison is simply amazing, being an increase of more than $500,000,000 in twelve months of 1905 and an excess of $1,381,000,000 for the five-year period from 1900 to 1905. It is true, as was said, that very large investments were made within that period which attracted the attention of the world, but the truth is that it was the man of small means that was the chief factor in this marvelous increase of taxable property. There was an increase of $76,000,000 in the annual value of the corn crop in the States of Alabama, Georgia, North Carolina, South Carolina, Tennessee, Kentucky, and Virginia. No country in the world presents as the South does so many attractions and inducements to immigrants and settlers to come and live among us. I believe that the tide of immigration is turning now to the South, and 'tis for that reason that it behooves the people of the South to ask that our immigration laws should be so amended as to prohibit the pauper and criminal class of aliens from entering our country.

The South is preeminently the place for a man of small means, and it matters not what business he engages in. I have referred, Mr. Chairman, to the wonderful increase of the value of one crop—corn, for instance. In Alabama the corn crop for 1905 was valued at $27,501,791 compared with $17,026,466 ten years ago, and in examining to find out the sources of that increase what were the chief factors in bringing about the increase in the corn crop I found the most valuable and significant information in the report of Dr. G. A. Park, the industrial and immigration agent of that great railroad system, the Louisville and Nashville. This report shows that along the lines of that railroad, in the State of Alabama, during the year 1905, the Louisville and Nashville located 726 families, consisting of 2,564 persons, who purchased and moved upon and are occupying and

cultivating 42,421 acres of farming lands. Where did these families and people come from? Were they from the worthless class of aliens that are burdens on the charities of the cities of the North? Were they criminals and paupers? Were they of that class of people that would foment discontent against the rule of law and order? Of those families located in Alabama last year by this great railroad system the great State of Illinois furnished 315 of these families, consisting of 1,051 persons, who took up and occupy, live on, and cultivate 12,712 acres. Indiana sent 60 families of 140 persons, and they bought 3,680 acres. Ohio sent 52 families of 202 persons, who bought 2,161 acres. Michigan sent 29 families of 114 persons, who took up 5,452 acres. Wisconsin, 45 families, 175 persons, and took up 2,468 acres. Other States and foreign countries, 178 families, 645 persons, 10,961 acres.

This showing is most significant in view of the fact that durduring the same period of last year this road, in all the States of the South through which it passes, located 1,161 families, or 4,174 persons, who purchased 82,421 acres of land, the one State of Alabama getting more than one-half of the families located in the South. Mr. Blaine estimated that every new settler was worth a little, the rise of 1,100 thus adding to the wealth of Alabama, in the number received, the year 1905, $2,810,400.

I am also advised by the land and industrial department of the Southern Railway that the actual figures have not yet been completed for this fiscal year, but that through the instrumentality of the lines of their road that fully 4,000 persons have been located from the North along the lines of their railroad in the State of Alabama during the last twelve months, nearly all being citizens of Northern States. These, we should remember, are only the results from two lines of railroads. The South with open arms welcomes these people. In the light of these encouraging facts, it behooves the South to insist on a stringent amendment of our immigration laws and check that class of immigrants from foreign countries which, if allowed to continue and grow, will inundate our country. It is now predicted that not less than one million and a quarter of immigrants will come to the United States during the year 1906. Something must be done. Sir, an immigrant who is not willing to pay a reasonable head tax ought not to be allowed to come among us.

There are three restrictions that I shall call attention to. The first is illiteracy. Section 38 of the bill reads—before entering upon the presentation of my views on this section of the bill, I will call attention to the ratio of illiteracy in the United States as compared with other countries. We stand sixth from the head. Germany, Norway, Sweden, Denmark, and Switzerland have a less proportion of illiteracy than the United States. But we are improving in this regard. Between 1890 and 1900 the ratio of illiterates was reduced from 133.4 per thousand to 106. It is undoubtedly true that the negroes and foreign born of our population make the percentage of illiteracy so great in this country. Exclude the negroes and the foreign born and the proportion of illiterates among the native white population is only 46 per thousand. Negro illiterates are 444.7 and foreign-born whites are 128.5 per thousand. It can be said in one respect that the foreign-born whites are setting the native whites a good example, for they take great interest in educating their children. Among the children of foreign born the figures are 84 per thousand of illiterates to 44.1 among the children of native white parents. These figures should certainly give us valuable suggestions on the matter of illiteracy. It is strongly argued that illiteracy as to a laborer should not apply, but as to suffrage it should be decisive. That is simply untenable. How can one vote intelligently unless he can read?

Why should we, especially of the South, desire an ignorant class of foreigners who can not read and write to come to our section and work by the agricultural laborer or the laborer in the mines, furnaces, cotton factories, or other industries? Does anyone contend that such a class of laborers will elevate labor, give it dignity, or benefit it in any manner? Why, no; it lowers the moral tone of the laboring classes and lessens their wages by coming into competition with a vicious, degraded, ignorant class. To do this contradicts every theory upon which we proceed to educate the people. An ignorant man, one who can not read or write, is an easy prey to those who would take advantage of him in the matter of a wage. This is one of the most important provisions in this bill. It makes ample exceptions.

Mr. Chairman, I think one of the best provisions that the committee presents in its bill relates to "the assisted class" in the law as it now exists. Under that provision it reads, under the law as it now exists, "but this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes." Under the liberty given under this provision over half a million of aliens came into this country last year—more than one-half of the 1,000,000 of foreigners that came to our shores last year. This shows how the provision was abused, for, of course, but few were "relatives," and everyone who wanted to come to our shores, regardless of moral character or illiteracy, suddenly became "a friend" to some foreigner living in the United States.

The fact is the great shipping interests induced these aliens to get the proper request from some foreigner residing in the United States and the shipowner would pay passage. This is all abolished except with some sensible, reasonable qualifications. I admit that as we grow and develop in the South we must increase our laborers. The South can afford to make haste slowly on this great subject.

I am advised, Mr. Chairman, that the present cotton acreage is less than 25,000,000 acres, and many well-informed persons believe that this is the limit of the acreage unless there be an increases in the supply of agricultural labor in the South. This shortage in labor is not confined alone to the cotton factories of the South. It is true that many of that class of labor, who were attracted to cotton mills at a time when great stagnation and depression existed in agricultural interests, are now leaving the mills and, on account of the increase in agricultural returns and wages, are returning to the farms. I know, too, that negroes are leaving the farms of the South and finding employment in our mines, on railroads, many congregating in towns and cities, and many finding their way to northern cities. These self-evident conditions must be carefully considered in connection with the important question of bringing immigrants to the South.

It is fairly estimated by those who have given this important subject careful study that at the end of the next twenty years the world will consume 20,000,000 bales of cotton, and for 1946 it will consume fully 33,000,000 bales, and in 1966 it will take 54,000,000 bales to supply the world's demand for cotton. I believe those are reasonable estimates; and this would require, under present agricultural labor conditions, an acreage of 150,000,000. We have in the South the acreage, but we lack the labor. I do not believe that the South has been in the least injured by not securing its proper proportion of the immense immigration that has been flowing into the United States for past years. We faced conditions in the South which the presence of a certain class of immigrants would have prevented us from solving successfully as we have done. The industrial conditions of the South are now favorable for the encouragement and reception of immigrants of a desirable character.

The South can not afford to jeopardize its great future by clinging to a prejudice to aliens that naturally was an incident during the period of slavery. Nature has blessed us with inexhaustible supplies of coal, iron, and timber; and yet the cotton crop is more valuable to us than all other interests, because in that staple the world can not compete with us. Iron, coal, and timber, of course, are found in all sections of the world, but the cotton of the South practically has no competitor. There is no substitute for it, and wherever civilization exists people wear clothes, and where they wear clothes the great staple of the South finds a market. [Applause.]

The South will not jeopardize its magnificent future. It will not, under the leadership of the Southern Cotton Association, listen to the siren voice of the deceiver, to get more laborers, to make more cotton than the world can consume, leaving us with a small price for cotton and a lot of foreign laborers to take care of. We can afford to bide our time patiently and all things will come to us. [Applause.] I believe in the admission of aliens to the South, but not in a spirit of "hysteria." Our State immigrant boards, with the opportunities given them, will attend to the interests of our States. I support this bill, Mr. Chairman, because I believe that immigration to this country must and ought to be restricted, and in the South we ought especially to be cautious and careful, for I tell you that the future of the South is not endangered by being careful and slow on this immigration business. We are the architects of our own glorious history, and we are its sponsors for the future. Let us be as faithful to the future as to the past and all will be well with the South.

Mr. KELIHER. Mr. Chairman, the present demand for a law that shall have the effect of restricting immigration has not arisen as a result of unsound industrial or social conditions in the country, but is merely the prolongation of a wail that has been dinned into Congressional ears from the day the first Con-

gress took up its task of legislation. The birth of the Republic and the inception of the agitation for the exclusion of foreign immigrants were coeval.

The tone of the demand has ever been loud, unreasonable, insistent, and unsubsiding. Born of prejudice, this desire to shut out foreigners grew up with eyes closed to the light, blindly ignoring all knowledge that would demonstrate the folly of its reasoning. In the earlier days its advocates stubbornly refused to read with unprejudiced eyes a single page of the country's history upon which was chronicled a patriotic deed or which recited an achievement of any character that was the contribution of the class marked for their disfavor. Impelled by motives that were completely out of harmony with the fundamental policy of the Republic, this element never gave thought or consideration to the economic effect of exclusion or restriction of immigration, but persisted with a zeal that bordered upon the fanatical in their attempts to foist upon the country views that were narrow and ill-advised.

Mr. Chairman, the question of fixing upon a sound policy for the treatment of immigration has ever been a vexatious one, not so much because it involves such difficult problems of legislation, but rather because of the peculiar and impracticable methods of solution pressed by those who insist upon their special qualification to treat the subject. Statesmen of every decade of our national life have been confronted with it, but, to their everlasting credit, those clothed with power and exercising influence in shaping legislation have turned deaf ears alike to the prayers and threats of the exclusionists and continued the liberal policy adopted by the fathers. In their immortal pronunciamento to King George the latter declared that "all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and pursuit of happiness." When independence was secured to them, no heed was given to the clamor against the admission of immigrants.

The fathers had declared on those memorable July days of 1776 that America was an asylum for the oppressed, and when it came to framing the organic law not a line was written which was not in thorough accord with that sentiment. Indeed, the framers of the Constitution sanctioned, and the early Congresses legislated upon the idea that America was intended by a merciful Providence as a haven of hope to the downtrodden who fled unhappy lands where tyranny's edicts made life unbearable. The new nation was consecrated by the founders a home for all, where liberty was assured, and opportunity was open to all who, coming in, manifested the proper spirit. Though there were many powerful influences that antagonized this policy, carrying their antagonism to the ballot box and into the Congress, the dominant political powers of those early days echoed the sentiment of their fathers and gave the policy of liberality a vital force by administering a succession of crushing defeats to the attempts to enact laws that would close the doors to immigration. While hardly comprehensible, it is historically true, nevertheless, that in those days, when the young Republic was extremely rich in area and correspondingly poor for want of population, the attention of its statesmen was frequently diverted from the important task of building and strengthening the national structure by the demands of this energetic element who insisted that other labors cease until barriers were erected which would exclude foreigners from landing upon the expansive, yet sparsely settled, territory of America.

A minority in the days of the first Administration of Washington, their cry was so loud as to give the impression that they were a majority. They insisted upon the soundness of their contention that the country was in jeopardy, that danger of early ruin threatened it in the coming of the vast numbers from Europe. A glance at the condition of the youthful nation at the time of which I speak, when this agitation began to assume size, will show that while it possessed 827,844 square miles of area, its population was so sparse that if the territory were divided equally among the population each square mile would be peopled by but 4.9 persons. Having this fact in mind, it is easy to comprehend that the movement for excluding the newcomers was not prompted by an honest desire to better economic conditions, but sprung from the unpatriotic one of race prejudice. Strange enough the advocates of the exclusion policy in the closing days of the eighteenth century advanced arguments, when they discussed the question in the open, that differed slightly but not materially from those upon which the more clamorous for the pending bill base their reasons for its passage. The early exclusionists argued vehemently in public harangues, in the public press, and in screeds in pamphlets, which were popular mediums of influencing public opinion at that time, that the integrity of American character was in constant danger from too close contact of the people with those who had arrived from France, Ireland, and Santo Domingo. They contended that the citizenship of the United States should be protected from those foreigners who came from the corrupt and disordered states of Europe, lest their hateful presence would have a baneful effect upon the purity and simplicity of American character.

Mr. Chairman, no less a distinguished statesman than that able son of my native State of Massachusetts, Harrison Gray Otis, debating a bill which aimed to increase the cost of naturalization to an alien to a price that would practically render citizenship impossible of attainment, declared in Congress in 1797 "that while it was good policy to have admitted all immigrants when the country was new, it was no longer a new country, and a bar should be placed against the admittance of these restless people who can not be happy or tranquil at home."

Continuing his argument, that eminent jurist and lawmaker further declared with vehement eloquence, "We do not want a vast horde of wild Irishmen let loose upon us." Mark you, this extraordinary argument was addressed to the Congress that sat in 1797, when the number of immigrants who sought our shores did not number annually more than seven or eight thousand. Is there any marked difference between the views expressed by Harrison Gray Otis in 1797 and those of the advocates of restriction in 1906? He looked with fear upon the few thousand Irish and Frenchmen who had fled the uncongenial shores of their native lands to seek lasting homes in the country whose broad, fertile tracts and ideal government offered encouragement to their hopes. What Otis said of the Irish immigrant in 1797 we hear uttered by the restrictionist in no milder terms of denunciation of the Italian, Slav, and Jew to-day.

It can not be offered in explanation or extenuation of Otis's tirades that he was unfamiliar with the character of the immigrants whose presence he opposed so bitterly, for the Irishman had long and actively engaged in the struggle of the Colonies for liberation from England's grasp, and had forcibly demonstrated that he need yield to none in intensity of patriotism and valor, while his intelligence and business enterprise had already deeply impressed themselves upon the new country. McMaster's in his "History of the People of the United States," tells us that at that time the Irish of Philadelphia, which was then the principal city of the United States, were numerous, and among them were men of learning, energy, and business capacity.

An Irishman represented the Philadelphia district for six years in Congress, thereby early showing an aptitude on the part of the race for political life. Guthries's Geographical Grammar, costing $16, had been preprinted by an Irishman; the first edition of Shakespeare printed in America was the work of two Irish lads; of the five daily newspapers, two were owned by Irishmen, and many of the schools were taught by Sons of Erin.

Mr. Chairman, this historical data is furnished to emphasize the fact that a well-informed statesman, such as Otis unquestionably was, could not have been ignorant of the splendid showing made by the representatives of the race he inveighed against. It also strengthens the contention that, like those who shared his views upon this subject, he was blind to the truth and saw only what intolerant eyes chose to look upon. Later on we find the fight against free immigration continued. When this inflow was but a tiny trickling stream of only 11,000 souls in a whole year, the stentorian voice of the sage of Roanoke, John Randolph, of Virginia, thundered against the policy which permitted such a "volume" of immigration to be directed into the country. Speaking upon this subject in 1816 he insisted that there was a striking analogy between the history of the United States and that of Rome, and direfully predicted that unless steps were taken to curb immigration, our ruin would follow as had Rome's. In the course of a speech delivered in Congress, Randolph further said:

> Would they wish to have their elections decided on that floor by a rabble? What was the ruin of old Rome? Why, their opening their gates and letting in the rabble of the whole world to be legislators. If you wish to preserve among your fellow-citizens that exalted sense of freedom which gave birth to the Revolution, if you wish to keep alive among them the spirit of '76, you must endeavor to stop this flood of immigration. You must teach the people of Europe if they do come here, all they must hope to receive is protection. But they must have no share in the Government. From such men a temporary party may receive precarious aid, but the country can not be safe, nor the people happy where they are introduced into Government or meddle in public concerns in any great degree. * * * This is a favorable time to make a stand against this evil (immigration).

In 1814 the Hartford Convention had proclaimed:

> The stock population of these States is amply sufficient to render this nation in due time sufficiently great and powerful.

Mr. Chairman, keeping in mind that for nearly 100 years since the above was proclaimed, we have been receiving vast

numbers of immigrants into the country and yet find that we have room for 100,000,000 more, it is interesting to picture in our mind's eye the sort of conditions that would obtain, if the proclamation of the Hartford Convention had been followed to the letter. With the steady decrease of births that mark our history of the past few generations as a criterion, it is evident that there would be plenty of room in the country to turn around in and the possession of a cattle ranch in Boston or New York City would well be within the range of possibility. The great Clay, with all the foresight historians have credited him with possessing, subscribed to the policy of rigid restriction. In 1830, in the United States Senate supporting Senator Merrick's proposition to bar alien settlers from enjoying the rights of preemption on public lands, the famous Kentuckian made this declaration:

What, he asked, have they seen? A proposition made by an honorable Senator from Maryland [Mr. Merrick] to limit the preemptions to citizens of the United States, native and naturalized, was rejected; and could anybody say, after that naked vote of the Senate, that it had not become a permanent policy of the country to go on inviting all the hordes of Europe to come over and partake of this bounty derived from our ancestors, and which we should preserve for our prosperity?

When Clay voiced that sentiment the nation was populated with 12,866,000 people who lived within the borders of a country that comprised 2,059,043 square miles, which, if divided among its inhabitants, would have but 6.4 people upon each square mile. Great statesman as Clay unquestionably was, his judgment in 1830 was as unsound upon this subject as is that of most of those who cry to-day for this legislation.

Of course it would be manifestly unfair, Mr. Chairman, to argue that all opposition to allowing foreigners to land at this time sprung from a distrust or prejudice against the strangers which was due solely to race or religious hostility. It is extremely hard, however, to believe that a fear of too great an increase to the population of the country spurred the zealous champions of exclusion at that primitive period of our nation. The Louisiana Purchase had added over a million square miles to our territory, and the new country, rich and fertile, fairly yearned for the class of immigrants that accepted our invitation to come and share in the blessings of the nascent Republic. When Randolph invoked legislation that would protect the country from the "foreign rabble" that he thought bound to undermine its very existence, the country's area was 1,999,775 square miles, its population less than five millions, and the density of population was 3.7 per mile. This fact certainly furnishes ground for speculation upon the motive that gave impulse to the expressions of the distinguished Virginian statesman. And so on down the history of the country will be found the same zeal, energy, persistency, and utter disregard for influence upon economic conditions on the part of those wedded to the policy of exclusion or restriction. From generation to generation, regardless of other and more important issues which engrossed the attention of Congress and the nation, this agitation has been kept in the forefront, its promoters, small in numbers, making much noise and accomplishing little in the way of legislation.

Aaron Clark, mayor of New York City, in 1837, when the number of immigrants arriving yearly were but 57,936, in a communication to the city council of that city, dated June 5, painted the following gloomy picture of the menacing effect immigration was having upon the country in general and the metropolis in particular:

Our streets are filled with wandering crowds of these passengers clustering in our city, unacquainted with our climate, without employment, without friends, not speaking our language, and without any dependence for food, or raiment, or fireside, certain of nothing but hardship and a grave; and to be viewed, of course, with no very ardent sympathy by those native citizens whose immediate ancestors were the saviors of the country in its greatest peril. Besides, many of them scorn to hold opinions in harmony with the true spirit of our government. They drive our native workmen into exile.

Commiserating their mayor in the peril which faced the country, the city council through a committee made this reply:

It is just—it is in accord with the best feelings of the human heart to commiserate the sufferings of humanity, however degraded; but, in the opinion of your committee, the city owes a paramount duty to itself and to the country, of which it is the general emporium. She is bound by wise and efficient laws to prevent the jails and workhouses of Europe from pouring out upon our shores their felons; to prohibit her from introducing here those by whom she is bound by every consideration of justice to support; to prohibit her from disgorging upon our people a population with the principles calculated to lower the tone or morals and disorganize the frame of our republican institutions.

The almshouse is full, containing at this moment 3,074, of which three-fourths are foreigners. In fact, our public charities are principally for the benefit of these foreigners, for of the 1,209 persons admitted into the hospital at Bellevue, 982 were aliens. The expense of the almshouse and its dependents last year amounted to $205,506.

Undoubtedly the mayor of New York was sincere in his belief that unless drastic measures were taken to arrest immigration the city government of New York would have to admit its inability to cope with the social and industrial perplexities created by that vast influx of foreigners. Had his warning been hearkened to by the Congress of that day and the remedial laws enacted which in his judgment would have cured the evils of which he complained, is it likely that New York would occupy its present proud position, the imperial city of the west, the metropolis of the greatest nation God's sun shines upon? Had Castle Garden, the Mecca of the expatriated and oppressed of the world, closed its doors in the faces of the sturdy sons of Ireland, Germany, Sweden, Norway, Denmark, and other European countries who fled the civic tyrannies and industrial depressions of their native lands, would this nation's history read as it does—one of undreamed-of progress in peace and unparalleled potency in war? Would it have been possible for the Brooklyn Eagle to have glorified, as it did editorially, upon the recent anniversary of the two hundred and fiftieth year of New York's existence? Describing what New York has become in its material aspects, that paper painted the following glowing picture:

New York is more cosmopolite to-day than any other city in the world. It is not American, in the sense that Boston and Denver are American; it is German, Swedish, Irish, Russian, Hebrew, French, Italian, Greek, Syrian, negro, yet the speech of the Englishman, the laws of the Englishman, the food and clothes and ways of the Englishman pertain as they do in London. And, if it lacks a trifle of the population to bring it to the rank of London, it is hard to believe that, as a city of business, it holds other than the first place in the world. Its exchanges buy and sell $200,000,000 in materials and securities a day. Its real estate is appraised at a billion and a half. It has the finest hotels and dining rooms in the world. There are no better theaters, except in Paris, and only one there. Its parks and boulevards are beautiful and spacious. Nowhere are bigger and finer shops and better appointed offices. Its railroads reach into territory that the Dutchman never heard of. It sends its goods to the Patagonians and Philistines. It wipes its feet on the products of the looms of Persia, and flaunts on its head the feathers of the bird of Paradise. The fruits of the Tropics are on its table, and it washes down its meals with the finest vintages of France.

From the present grandeur of New York let us hearken back again to the days when fear of the foreigner was rife. In 1855, nearly twenty years after Mayor Clark's pessimistic prophecy, Mayor Wood of the same city, in a communication to the city council, practically echoed his warning and protested against the inactivity of Congress in coping with the immigration problem. In this message, among other things, he said:

I know of no subject of more importance; certainly we have the power to protect this city against the landing of so vile an addition to our population; the health, as well as the life and property of the people for whom you legislate require some action at your hands. I am confident the General Government will listen to any representatives from you relating to it, and interpose its national authority in our behalf. On the 2d instant I made this grievance the subject of an official communication to the President of the United States.

Mr. Chairman, in the year Mayor Wood forwarded his memorial to Congress praying for Federal action that would prevent the further admission of immigrants, the inflow was less than 300,000 annually. It is true that in the few years that preceded there had been a tremendous exodus from Europe, due to the appalling famine in Ireland and the political uprising in Germany. The world shuddered at the magnitude and horror of the famine which afflicted unhappy Ireland in the late forties. Nations vied with each other in expressing sympathy and rendering succor, and, as usual in such cases, America's answer to humanity's call was quick and characterized by supreme generosity.

Starvation and fear of death drove from Ireland thousands who were doomed if they remained in that stricken land. Naturally a vast majority turned toward the west, to the land from whence aid and sympathy had come in such abundance. About this period the German, dissatisfied with political conditions in his native land, departed it in great numbers, steering for the United States, whose great stretches of rich undeveloped land had awakened an ambition in the thrifty Teuton to acquire a title to some of it. Denmark, Sweden, and Norway gave generously of their sturdy sons and daughters in that decade. All these causes combined to swell the tide of immigration to a size never before reached, which aroused the ire and opposition of the so-called American element, and was the signal for renewing the agitation which was conducted along lines differing somewhat from those which were followed in prior efforts.

The lot of the immigrant of that day was far from a happy one. Having bade adieu to the home of his nativity, he started upon a voyage to the new land of hope and opportunity with a prayer upon his lips and confidence in his heart. After a voyage that averaged between seven and nine weeks; suffering miseries indescribable in the crowded hold of a slow sailing and inadequate emigrant ship where disease and death were constant visitors; impoverished by absence of proper food and water, the wretched exile looked with longing eyes to the shore for a welcome that would compensate his terrible suffering. Instead of a hospitable reception, he was met in a hostile spirit and had to face and battle against scorn, hate, physical violence, social ostracism, and frequently civic proscription. The "Know-nothings," as they were called, stopped at nothing

in their attempts to drive back their foreign-born neighbors. The persecutions that drove the Puritans to the bleak Plymouth wilderness were mild in comparison. A political party was formed and candidates for public office were forced to subscribe to their illiberal and impracticable doctrines if they would receive their support. "America for Americans" was their slogan, and war upon the foreign-born was declared; no other issue but that of race and religious hostility incited the acts which stain those pages of our history which record the doings of that un-American and narrow element. The Democratic party, then the dominant one, met that issue, as it meets all others, frankly, manfully, and bravely. At Cincinnati in the convention of 1856 it declared in its platform as follows, and I bespeak its careful consideration by those who rally under the Democratic banner to-day and look with favor upon this bill.

That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned in the Constitution, which makes ours the land of liberty and the asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith, and every attempt to abridge the privilege of becoming citizens and the owners of soil among us ought to be resisted with the same spirit which swept the alien and sedition laws from our statute books; and

Whereas, since the foregoing declaration was uniformly adopted by our predecessors in national conventions, an adverse political and religious test has been secretly organized by a party claiming to be exclusively American, and it is proper that the American Democracy should clearly define its relation thereto and declare its determined opposition to all secret political societies, by whatever name they may be called.

Resolved, That the foundation of this Union of States having been laid in, and its prosperity, expansion, and preeminent example in free government built upon, entire freedom in matters of religious concernment, and no respect to person in regard to rank or place of birth, no party can justly be deemed national, constitutional, or in accordance with *American principles* which bases its exclusive organization upon religious opinions and accidental birthplace. And, hence, a political crusade in the nineteenth century, and in the United States of America, against Catholic and foreign born is neither justified by the past history or the future prospects of the country, nor in unison with the spirit of toleration and enlarged freedom which peculiarly distinguishes the American system of popular government.

Mr. Chairman, consistently ignoring the material and political aspects and recognizing only the religious one, those misguided enthusiasts, who arrayed themselves against the foreign born, gave no heed to the welfare of the country and refused to consider what effect their pernicious policy would have upon the development of the nation. They cared not whether prosperity or depression followed their course, they were blind to the dangers their success would bring and eagerly pursued their reckless course with almost fanatical abandon. We hear much said to-day, Mr. Chairman, in glowing eulogy of the splendid character of the Irish and German immigrant and hear long and loud sighs bemoaning the failure of this class to come in any numbers to our shores, where they would be assured a welcome unlike that which our ancestors met. To-day the Slav, Pole, South Italian, and Jew is anathematized and his landing protested as were that of the German and Irish fifty years ago.

It is interesting to compare the arguments that were presented fifty years ago against the German and Irish, with those advanced to-day to sustain the proposition that the Italian, Pole, and Jew are unfit to become part of our body politic; that they can have no sympathy with our form of government or interest in our institutions; that they are unassimilable; that they come to underbid American labor, and have no fixed purpose to remain, etc. Fifty years ago, when the Irish, Scandinavians, and Germans, so eulogistically spoken of and characterized desirable to-day, were coming under the pressure of powerful and irresistible economic and social forces, there were protests from many economists, sociologists, statesmen, and agitators of that day, who fairly shrieked the warning that Europe was using America as a dumping ground for her criminals, paupers, and undesirables. Arguments similar to those we hear in Congress nowadays, whenever a speech is made in favor of placing barriers in the way of the immigrant, were advanced more than half a century ago, when the economic worth of the immigrant was doing so much to make possible the great advance of the United States toward a leading position among the nations of the world.

The following interesting extract from the United States Magazine and Democratic Review of June, 1850, furnishes a sample of the feverish outputs of that day:

These European reformers are flocking hither by thousands, bring with them the pestilent products of the worn-out soil of the Old World—which, it would seem, whenever it falls into labor produces nothing but monsters. They bring with them a host of extravagant notions of freedom, or a plenty of crude, undigested theories which are utterly unreconcilable with obedience to laws of our own making or a constitution of our own adoption. They come with their heads full of a division of property to a country where it is already divided in a manner most salutary to the general welfare by existing laws and institutions, allowing every man an equal chance and placing no artificial obstructions in the way of any.

It is interesting to note the distance from the truth of the prophecy of the writer of this unsigned contribution to a daily printed in 1856:

There is another consequence that is deserving of notice, and it is this: Our manufacturers, iron makers, machinists, miners, agriculturalists, railway and canal and other contractors, private families, hotel keepers, and many others, have got into the way of expecting and seeking cheap labor, through the various supplies of operators, workmen, laborers, house help, and various other kinds of workers, kept up by the indiscriminate and unrestrained admission of immigrants. Indeed, it is no secret that immigrants, or, rather, foreign workers, have become an article of importation, professedly for the purpose of providing for deficiency in supply of the labor market, but in reality of obtaining efficient workers at lower wages.

The fear expressed by my friend from Kentucky [Mr. HOPKINS] that the United States is having foisted upon it "the scum of Europe," is one that tortured the minds of those who clamored for closed doors in days long gone beyond recall. Mr. Liszt, the consul of the United States at Leipzig (himself a foreigner), in writing to the Secretary of the Treasury March 8, 1837, observed—

Not only paupers, but even criminals, are transported from the interior of this country to the seaports, in order to be embarked to the United States.

During the investigation of the subject of deporting to the United States criminals and paupers by European governments, Moses Catrenstein, in a statement on oath to an investigating committee, declared:

By request of the commissioners appointed by the Committee on Judiciary of the United States Senate, in regard to the importation of paupers and criminals from foreign countries, I would respectfully state that I embarked at Bremen on board the Bremen ship *Republic*, Captain Tegeler, together with about one hundred other passengers, in course of the summer of 1843, and arrived at Baltimore about December of the same year. That among the above passengers were about 28 criminals, sent out of the country by their respective governments, and accompanied by a police officer until the ship was fairly at sea, when each of these 28 persons were handed a certain sum of money by the officer and he then left the ship with the pilot and the ship proceeded upon her voyage, her port of destination being Baltimore, Md. Nearly all the persons alluded to are now in Baltimore.

And still another note of warning sounded over fifty years ago. One A. Shultze, writing from Leipzig, on the 4th of June, 1855, said:

It can not be denied that for some time the governments of some States, and also the authorities of several communities, have deemed it convenient to free themselves from their paupers by shipping them to the United States. It is also notorious that criminals after having suffered punishment have, in the same manner, been transported to the United States, with a view to free the community of them forever.

I present these statements made upon this phase of the subject over fifty years ago to show how apprehensive certain citizens were that our country would be converted into a sort of a Van Dieman's Land or Botany Bay, and that the world's criminals were to be transported here unless we harkened to their warning, accepted their remedy, and barred our doors to all foreigners. The statesmen of that day did not heed the warning, and did not experience the hysteria which distracted and affected the minds of so many during the days just preceding the Knownothing movement.

Mr. Chairman, sound sense asserted its power, free immigration was not interfered with, and the sturdy sons of Germany, Ireland and Scandinavia came in great numbers, peopled the West, and gave a tremendous impetus to the development of our industries, whose great growth dates from the day that the willing toil of the foreign born was recruited in the industrial army of the country. Virtue rather than vice proved to be the dominant characteristic of the races that were inveighed against in those days, and from those proscribed immigrants have sprung such a high order of citizenship as insures the preservation of our grand institutions, the perpetuation of our national integrity, and the steady enhancement of our power.

Mr. Chairman, the foreign-born social outcast of 1856 rallied to the Union in 1861, and fought with as much valor and patriotism from Bull Run to Appomattox as any self-termed true American. In the State of Massachusetts, under the administration of the Knownothing governor, while this wave of bigotry temporarily submerged prudence and judgment, among the curious laws passed was one which prohibited foreign born from carrying firearms. But a short time later, when Governor Andrew, he of blessed memory, in answer to Lincoln's appeal for aid to maintain the honor and integrity of the National Government, called for troops, there marched through the streets of Boston, in quick response, Irishmen and sons of Irishmen keeping time to the cheers of a populace that comprised many whose shouts for their proscription had hardly died away. There was no evidence of hate then, no demonstration of distrust—only applause for those brave foreigners as they departed to the scene of many bloody battles, where their dare-devil bravery added additional luster to American arms and did so much to keep intact and unimpaired the Union of these great States. And what was true of the Irish was also true of his German friend,

who had shared with him the indignities heaped by those whose hate of the foreigner led to such reprehensible acts. Still another argument offered by the friends of this measure to sustain their position against unrestricted immigration is that we are taking into our midst elements that won't or can't be assimilated.

The alarmist of to-day entertains no more harsh feeling of antagonism toward the Italian and Jew than his father or grandfather did to the incoming sons of northern Europe. Senator Crawford of Georgia was in favor of shutting them out and engaging the country in a task that centuries had proven was impossible of success. The distinguished Georgian expressed a preference for a policy that contemplated the civilization and assimilation of the American Indian over one that would continue free immigration. In the course of a speech upon the subject, Senator Crawford said:

It will redound more to the national honor to incorporate by a humane and benevolent policy the natives of our forests in the great American family of freedom than to receive with open arms the fugitives of the Old World, whether their flight has been the effect of their crimes or their virtues.

Senator Stephens Adams of Mississippi, as late as 1856, predicted an untimely end to the glorious Republic if our doors were not immediately shut and bolted against the foreign arrivals. Here are a few of his lugubrious predictions which not only did not come true, but did not come anywhere near to doing so:

The system is unjust to ourselves, our children, and our posterity, and if persisted in will ere long inevitably dissolve the Union of these States—will change our prosperity into adversity, our political purity and personal safety into impurity, corruption, anarchy, disaster, and degradation. The blessings of the unbounded liberty we have enjoyed, the glories of the past and present, will be obscured by the gloom, aye, the total darkness, of the future. Strike this thrice free Government from the political firmament, and in vain you will search for a star to guide the devotee of liberty to the goal of his heart's desire.

If the policy of admitting unlimited immigration of foreigners is to be continued with the present facilities of making citizens of the paupers, criminals, agrarians, socialists, and atheists, with their known principles and avowed purpose of overturning our Government and their approachability to the highest bidder, the worst men will secure their votes and thereby the elections.

It is argued to-day that while the Irish, German, and Scandinavian, Scotch, and other races make good citizens, the Slav, Italian, and Jew do not. These races have not been among us long enough to permit of an intelligent opinion upon that subject. It was once argued that the Germans and Irish would disturb and disrupt our form of government when they began to come in numbers. There was opinion galore that our governmental structure could not endure if we attempted to absorb these foreigners with the license, anarchy, and degrading influence it was claimed their presence brought. It has endured and grown greater and mightier as a result of the absorption of these elements. It was also contended and proof considered incontrovertible was presented to show that carefully laid conspiracies were in operation with an object to prostitute our citizenship by wholesale naturalization frauds, and to overthrow the Government with a hope of substituting one more congenial to the ideas of the foreigners. As evidence of the existence of such a plot the utterances of many German and Irish newspapers and societies were offered, in which it was charged that the fellow-countrymen of the editors and members were incited to organize and work for certain reforms. Among these, which caused no end of talk, was the following from a German paper published in Newark, N. J., about the time when feeling ran high:

Self-preservation is the first and most prominent instinct of every living creature as well as of man. So soon as our relations assume the form stated above (namely, so soon as want of employment and higher prices of provisions ensue) then this instinct of self-preservation makes it right effective, and the very natural impulse is awakened to fall to, seize hold, and take wherever it is to be found what is needful to life, especially bread and meat. Laws, customs, morality, religion, and whatever these stait-jackets of social life may be called, have indeed considerably circumscribed this instinct of self-preservation, especially when it assumes the form of seizing hold of what others claim. But in great and general distress (i. e., when employment is scarce and provisions dear) nature rends asunder all these artificial bands and chains with which social society has trammeled us, and nature makes her laws effectual.

As evidence of the extent of the reform the agitators propose, the following is an abstract from their purposes:

1. Universal suffrage.
2. The election of all officers by the people.
3. The abolition of the Presidency.
4. The abolition of the Senates.
5. The right of the people to recall their representatives (cashier them) at pleasure.
6. The right of the people to change the Constitution when they like.
7. All law suits to be conducted without expense.
8. A department of the Government to be set up for the protection of immigration.
9. A reduced term for acquiring citizenship.
10. Abolition of all neutrality.
11. Intervention in favor of every people struggling for liberty.
12. Abolition of all laws for the observance of the Sabbath.
13. Abolition of prayers in Congress.
14. Abolition of oaths upon the Bible.
15. Supporting the emancipation exertions of Cassius M. Clay by Congressional laws.
16. Abolition of the Christian system of punishment and the introduction of the human-amelioration system.
17. Abolition of capital punishment.

To show that the Irish in America were not behind their German brothers in the conspiracy to undermine the Government, the calamity shouters gave wide circulation to a circular in which they professed to discover strong ground for their charges.

At a trial in Cincinnati the district attorney read a circular, from which the following is an extract:

Awake, then, Irishmen of Ohio! To the rescue. The days of England's tribulation is now—the withering breath of an angry God is upon her, scouring her for the robberies, the murders, the massacres of ages, and dissolving her power like snow before the warm sun. With the opportunity presented and freedom before us, shall we, the exiled sons of a crushed and lacerated mother, remain helots to every people who wish to put the yoke upon our necks, toil through reproach and opprobium in the rags of servitude, and die with slavery's fetters upon our limbs, without an effort to efface the black and bitter memory of the past? Ireland speaks to us through the Massachusetts convention. Shall we not heed her call and organize as she directs? Cincinnati has already adopted the Massachusetts platform and plan of action, and is duly authorized to organize the State of Ohio. The Robert Emmet Club of Cincinnati, therefore, calls on you, Irishmen, to organize clubs in every city, town, and village in the State on the above plan, and every information necessary will be furnished you here on application to our secretary. When the State is thus organized into clubs a State convention will be called, and a State secretary will be elected, who will manage the funds and other business of the society. Irishmen, let no man fail and falter now. The duty is light if action be united and every man do his duty.

Time has proven how groundless were the fears of those timid creatures who insisted that the foreign blood infused into the nation fifty years ago was so polluted that our national body would be so disfigured as to be soon unrecognizable. On the contrary, our system has been enriched and invigorated by the infusion. I repeat, that the arguments of a hundred years against the free admission of healthy, sound immigrants have varied but slightly. I do not assert to-day that race or religious prejudice is the sole motive which is responsible for this attempt to discontinue our present policy in the matter of immigration, but I have no hesitancy in declaring that if a certain religious society, masquerading as a labor organization, were not forcing this measure, the closing hours of this extraordinarily long session would not now be considering it. There is no general demand for this legislation, and the present is not a natural, but artificial sentiment in its favor that has been carefully worked by an interested few that toil ceaselessly, intelligently, and how effectively the action of the House will soon show. It is unnatural that at such a time, when our prosperity is unbounded, when the demand for unskilled labor can not be supplied, when in every field of employment there is ample work for the man who desires it, that this problem should confront us.

Movements such as this naturally accompany industrial depressions, and the insistence at such a time of this bill ought to arouse the suspicion of the Member who wants to legislate for the good of his country.

Mr. Chairman, we of the North are rich and prosperous today, largely because we early appreciated the economic value of the immigrant and utilized it. After we recovered from that attack of temporary insanity—"knownothingism"—and got to work, we paid some attention to the incoming stream of humanity from Europe, directed its flow into useful channels, and been rewarded, as a result, beyond our dreams.

We are practical in the North; we study a problem in the light of cold experience. We do not enlist the economist or statistician to figure out a proposition that we can get at by practical demonstration, and maudlin sentimentality has little to do in guiding us to a conclusion. In Boston, which I have the honor to represent in part, we have a population that is comprised of approximately 65 per cent of foreign-born, or not over two generations removed from same. We have solved the great social question involved in the great inflow of immigrants by letting it solve itself. We would have no complaint to offer, if you would but let well enough alone, which this measure proposes to interfere with. We do emphatically complain at this attempt to shut off the supply of labor that we need, and we insist that the application of this abortive method, which keeps open our doors to the head worker and closes them to the hand worker, will so curtail our supply as to cripple us immeasureably.

Mr. Chairman, as an illustration of the character of the work that demands the class of labor I have described, I would ask you to follow me in your mind's eye under the bed of Boston Harbor, where Yankee enterprise and energy have bored an immense tunnel with an opening of sufficient size to permit of a double-track roadbed that brings inestimable joy to the denizens of a great section of the city, in the form of convenience, speed,

and comfort in reaching their homes from the business locality of the city. Could this work have been done as economically and with the dispatch that characterized it if countless sons of sunny Italy had not been at hand? Go with me also into the subway we are now building in Boston, which will be a boon to all the people of that congested city. Toiling like beavers in a cut, the arch of which is scarcely 15 feet under the foundation of a 13-story building, can be seen by night and day myriad Italians toiling with no apparent thought of the great danger that ever hovers over this hazardous enterprise. It is safe to say that if a knowledge of the art of reading were the test demanded, rather than that of a sound body and willingness to swing a pick, there would be scarcely a mother's son of them engaged upon that great public project. [Applause.] Now, with what class of labor do these Italians interfere? The Irishman of to-day won't go into the trench unless it is to act as a boss; the German can not be induced to grasp a pick; the native American's physical make-up would bar him if he did not regard such menial manual labor beneath him; the Scandinavian finds ample demand for his service in more congenial fields; the Englishman answers the call of the mill proprietor, and the Scotchman goes with him.

If you shut the door to the dark-skinned son of Italy, where will we go to get the commodity which to us is an essential? [Applause.] The second generation, the son of the trench-digging Italian won't follow his father's footsteps in those fields. He goes to school, absorbs book learning quickly, and becomes imbued with a laudable ambition to better himself, and he does. You could no more coax him to wield a pick or handle a shovel than you could a Sioux Indian to imbibe water as a social beverage if whisky were available. This being so, if you bar out the Italian, Pole, and Hungarian from whence are we to recruit our trench diggers? Perhaps my learned friends from Kentucky [Mr. HOPKINS] and Alabama [Mr. RICHARDSON], who have treated us to such delightful essays upon the importance of preserving uncontaminated the pure American blood, will shelve meaningless platitudes that may have been effective in the hysterical days of Knownothingism and give due consideration to the paramount feature of this great question, which is the economic one, and answer. [Applause.] Race integrity, sectarianism, or politics have no place in this debate. The only questions that enter into a sensible and patriotic consideration of the pending measure are those that treat of the moral, economic, and social influence the immigrant of to-day has, or is likely to have, upon the country. I contend that my eloquent friend from New York [Mr. COCKRAN], in his particularly able argument directed against the stringent educational qualification provision embodied in the naturalization bill reported by the committee that sponsors this measure, which the sound sense of the House modified, epitomized the contention of the opposition when he stated that what the country needed was "laborers, not scholars." We enjoy an abundance of brain and suffer a dearth of brawn. [Applause.] It would be nothing short of folly to curtail the supply, and that is what the pending bill aims at.

Mr. Chairman, the unskilled labor of to-day is the skilled labor of to-morrow, or becomes sufficiently skilled to increase its economic value, and prudence and a due concern for the industrial demands of the nation bid us pause ere we take this step in the wrong direction. Undue worry exercises my worthy friend from Alabama [Mr. RICHARDSON] over the apparent blindness of us of the North to the gathering clouds of riot, anarchy, and social degradation that hover ominously over our heads in the form of a foreign element in our community that he thinks will some day in the very near future rise in their might and sweep up from the streets of dearly loved cities. This is the veriest rot, reflection upon his intellectual integrity, and unworthy of lodgment in the mind of a man who bids for the respect of his fellow-man. Such strange notions are generally entertained by those who study great problems superficially, or observe conditions from a long distance. We live in an age when people are prone to swallow whole the lurid writings of the sensational magazine writer without treating the same to any mental mastication. If one can be found who believes all he reads nowadays about the unwholesome moral and social atmosphere that pervades those parts of our great cities wherein the lowly dwell, surprise should not follow any observation of his, no matter how weird. Mr. Chairman, of our splendid citizenship in Boston, the Jew and the Italian form a conspicuous and creditable part. Both are good citizens, law-abiding and frugal, who contribute in no scant way to the peace and prosperity of our city.

If a search were to be made for the place of nativity of the ancestors of the present inhabitants of Boston of the second generation back, the abodes of over 65 per cent would be found in Ireland, Italy, or some quarter of eastern Europe. In this great city of nearly 600,000 people, with such a large percentage of foreign born or immediate children of foreign born, it may surprise some of those misguided people who associate disease and high death rate with large foreign-born population, to learn that we boast one of the smallest death rates of any city in the world, it being but 155 in the week which ended yesterday. A mortality rate of 155 in seven days in the middle of summer in a city of 600,000 inhabitants certainly answers the charge so frequently made that certain races from southeastern Europe bring in and spread disease.

Mr. Chairman, it may be argued that our laws are such as to insure this remarkable showing, but we are all agreed that unless the citizen respects the law it lacks that virility essential to effectiveness. I do not propose to burden the House with further eulogy of the character of the races especially marked for antagonism.

Mr. Chairman, active in this agitation for a restricting measure will not be found a business man, manufacturer, or economist of any note. The present condition of the country demands unskilled labor, the sort that is willing to toil at the most laborious form of work. To meet this supply we must seek the dock where the hardy Italian, Pole, and Hungarian has just landed. This class need and want work so badly that they accept whatever is offered, giving no thought to its character so long as it is honest and brings them money.

Nature has endowed them with physiques specially adapted to stand the rigorous demands of toil in the trenches and mines. It can not be disputed that such labor is sadly needed in the country, and it is folly to argue that the supply will not diminish if a test of scholarship is written into law as a prerequisite to landing. We are apt to get too much advice upon this subject from quarters where no practical knowledge has been had upon the subject. More speeches in favor of restricted immigration come from the South where fewer immigrants reach and more are needed than from any other section of the country. The South has not yet awakened to her possibilities and will never be thoroughly awake until she has the good sense to divert the flow of immigration southward into the States that are crying for it. Upon this phase of the question let me direct the attention of my southern friends to the following very interesting and instructive article which I cut from a recent number of the Manufacturers' Record:

There is a shortage of labor. This is most marked in the Southern States, where even individuals who, operating upon special lines, have an adequate supply, find a general lack in their neighborhood; but in the East, in the Middle West, and in the manufacturing States beyond the Mississippi the situation is similar, though, perhaps, not so embarrassing. In some regions, especially near the great cities, the number of skilled workmen is sufficient, but there is a demand for unskilled by no means met. In others there are plenty of unskilled, but not enough skilled, and in others yet both classes are short. Like variations occur in efficiency of the labor, though a tendency toward lessened efficiency or lessened productivity seems to be widespread. This is attributed by some practical students to the organization of labor permitting mediocrity to set the pace for the mass and suppressing individual ambition; by some to the increase in specialization with machine tools, whereby the operator learns to do but one part of a job and is even stinted in doing that; by some to the opportunities created in a period of prosperity for the partly trained man to undertake work that he is not qualified to do right; by some to the union rules limiting the number of apprentices in a shop, with the effect that the call for trained men can not be answered adequately; by some to a trained radically false system of education, which teaches American youth to prefer a $6 a week job with a clean collar to a $4 a day job with soiled clothes; by some to undue restriction upon immigration to this country, barring competents as well as incompetents, and by others to the shiftlessness and laziness, which practically make an increase in wages a curse to the wage-earner.

The last is especially noticeable in the case of negro common labor, where the ambition seems to be to earn only so much every seven days, and if it can be earned in two or three days to knock off the rest for the other four or five days. The spirit of so-called independence of employers thus begotten is, however, not the exclusive possession of unskilled negroes, whose natural history excuses them in part, but it is also manifested in the case of white men of the highest proficiency who, in the knowledge of the ease with which employment may be had, are inclined to rove, and consequently industries requiring steadiness and stability for their full success are the sufferers. Vagrancy of the more pronounced type—that is, the vagrancy that will do no work except under the compulsion of the law and lives upon the industrious element of the country—is another evil complained of mostly in the South, affecting both employers and employees. The desire for immigration to meet the deficiencies is at present in the South. This seems to be explained by the fact that material for common labor predominates at present among the newcomers to this country and that the demand for such is greater in the South than in other parts of the country, and to the fact that for skilled purposes the foreigner who is yet to be trained is not likely to become as efficient as the native American. Suggestion of immigration induces a wide range of opinion, from a willingness to "stop the wagon in the middle of the road" rather than to destroy the American spirit through large importations of foreigners to the strong desire that the law excluding Chinese labor be repealed. There is shown, too, a shifting, after trial, of one class of foreigners to another. Contentment is expressed with conditions in New England, where so great a proportion of labor is of foreign origin.

A wish for a good class of immigrants prevails in the West and in the South. Public sentiment is becoming stronger and stronger for an enlargement of the work done by State immigration bureaus and other reliable agencies to be supplemented by the movement of foreigners direct to Southern ports, whence they may be distributed wherever there is need in agriculture, in mining, in manufacturing, in the lumber camps,

and in other construction work of various kinds. One of the strongest arguments for immigration to the South is that it will not only meet an immediate need, but will discover to the negroes that their so-called independence is but a temporary thing, and that to have any employment at all they must be willing to work persistently and regularly or disappear in the face of competition with foreign born.

Meanwhile, in parts of the country where manufacturing has been long established, emphasis is laid upon the necessity for a radical change in educational methods, for the founding and liberal support of schools where the rising generation may learn thoroughly a whole trade, and for the enlargement of the apprentice system, the strong point being made that, whereas in training for the professions all is outgo until active practice begins, the apprentice is paid while he is learning. Criticism is also made of the methods of handling employees and employers upon some such principle as that the one is merely an individual to be exploited to the full for the sole benefit of the other, and experience is cited to demonstrate the advantages of what has come to be called "industrial welfare work" and in advocacy of a recognition of the human element in the relations of employer and employed.

Along the same line, listen to this wail from Kansas before deciding whether the closed-door policy is a sound one to adopt. I quote from a news dispatch of a day or two ago:

No men to send to Kansas, and western railroads are taking all the laborers Chicago can spare. Kansas City's cry for harvest hands can not be answered by Chicago at present. Hundreds of men are being shipped to the West daily, but they are going for railroad work, not for the farmers. J. J. Hill's western railroad enterprises alone have taken 25,000 men from Chicago, Minneapolis, and St. Paul since the first of the year. Along his lines are camps of Chinese, Japanese, Austrians, Macedonians, Italians, Greeks, Swedes, Norwegians, Poles, and Danes. Railroad contractors do not mix the nationalities. "Kansas can't get any men here," said one agent yesterday. "The railroads are paying too high wages. The farmers say they will pay $2 per day, but when the men get out there they find that $1.25 is the limit. Then men can't get from Chicago to the harvest fields. The planter won't pay the car fare, the hands can't pay it, and the railroads can't carry them for nothing. In a few weeks South Dakota will be after hands. They will get them from the railroads. The men we have sent to the Hill lines will desert and go to the harvest fields, because the ranchers in the Northwest pay high wages. If they want men they will pay $3 a day and get them away from the railroads."

Mr. Chairman, as evidence of the fact that the sentiment of the practical minds that are rapidly making the South famous as a business center, as well as the home of orators, is not in sympathy with this movement to close our doors to immigration, let me present the following:

RESOLUTIONS ADOPTED BY SOUTHERN CONFERENCE ON IMMIGRATION AND QUARANTINE, HELD AT CHATTANOOGA, TENN., NOVEMBER 9 AND 10, 1905.

Whereas the States represented in this convention, and the whole South, are possessed of limitless resources, agricultural, mineral, and timber lands; and

Whereas desirable immigration is needed in order to develop these resources; and

Whereas we desire to settle with us all desirable white persons who are willing to subscribe to our laws and who appreciate and love the genius of our institutions: Now, therefore, be it

Resolved, That it is the sense of this conference that it does hereby invite and welcome to our midst all industrious and upright white persons from any of the European countries, and from all sections of the United States, who wish to make their homes with us to assist in the development of our resources and the advancement and multiplication of our varied enterprises and industries.

Be it further resolved, That we repudiate and denounce as untrue any and all slanders that may have been circulated to the effect that the South is unfavorable to honest and industrious white immigrants.

Whereas the President of the United States has recommended to Congress certain changes in the present immigration laws of this country with a view of making it more difficult for the pauper and criminal classes to enter our country, this immigration embracing a better system of inspection of immigrants, both at the ports of embarkation and of arrival: Therefore be it

Resolved, by this conference of representative men of the South that we hereby indorse and approve these recommendations and request all of the Senators and Representatives of the Southern States to aid in securing the pasage of such amendments to existing immigration laws as will tend to obtain the objects sought.

Resolved, That this convention recommends to each of the Southern States the establishment of an immigration bureau to be maintained by sufficient appropriation.

Editorially the Vicksburg Herald has this to say of the foolish opposition of the South to Italian labor:

FOLLY OF SOUTHERN OPPOSITION TO ITALIAN IMMIGRATION.

There is still opposition of a surprisingly bitter kind to immigration into the South, especially the immigration that has its origin in southern Europe. The Washington Post, which assumes occasionally to speak for the South, prints a fantastic tirade against the Italians, and warns its southern readers against them. "The great bulk of the so-called Italians," it says, "who come over here to cut throats, throw dynamite, and conduct labor riots and assassination fraternities, are nothing more than the degenerate progeny of the Asiatic hordes which long centuries ago overran the shores of the Mediterranean and were the pirates, the spoliators, and the mercenaries of those bloody ages. Nine-tenths of the riffraff army that descends upon these shores are the spawn of the Phœnician curse, expedited fervently by our great and good friends of the Quirinal, who are only too anxious to be rid of them."—Springfield Republican.

In this same article the Washington Post makes a parade of the motive of "profound concern for the welfare of the South." That this profession is a mere phrase and not a fact is evidenced by its fundamental ignorance of the subject treated. This, however, is not uncharacteristic of a paper with a reputation for smartness and trimming, rather than veracity or character. And the chief "folly" here is in the Republican's referring to the Post's flippantly unveracious screed as "Southern opposition." With the class of Italians of which it speaks the South has no concern. In the first place, they are not fit for labor on the plantations, and in the second, that labor would not fit them. In other words, they would neither go there nor be received there. But making full allowance for reported Mafia and Black Hand outcrops, it is doubtful if there is any greater proportion of that nationality in the criminal lists than of any other which make up the American immigrants. On the contrary, recently published criminal statistics in New York, which this paper quoted, placed Italians far below others in crime and pauperism. It is the case of a bad name—of the traditional vendettas of Corsica, Carbonari of Calabria, and the Mafia of Cicily—that the Washington Post has exploited.

While some few thousands of Italians have been located on the cotton plantations of the Delta, of Louisiana, Mississippi, and Arkansas, far more are engaged on the sugar and rice plantations of the former State. Their general reputation for peacefulness, industry, and sobriety will compare favorably with that of any other people. Those that have been colonized on the cotton lands ship chiefly from Genoa and other northern Italian ports. They have neither been expedited nor encouraged to migrate by "our good friends of the Quirinal"—the Italian Government. In the opinion of some who have sought to secure Italian plantation labor, the reverse is believed to be true—that there is a distinct hostility on the part of that Government to parting with the farming class of its people. Certainly no other Government has taken the interest in the treatment and the well being of its subjects who come to this country, as the Italian.

The whole genesis of colonizing Italians on the cotton plantations is the insufficiency and the deterioration of negro labor. For years the prejudice voiced in the Washington Post was a check to all efforts in that direction. Rather than look to Italians the hill country was drained of negroes. As that source of supply began to fail, labor was sought in other directions. Mexicans were imported by some. The Choctaw Indians of the east Mississippi counties were drawn upon. One planter settled his plantation with East Tennessee mountain folk. A few places were worked with Chinese. But all of these experiments passed away, and their failure forced a trial of the Italians. So far as tested they have proved satisfactory, and they are steadily growing in favor. This is no surmise—it has the assurance of conversations with many planters who have either tried the Italians, or who are acquainted with them as cotton growers.

As there is a growing interest in the Italian cotton labor question, The Herald will refer to a recent two days' visit of its editor to the famous Sunny Side plantations, on Lake Chicot, in Arkansas. Of the four or five thousand acres of cotton, about two-thirds are cultivated by Italians and one-third by negroes. It is an old story that the results per acre are altogether in favor of the former. What we desire to more particularly note is the quality of citizenship presented by the Sunny Side Italians. As to criminality, or strife, the colony of nearly a thousand souls has been absolutely free—not a murder nor an attempted murder nor a suit brought in court of any sort in the preceding two years at least. The chief manager of the plantation, a young Mississippian from Chickasaw county, stated that owing to the cost of naturalization very few had qualified as voters. The children all attend school and are being taught English, and he was confident would grow up good American citizens. All are thrifty, sober and home loving. From drunkenness and chronic or hereditary sickness they are wholly free. The practicing physician on the plantations, an unusually intelligent and observing young Mississippian, informed us that the Italian colony was an exceptionally healthy and physically sound body of people. All, indeed, that the Americans on the plantations said of these Italians was praise.

In an article on this same subject the New York Evening Post said: "A question often raised is the effect of foreign labor upon the negro. If the South carries out its plan of drawing the best of the foreign labor, the effect upon the negro should be beneficial. If he is to hold his own in competition, he will be forced to improve himself, and he will be stimulated intellectually and morally. One reason why he is lazy and irresponsible is that he often regards himself as not a direct competitor of the white; and he measures himself by no standard of achievement except that of the shiftless and ignorant of his own race. The coming of the immigrant should open the eyes of his mind and soul. Placed side by side with earnest, steady workmen, he himself should reach a higher degree of skill and trustworthiness."

The best that can be said of the negro "placed side by side with earnest, steady workmen," is that the proximity has as yet developed no race strife nor hostility. On the other hand, the Herald regrets to say that nothing it has seen or heard bears out the Post's reasoning of its "beneficial effect upon the negro." Object lessons of the value of sustained industry, of self-denial and saving by the Italians who are working almost side by side with them, seem lost on the negroes. They have stimulated neither their emulation nor their envy.

If my Southern friends harbor the idea that the Italian is not adapted to the particular work done in their section they make a great mistake, which this article from the Boston Transcript, I am about to read, will demonstrate:

ABANDONED FARMS OF NEW ENGLAND.

"The New York, New Haven and Hartford is at present engaged in a very interesting experiment," writes Broughton Brandenburg in the Technical World Magazine for March, "which, strictly speaking, is hardly such any longer, as its efforts have been crowned with success from the beginning. The road covers the lower half of New England with an astounding network of lines, and as a result of the opening of the richer lands of the West and South, the men who had been toiling on the impoverished New England farms, small and stony, forsook them, took their families, and left New England. The price of land declined until there came to be many farms that could be bought for a dollar an acre and at last a great number that were entirely abandoned. By reason of the road carrying to and fro Italians who had landed in New York and wished to go to the cotton mills of Lowell or the shoe shops of Lynn, etc., and Italians who had landed in Boston and wished to go to New York, the news of these abandoned farms came to be noised about among the Italians and they began to take them up. The men would work in the nearest factory and the women and children cultivate the ground. The Italian is a born irrigator; and now, all along the New Haven road, can be seen garden-like estates that were once abandoned by the their previous owners. The road was quick to see the trend of the Italians and is bent on encouraging it. It is probable that a combined agricultural and industrial population of Italians, Poles, and Portuguese, aggregating millions in number, will be gained to the territory traversed by the road."

It is asserted with greater emphasis and frequency than the facts warrant, Mr. Chairman, that the reason why the South hesitates in receiving Italian labor is because of the belief that

while the presence of this class would add to the burden illiteracy now imposes upon it, the economic return would not compensate. The Italian has taken his fling at cotton raising, and the testimony of those competent to testify whether he has been a success or failure would indicate clearly that if given half a chance the countryman of Columbus would render a splendid account of himself. Upon this feature I present for the consideration of the House this interesting and instructive data:

Cash paid Italians above rents, etc., for cotton raised by them on the Sunnyside Company's property during 1904.

Name.	Cost.	Acres.
Luigi Baccussi (first crop)	$688.13	25
Luigi Fratizi	194.17	15
Gulinelli Nozzerous (first crop)	553.36	18¼
Catalina Achelia (first crop)	315.22	28
Geovanni Palidori (first crop)	682.79	36¾
Nicalo Stupendo	619.78	22½
Boriolo G. Batesti	490.98	25½
Banchetti Adelia (first crop)	193.05	22½
Peanalto Celesto	924.28	38¼
Maudilina Autonio (first crop)	364.50	20
Geogenio Antonio (first crop)	249.60	25
Geovanni Popelio	622.55	30
Reso Muscognio	710.41	19
Peitro Fratezi	612.90	30
Ilore Frateze (first crop)	252.15	25
Cizzerieus, Oresto	205.25	14
Fratino Serafino	1,073.89	26
Chesri Fratino	380.28	19
Dowordo Riginalli (first crop)	196.18	12½
Antiono Durestanti	299.50	11½
Santino Osvaldo	467.55	37½
Chingelanni Allessandro, No. 2 (first crop)	250.50	20
Borino Chesri (first crop)	335.90	24
Regihalli Silvino	375.41	14
Agniolletti Nozzerreno (first crop)	400.99	17
Vinceczo Durestanti (first crop)	544.70	23¾
Chingelanni Allessandro, No. 1	733.89	20
Chingelanni Geovanni	1,139.95	33
G. & A. Silverstrini (first crop)	587.44	29
Petro Banvino	453.84	15½
Geovanni Silverstrinni, No. 2	740.60	19
Carolino Nozorellio	469.18	16½
Sceanna Sousi (first crop)	297.32	18¾
Ratotori Allesandro (first crop)	229.97	14
Bouvino Chesri	1,012.66	28
Bortalina Adelia	322.63	16½
Peironi Leopaldo	336.81	15½
Catalina Augusto	1,936.60	59
Pusanti Guleleno (first crop)	154.78	12½
Lamandini Guleleno (first crop)	260.50	31
Porenti Duigenti	847.22	37½
Alpa Allesandro	1,292.74	45
Sceanna Nozzereno	648.80	16½
Nozerreno Maraiangori	340.91	25½
Bruncttl Vincerzo	568.49	19
Micha Amelio (first crop)	70.45	12½
Corlo Olivoro	1,580.52	47½
Belennti Gusseppi (first crop)	346.16	30
Porenti Alberto (first crop)	241.23	25
Cinninetti Chesri	507.14	15¼
Zampa Peitro	822.31	15
Ornesto Spadina	936.65	31½
Geovanni Silverstrinni, No. 1	1,285.38	36
Pulatti Antorio (first crop)	260.16	18¾
Neno Greganti	995.28	37½
Edwardo Poalosino	762.85	31¾
Antôrio Reginannlli	727.73	20¾
Belverdressa Gueiseppi	985.01	26½
Angoletti Dominnico	869.01	21
Schueco Francesco	658.43	14
Alfredo Sponcorrilla	739.10	20
Alphonso Mariangori	591.12	12½
Cunnelli Peitro (first crop)	128.92	12½

Total amount paid out $36,885.80
Total number of acres worked 1,500

STATE OF ARKANSAS, *County of Chicot:*

Personally appeared before me, J. B. Ray, a justice of the peace, J. S. Wright, manager of Sunnyside Company's property, at Sunnyside, Ark., to me well known, who certifies that the above is correct as stated.

Witness my hand and official seal as justice of the peace this the 24th day of June, 1905.

J. B. RAY.

Attuned to the songs of the South just sung in praise of the much misrepresented and defamed children of the fatherland of Garibaldi, Cavour, and Mazzini is this refrain of the Brooklyn Eagle:

SONS OF SUNNY ITALY MAKE GOOD CITIZENS.

Many persons having occasion to visit the magistrates courts have been much impressed by the thrift displayed by Italian residents. No matter how much bail may be required of a defendant by the court—if he is an Italian—there is always a fellow countryman or friend ready to bail him. The bail may run from $100 to $2,000, it makes but little difference so far as the amount is concerned. And it is the same way in the case of fines imposed. There seems to be a brotherly feeling among the right kind of Italians, and when one is unfortunate others come to his aid or try to help him out of his difficulty.

It is interesting to watch this spirit of comradeship and to note how the Italian takes heed of what may happen and then acts accordingly. He is not, perhaps, a fatalist, but he does feel conscious of a possibility of accidents happening and of certain plans not turning out according to programme. Therefore, when he is informed by the clerk of a magistrates court that he must bring a deed of real estate, when he offers to go bail for a fellow-countryman, he goes after his deed and returns with it. And the next time he is called to court on a similar errand he is prepared with his papers and there is no delay in accepting his bond. Italians are great land buyers and are very ambitious to become real estate holders. Students of political economy and observers of local events have been amazed at times at this tendency. If one watches the real estate transfers he will be impressed with this fact. They buy not only flat houses, but store property as well, and in some cases more pretentious buildings. And it is interesting in many instances to see how much cash is paid down and how comparatively little is left on bond and mortgage. A noteworthy feature, too, is the change wrought in many Italians when they become landowners. While they are tenants they may be careless in many respects and unmindful of duties devolving upon them. This neglect and thoughtlessness, however, gives way when they become holders of real estate themselves, to a sense of dignity and importance evidently due to their new relationship and surroundings. A well-known captain of the police called the writer's attention to this fact.

People who in the course of their daily travels watch the army of Italians that is now helping to build the subways, as well as other important works, do not always realize that many of these men have a just sense of their obligations. They are good pay and ashamed to do many things that those who poke fun at them do not seem to feel so sensitive about. They are not all assassins, nor are all members of various "Black Hand" organizations. They are debt-paying, industrious workers. The right kind of Italian has an excellent reputation as a rent payer, and he stands equally high in paying the undertaker's or the doctor's bills. In fact, it is said that there are many physicians who are only too glad to have Italian patients, because they know the latter will not "hang up" their bills. There have been instances where, in emergencies, certain physicians have redoubled their efforts to reach the patients before other aid could be called in.

Italians of late have been entering on new fields of labor, and are not confining themselves to manual occupations, as was the case some years ago. It is not a question with them of simply becoming cobblers, carpenters, masons, tailors, or of following similar pursuits, but they have entered on the learned professions, and quite a number have either chosen law, medicine, architecture, or some other equally important calling. And in the matter of education, the shrewd, far-seeing Italian, who recognizes the importance, in fact, the absolute necessity, of speaking English in this country, if the best results are to be obtained, is not behind representatives of the other nationalities in sending his children to school and thus availing himself of the advantages which can alone be secured by intellectual progress. Of course, now and then there will be isolated cases where fathers are called up in magistrates court to explain why they have neglected to send their children to school. As a rule such dereliction is explained by the simple words "avarice" and "ignorance."

The rapid increase of the Italian population and the development of colonies or sections known as "Little Italy," have led to bids for their business. The South Brooklyn Savings Institution at Atlantic avenue and Clinton street, one of the oldest savings banks in Brooklyn, and of which ex-Congressman William J. Coombs is president, evidently thinks so well of Italian business that it has issued a handsome calendar printed in Italian and containing a carefully engraved map, in colors, of Italy.

These calendars and maps are delivered free and it is said that there has been quite a call for them. The bank in question numbers many hundred Italian depositors. A resident of the upper section of Brooklyn in speaking of some of the traits of the Italian character which he has observed alluded to adaptability as one of them. "Why," he said, "it is a remarkable feature and probably accounts for much of their success. I have a case in mind. It is that of an Italian named Anton Shotaloni, who lives somewhere in Sumner avenue. He is a shoe shiner, but when the March snowstorm came he shut up his place of business and, with his assistant, set out with shovels and brooms. That morning, they said, they earned $3 each, and that they enjoyed the sport. The reckoning is that to earn $6 shining up it would be necessary for them to have operated upon 120 pairs of shoes, while if they had remained in the shop all day till 9 o'clock p. m., they would have earned nothing. That is Italian grit and thrift."

This is somewhat different from the man on the Heights who said he wanted work, and when he was shown a small-sized extension roof and was offered liberal pay for clearing off the snow thereon, looked it over very critically and added: "I think I would rather not do it."

In harmony with this the Boston Traveler, in editorial, says:

THE ITALIAN, PAST AND PRESENT.

It is natural that the greater interest in the San Francisco horror will make the disaster around Vesuvius less prominent in the news, but it should not be forgotten that the necessity for relief for the stricken people of Naples is just as pressing now as it was a week ago, and that, without neglecting our own sufferers, the Italian sufferers should not be forgotten.

The Italians have not the power of recuperation our people have; they have not the means to build a new city on the ruins of an old while the ashes are still smoking. The Italian farmers whose holdings have been covered with the lava from Vesuvius will not be able to till their ground for from five to ten years.

This is the first time that the United States has ever had an opportunity to show her sympathy for Italy; and the country which gave us Columbus, Cabot, and Vespucci is entitled to some consideration.

The Italians are going to be a powerful factor in the future of this country, because they are a strong people racially. Despite internal troubles and governmental changes which would have disrupted a people less strong, since the time of Charlemagne they have remained practically homogeneous.

Our people do not realize the influence of the Italians on Anglo-Saxon business methods and speech. Italian nobles were the merchants and financiers of Britain 800 years ago.

Lombard street is named after an Italian financier of the House of Lombard.

Such business terms in the English language as cash, from cassia; journal, from giornale; bank, from banco; bankrupt, from bancorotto, show the influence of the Italian on the business history of England.

£ s. d., which stands in England as the sign of money, meaning pounds, shillings, and pence, comes from the words lire, an Italian coin of the value of 20 cents; soldo, which is the smallest Italian coin, and denaro, meaning money.

Further proof of the commercial importance of the Italians, which they are going to repeat in this country, is shown in the history of England, when Edward I mortgaged the whole of the revenues of Ireland to the Italian Frescoboldi. When he died, out of his estate of about $600,000 almost $200,000 went to Frescoboldi and much of the remainder to Italian creditors.

The Florentine house of Bardi was impoverished through loans made to Prince Henry, the son of Henry II, whose death in 1148 gave the throne to Richard Cœur de Lion.

Under Edward I the entire monopoly of the woolen trade in England was controlled by Italian woolen merchants.

In the fourteenth century we find Edward III hiring forty vessels in one year from the Doge of Venice.

This recapitulation of Italian influence on English history is interesting when it is known that during those years, besides being a leader in the arts and sciences, Italian commerce held up a guiding light for the rest of the world to follow.

The Italian is prudent and hard working, physically strong, and intellectually keen.

Help to the sufferers of Vesuvius will not only be money bestowed in a worthy cause, but will earn the gratitude of the Italians in this country and help make them better citizens.

Without abating in the least our sympathy and aid for our own sufferers, let us not forget that a little to the Italian sufferers will be worthily bestowed.

Mr. Chairman, in line with these tributes to the worth of our Italian citizens, I would that every member of the House would take the time to read the speech recently delivered in my city by a distinguished Bostonian, a scholar, sociologist, philanthropist, and public-spirited citizen, much of whose intellect, energy, time, and resources are unostentatiously and unstintedly applied for the upliftment and betterment of his fellow-citizens of Boston.

James J. Storrow is an American whose ancestry can be traced back as far as this comparatively new country dates. A business man of sterling worth and capacity, his opinion weighs heavily within the confines of the Old Bay State and his utterances upon one phase of the very important and vexatious problem, the solution of which engrosses our attention to-day, namely, the influence of the recent influx of Italian immigration upon our civic, industrial, and social standard, deserve more than passing thought.

There is nothing of the demagogue about James J. Storrow, and every syllable uttered by him upon this question is the honest expression of a man who has given it deep study. There are sociologists and sociologists; this man is not the dilettante, who ventures into the purlieu of poverty, who studies life's seamy side through the window of a closed carriage in company with a special police officer or a settlement worker. He is genuine and sincere, and his words are the ripe fruit of long and practical experience:

A brief for immigration—Mr. Storrow corrects some popular errors—We are not growing more criminal or ignorant because of the increase in the numbers of immigrants—The current notion that Italians are not good citizens examined in detail—Their property-holding proclivities—Some typical streets in the north end.

[From an address delivered at Faneuil Hall, June 6, by J. J. Storrow.]

Many people seem to think that the percentage of foreign-born population in this country has very much increased of late years. This is not true. In 1870 the foreign-born population in this country constituted 14.44 per cent of the entire population. In 1890 the foreign-born population was 14.77 per cent.

It also seems to be a prevailing impression that within the last few years there has been a great change in the character of our immigrants, and that the proportion of illiterate immigrants has been rapidly increasing. The figures show that in 1890, 25 per cent of the immigrants could neither read nor write. Last year (1905) the immigrants who could neither read nor write constituted 26 per cent, or almost exactly the same proportion of the new arrivals.

Some people think that the country is in danger of being submerged by a rising proportion of people who can neither read nor write; but there is absolutely no basis for this fear, according to the census figures of the United States. The census shows that in 1880, 17 per cent of the people of this country were illiterate; that in 1890, but 13.3 per cent of our people were illiterate; while in 1900 the number of illiterates had sunk to 10 per cent. If there has been a danger from illiteracy in this country it has passed, for the proportion of illiterates was almost twice as great twenty-five years ago as it is to-day.

Another statement that is often made by people who talk a good deal upon this subject is that the amount of criminality among the immigrants is exceedingly large. Accurate figures on this point are very difficult to get. In Prescott F. Hall's book on immigration, published this year, his figures of native and foreign-born criminals show hardly more than a nominally greater percentage of criminality among the foreign-born inhabitants of this country; and it may be said that these figures can probably be trusted, as Mr. Hall is in favor of restricting immigration. Now, this slightly larger percentage of criminality among our foreign-born population can, I think, be easily accounted for, and very likely more than accounted for, by the fact that a larger proportion of our immigrants live in the cities than in the country; and we all know that where people are crowded together in the big cities the temptations and the opportunities to commit crime and the likelihood of arrest are much greater. The farmer tilling the soil on his own land, and only once a week or once a fortnight driving into the village store to chat and buy his supplies, does not have very much temptation or many opportunities to steal or to be arrested by the police.

A great deal of confusion in the discussion of the subject is caused by the fact that "restriction" and "selection" are often confounded. I think every reasonable man, whether foreign or native born, is in favor of selective measures. I believe in keeping out the diseased, the criminal, the insane, and anyone who is likely, and particularly whose children are likely, to become public charges or not to make themselves useful in this country. But I do object to mere restriction, as distinguished from selection. Congressman GARDNER, in his speech advocating this bill, frankly acknowledges that he is not particularly interested in securing better immigrants, but that what he wants to secure is cutting their number in halves, or at least very greatly reducing it.

There is another point where many go astray in discussing this question. We can let the persecuted Jew, who is fleeing to save his life and the honor of his wife and daughters from the Russian tyrants, come into this country, and then if we think it unsafe, after he gets here, to allow him to vote unless he can read and write, he will be the first to acknowledge the justice of our position. In fact, as you know, that is what we do in Massachusetts. A man who can not read and write is allowed to vote in many States, but not in Massachusetts; and we do not find that the illiterate immigrant who has been denied the privilege of an education, although probably without any fault on his part, feels that our position here in Massachusetts is arbitrary or unjust.

I am now going to say a few words about the Italian and the Jewish immigrants, because the advocates of restricting immigration seem particularly opposed to these two races, and the Gardner bill, if passed, will bear particularly against the Italians and the Hebrews.

Certainly the Italian has a great many good qualities which ought to contribute to the improvement of the present American stock. In the first place, the Italian immigrant is physically stronger and tougher than any other large class of immigrants. In fact, I believe that the average Italian immigrant in physique is the superior of the average native New Englander; and what other single consideration is of more importance to us, or lies more at the base of a strong and vigorous race.

Second. The love of family is strong among the Italians. What is more fundamental than this? The whole structure of modern civilization is based upon the family group. If this goes to pieces, what matters it what the form of our Government may be? It will also disintegrate and go to pieces. Can the native population point to any superlatively superior record in this respect?

Third. Of the 13,000 Italian immigrants that came to Boston last year, 11,000 were between the ages of 14 and 44. The fact that this tremendous proportion of the Italians who come to this country are in the very prime of their usefulness, or within a few years years of becoming so, is of enormous economic value.

Fourth. Again, while the Italians consume a good deal of light wine, and occasionally too much, yet they are on the whole a very temperate race. The Italian drunkard hardly exists. I think it is very rare that an Italian unfits himself to work, or becomes a public charge, or permits his family to do so, as the result of drinking. Most important of all, the Italian women do not get drunk. My friend, Mr. Badaracco, who is one of the relatively small number of Italians whose parents came to this country long enough ago so that he was born in Boston, and who has lived all his life in the North End, told me recently that in all his life he does not recall once having seen a drunken Italian woman on the street. Certainy the Italian women deserve the highest possible praise in this respect.

The Italians have many other pleasant characteristics which mark them as good material for American citizens. I have often been struck with the civility of the Italians—and I do not mean "servility." The Italian seems to have a natural courtesy, which is not a mere surface indication, but, I think, springs as all true courtesy does from a certain nobility of soul and regard for others. I have many times received a pleasant "good morning" greeting from an Italian who was a stranger to me, when the native-born American, or the descendant of other immigrants, would have passed without a word, or even with what would seem to be an unfriendly look.

About the only thing we can say against the Italians is that there are a certain number of them who commit serious crimes, particularly as the result of assaults with a weapon—generally a knife—resulting from a quarrel. Mr. Bushee, who in his book entitled "Ethnic Factors in the Population of Boston," has stated the results of a careful study of the statistics relating to our native and foreign-born population, gives the number of paupers in almshouses in the city of Boston by place of birth and parent nativity; and I find that the percentage of Italians in our almshouses is less than any other race in Boston, whether native or foreign-born, except the Hebrew. The natives of Ireland, Scotland, England, the United States, British America, and Germany, both in the first and in the second generation, find their way into the Boston almshouses in a larger percentage than the Italian. The State census for 1895 shows that of the dozen races which go to make up our population, including the Americans of native descent, the percentage of paupers is much smaller in the case of both the Italians and the Jews. In fact, these two races are practically in this respect in a class entirely by themselves. The Italian and Jewish paupers are less than half the native paupers in percentage, less than one-third of the Scotch, German, and English, and hardly more than one-tenth of the paupers of Irish birth.

When we come to arrests in Boston, we find that the Italian is a little above the average, but that there is a less percentage of arrests among the Italians than among the Scotch, the Irish, and the Norwegians; while among our Boston population born in Russia and Poland—which means mostly Jews—the percentage of arrests is much less than the average, and less than any other race except the Germans.

In commitments in Boston to the House of Correction the Italians are away below the average for the city, and the same thing is true of the Jews. The Italians furnish only about half the general average for the city, and the Jews only about one-sixth of the general average for the city. The same thing is true in regard to commitments to the Massachusetts Reformatory and the Reformatory for Women.

Another charge that I have sometimes heard made against the Italians is that they are not as thrifty as other races, but I have never heard anybody give any evidence to bear this out. The Italians are frugal, and they resort to our savings banks in large numbers. I have caused an examination to be made by an experienced ex-assessor of a number of streets in the North and West Ends, to see if the Italians do all live in tenements and never acquire any real estate, as is often alleged. The figures are certainly very gratifying, and ought to make the Italians feel proud.

For example, take Henchman street, a typical North End street, where Italians live. In 1875 not a single piece of real estate on that street was assessed to a person with an Italian name. In 1885 there also was not a single Italian owner; but in 1895 36 per cent of the entire frontage of that street was owned by Italians, and ten years later our fellow-citizens with Italian names own 63 per cent of that

entire street. The figures for the leading different nationalities in that street, given in percentages, are as follows:

	1875.	1885.	1895.	1905.
	Per ct.	*Per ct.*	*Per ct.*	*Per ct.*
Italian	0	0	36	63
Irish	36	54	36	19
American	64	46	19	18
Hebrew	0	0	9	0

Hull street is another street wher e Italians live, and the figures in regard to i t are as follows:

	1875.	1885.	1895.	1905.
	Per ct.	*Per ct.*	*Per ct.*	*Per ct.*
Italian	0	9	51	63
Irish	39	63	33	24
American	58	25	16	13
German	3	3	9	0

Sheafe street is another North End street where a good many Italians live. The figures in regard to it are as follows:

	1875.	1885.	1895.	1905.
	Per ct.	*Per ct.*	*Per ct.*	*Per ct.*
Italian	0	0	19	46
Hebrew	3	3	25	30
Irish	53	73	46	21
American	44	24	10	3

The statistics in regard to Charter street, another North End street, show that within the last twenty years the Americans have been selling, and that the Irish owners have been standing practically stationary, while the Italians have been steadily increasing their holdings. The figures are as follows:

	1875.	1885.	1895.	1905.
	Per ct.	*Per ct.*	*Per ct.*	*Per ct.*
Italian	0	3	15	23
Hebrew	0	0	10	3
Irish	41	48	49	51
American	56	46	23	20
German	3	3	3	3

Hale street is a West End street largely inhabited by Hebrews, and the figures show that within the last twenty years the Hebrews, from owning nothing on that street, have bought up a majority of the houses. The figures are as follows:

	1885.	1895.	1905.
	Per ct.	*Per ct.*	*Per ct.*
Hebrew	0	55	62
Italian	0	11	11
Irish	12	8	8
American	88	26	19

The same thing is true in regard to Poplar street, the figures in regard to which are as follows:

	1875.	1885.	1895.	1905.
	Per ct.	*Per ct.*	*Per ct.*	*Per ct.*
Hebrew	0	0	26	56
Irish	18	18	18	3
American	82	82	56	41

The Jews are a sturdy, strong, intellectual race, but many of them have been unable to obtain an education in Russia, and that a large proportion of them will be rejected if the Gardner bill becomes a law is shown by the last annual report of our Commissioner-General of Immigration, which shows that of the 129,110 Hebrews coming here during the year 23,557 were illiterate.

Now, bear in mind, also, that it does not at all follow that because a man has been deprived of an education he does not want his children to receive the benefits of an education. I think that our experience in the public schools is that the illiterate parent is quite as anxious to have his child get an education, and quite as likely to discourage truancy on the part of his children, as any other portion of our population.

So far as the Jewish immigrant is concerned, I believe that they are going to prove to be one of the very strongest and best elements in our population. The Jew's mental qualities exceed those of any other race, and they have a wide range. The Jewish men seem to succeed, whether they turn to business or to the professions, such as law or literature. We know that the best of the modern Russian literature has been written by Jews. I know myself that at Harvard College, where I received my education, the Jewish young men showed a love for and a skill in music far in excess of any other set of undergraduates.

If we turn to the record of the Jewish boys and girls in our public schools in Boston, we find the same story repeated. You know that the Franklin medals, which are paid for out of a fund left to the city of Boston by Benjamin Franklin, are presented to the best scholars in our grammar schools. During the six years from 1900 to 1905, the school board presented 147 Franklin medals; and as nearly as I can estimate, something over 30 per cent of these were given to Jewish children—a proportion more than twice the number they were entitled to receive on the basis of mere population.

The same thing is true in regard to the prizes given in the public Latin school and our big Central High School. During those same years we gave 517 prizes, and as nearly as I can estimate 160 of those were taken by Hebrews, or, again, more than twice the number they would have received, based merely on the percentage of population which the Hebrews here in Boston constitute.

These figures for prizes in the Latin and in the high school may possibly represent a larger percentage of children of Jewish descent in these schools than the percentage of Jewish population; but if that is true, it does not in the least rob our Jewish citizens of any credit, because it simply shows that they and their children appreciate the importance of the higher education afforded by these schools. In fact, these figures in regard to the high and Latin schools are very likely the result of these two causes. I saw it stated the other day in the Advocate, the leading Jewish paper of New England, that out of eight boys who received prizes in the Latin school two years ago, seven were of Jewish descent, and that out of the 8 who received prizes last year, 6 were Jewish children. The intellectual vigor and ambition of our Jewish fellow-citizens prove that they are a stock of great value to the development of our race.

I have based what I have had to say purely on selfish reasoning, and I think I have shown conclusively that we have not anything like enough evidence to warrant us in stopping, or seriously reducing, the Jewish and Italian immigration which we are now receiving; but besides this, any decently humane man, be he of the very oldest American stock, which is apt to think that God created this country for him alone or, whether he be one of the more recent arrivals in this country, ought to feel—and must, if he is properly constituted, feel—that it is our duty to welcome those fleeing from the hideous persecution which the Jew has been receiving at the hands of the Russians. If those who are advocating this Gardner bill would go down into the West End and meet some of the recent arrivals and hear their stories of suffering, of robbery, of death, and of dishonor, which they have to tell, I am sure they never would be willing, under the guise of any illiteracy law, to turn those exiles back from our shores.

In support of Mr. Storrow's views is found the following letter of Rev. Charles F. Dole, of Boston, who gives deep and intelligent thought to whatever subject he discusses:

To the editor of the Transcript:

We are hearing so much of the urgency of the need of the restriction of immigration that it seems fair to raise a voice on the other side. Let us grant that, so far as people are brought to this country, not as free men, but as peons or coolies or merchandise, we may righteously interfere, as we interfered with the slave trade. Here is the only substance of justification for this contract-labor law, in other respects a preposterous law, which works to hinder men from coming freely where they are really needed. The intent of the law (which seems signally to have failed of its purpose) was to prevent blocks of workmen from being handled like so many pieces of machinery. It is now proposed to make it more expensive for immigrants to come here by charging an increased head tax, and requiring each one to show a certain sum of pocket money. Perhaps it ought to cost more than it now costs to come to this country. If so, where shall we make the increased cost effective for our purpose? Evidently by requiring more humane and less servile transportation conditions from the great steamship companies. The present contrast between the steerage and the saloon passenger is distressingly undemocratic. The United States needs no petty head tax on immigrants. Let us ask for five or even ten dollars' worth each of more air and space and comfort for the people who are going to be our fellow-citizens. Raise the standard of humanity on shipboard, and you will tend to prevent men from being brought here as serfs. One ounce of the positive treatment is worth more than a pound of prohibition!

Now look at the proposed illiteracy test. This is directed specially to keep out certain peoples, namely, the countrymen of Garibaldi and Mazzini and Dante, the countrymen of Kossuth, the countrymen of the founder of Christianity. Of course we all deplore illiteracy, but I submit that, unfortunate as it is, it is no test of the brand of manhood and character. In other words, the proposed test does not make the only valid distinction that Americans—all immigrants themselves—can make between those who came here as free men and those who are only brought here like slaves. The most liberty loving of our ancestors were mostly illiterate an astonishingly short time ago. Hundreds of thousands of the purest Anglo-Saxon stock are still illiterate in our own southern States! We can and do cure illiteracy very rapidly in America. Neither are our most serious troubles from the illiterate, but from men who know the three Rs only too well.

Please see what we are afraid of in our rather vague alarm over the peril of immigration. Do the illiterate newcomers swarm into our poorhouses and asylums? I find no evidence that the per capita cost to our Boston overseers of the poor is increased on account of the arrival of our new Yiddish and Italian population. Doubtless the tax levied by the idle owners of the Astor estate upon the city of New York is greater than all the paupers of that city cost. No! The immigrants generally go to work and ask no help from the public. This is true even where the congestion is worst and the seamy side of immigration is most conspicuous. Moreover, those who know the Italian, the Jewish, and the Slavonic immigrants best give them quite as good a character for temperance and morality as other peoples among us. Have we not been hearing stories of decadent New England towns?

Look now at the subject of immigration on simply the money side. Suppose there have been as many as 300,000 illiterate immigrants in a single year. This fact can not mean less in money value than the increase of $30,000,000 of trade brought to the very doors of our business men. This is about the total value of our trade with China only as late as 1899, for "the open door" to which trade many Americans think they must spend a hundred millions a year on their navy. Every branch of industry feels the breath of this new trade. Moreover, every able-bodied man or woman, they tell us, has a calculable money value for what he can produce. Illiteracy does not necessarily impair this value. The immigrants are mostly in the prime of their working power. Only fifty years ago they used to pay several hundreds of dollars a piece for such working men and women in the form of negro slaves. Does anyone suppose a free man from Italy or Poland or Hungary is not worth as much as a negro slave was worth before the civil war? Estimate this worth at only $200 a piece, and your million of immigrants received during a recent year yield a value of $200,000,000, freely added to the wealth of the United States.

Every man who works calls also for other men to work for him. I can not think that, when the business men of the country see the significance of these figures, and what a veritable calamity it would be seriously to interfere with the natural movements of population, they will tolerate the passage of the arbitrary restrictive measures for which Mr. LODGE and Mr. GARDNER are sponsors.

I do not like to emphasize the money side of this question. I wish rather to urge the human side. I believe that it is bad for the immigrants, and it is perhaps worse for us to stand in an attitude of fear and suspicion toward them. Fear degrades men on both sides. Let us take the opposite attitude—that of friendliness and trust. For this works irresistibly to make the other more worthy of trust, and, at the same time, to bring the best selves in us to the front. If we would spend all the zeal and money and patriotism of the restrictionists in helping the newly arrived immigrants to feel that we are a "Christian" people, we should never need to hear again of GARDNER bills.

CHARLES F. DOLE.

JAMAICA PLAIN, June 8.

Mr. Chairman, the property-owning class in the community is the one that is most deeply concerned in the welfare of a community, particularly in great municipalities. The economic administration of public affairs, proper policing, guarding against conflagrations, keeping thoroughfares clean, maintenance of effective health regulations, etc., all affect the tax rate of a city and directly interests the property owner who pays the taxes.

In Boston, in the decade 1896–1905, $91,496,531 were invested in building brick structures. In the same period $33,926,916 were spent in remodeling and repairing buildings. To give an idea of how the Jew and Italian are gaining a hold in the Hub, getting a foothold materially, let me state approximately the amount these two races invested in the building, altering, and repairing of buildings in the same decade. From 1896 they invested in new buildings $8,105,000 and in alterations, repairs, etc., $2,365,000.

This is a powerful argument in refutation of the charge that they are dissolute and undesirable classes.

Benjamin Franklin, Bostonian, a historical figure that looms head and shoulders over nearly all who were contemporaneous with him in the struggle of the colonists for independence, took a great interest in education. In his will he bequeathed a sum of money, the interest from which was to be expended in purchasing a medal which would go to those scholars of the public schools of Boston that excelled in scholarship.

As proof of the avidity of the Hebrew for education and the results he has obtained, let me show the House the number of Franklin medals the Jew, in a great minority, captured in six years:

Franklin medals.

Year.	Total.	Hebrews.
1900	23	6
1901	25	5
1902	25	2
1903	25	9
1904	25	7
1905	24	9

Another reward for mental merit in the public high and Latin schools of the city demonstrates that the Jew has made remarkable advancement in the field of education, as the following shows:

Year.	Public Latin prizes.		English high prizes.	
	Total.	Hebrews.	Total.	Hebrews.
1900	50	7	28	8
1901	43	6	36	12
1902	45	8	30	21
1903	45	16	43	19
1904	59	9	45	17
1905	52	8	41	18

In June, 1905, 27 second-year diplomas were granted graduates of the English High School. Of these pupils 11 were Hebrews.

In the same school 132 first-year diplomas were issued, of which 43 were Hebrews.

In the Public Latin School 58 diplomas were awarded, of which number 6 or 7 were received by Hebrews.

Upon the question of general education in the country as it relates to the foreign born there is this encouraging feature, that which relates to 12 per cent of the whole, who are under 14 years of age. The school census of 1900 indicates that of the children of natives—that is, the native white children of native parents—68.7 per cent of the boys and 71.4 per cent of the girls were in school six months in the year; of the native white children of foreign-born parents 88.7 per cent of the boys and 90.6 per cent of the girls were in school; and of the children who were born abroad 89.1 per cent of the boys and 90.8 per cent of the girls were in school for six months of that year. It clearly appears from these figures that a larger percentage of the children of foreign-born parents and children born abroad were in school for six months in the year 1900 than there were of native-born children of native parents.

Mr. Chairman, I was born and have lived all my life in Boston and have had ample opportunity to meet and study the elements that comprise our great cosmopolitan citizenship. I have no patience with the man who blatantly asserts the decadence of patriotic spirit and ascribes this degeneration to the fact that alien and native blood have been too freely mixed. Years of contact with the Jew and Italian have taught me that a remarkably high order of patriotism is a pronounced characteristic of these races.

I recall vividly the sight of a company of Jews nightly drilling in the ghetto of Boston in the early summer of 1898, earnestly striving to reach that degree of efficiency that would insure their acceptance by Governor Wolcott into the service of the State that they might reach Cuba in the Army of Uncle Sam. This is not hearsay. I witnessed their maneuvers in the streets of old Boston, where the patriotic colonists had assembled over a century before in answer to Sam Adams's stirring call to physical resistance of the edicts of the King, and was impressed with the spirit that mustered them. Let no Member of this House be influenced in his action to-day by the thought that patriotism is wanting in our foreign-born brethren.

Mr. Chairman, for those who delight to delve into the mysteries of statistics, I offer a few minutes' diversion in that line, expressing the hope that comfort may be extracted from the fact demonstrated that, instead of increasing, the foreign-born is really diminishing, as the following tables will show:

Decade.	Population at beginning of decade.	Total number of immigrants.	Number per 1,000 of initial population.
1821–1830	9,633,822	143,439	15
1831–1840	12,866,020	599,125	47
1841–1850	17,069,453	1,713,251	100
1851–1860	23,191,876	2,598,224	110
1861–1870	31,443,321	2,314,824	73
1871–1880	38,558,371	2,812,191	73
1881–1890	50,155,783	5,246,613	104
1891–1900	62,622,250	3,687,564	59

The following table shows the increase by decades of our population and the sparsity of it if distributed equally over the area we possess, independent of our insular dependencies:

	Gross area in square miles.	Density of population.	Population.
1790	827,844	4.9	3,929,214
1800	827,844	6.6	5,308,483
1810	1,999,775	3.7	7,239,881
1820	2,059,043	4.8	9,638,453
1830	2,059,043	6.4	12,866,020
1840	2,059,043	8.4	17,069,453
1850	2,980,959	7.9	23,191,876
1860	3,025,600	10.8	31,443,321
1870	3,025,600	13.3	38,558,371
1880	3,025,600	17.3	50,155,783
1890	3,025,600	21.2	62,947,714
1900	3,025,600	25.6	75,994,575

Mr. Chairman, labor's name has been used here to-day and this legislation invoked that its cause may be advanced. Those who champion it with intense zeal to-day are laggards and sulkers when an attempt is made to get the eight-hour bill up for consideration, action which means much to labor—far more than anything contained in this bill. Labor's friends champion the anti-injunction bill. If the same forces upon this floor that are behind this measure, and suddenly display such solicitude, were sincere friends of labor and really took an equal interest in the measures I have stated, there is no doubt that they would adorn the Federal statutes within a month, providing, of course, that that much-vaunted friend of labor, Theodore Roosevelt, did not balk.

Mr. Chairman, upon this question there is but one place for labor, and that against the main provisions of this bill. That the immigrants coming into the country to-day will have the effect of injuring organized labor is absurd. An argument strikingly analogous to the one now under discussion occupied the attention of this country sixty years ago, when the Irish and Germans were coming in such great numbers. Let me read

what Edward Everett Hale said regarding the likely effect upon native labor the immigrant would have, away back in 1852, the reasoning of which applies with force to-day, and let me incidentally pay a deserved compliment to the remarkable foresight of this great son of Massachusetts, who, at the present time, though past his eightieth year, still expounds the philosophy of Christ in yonder Senate Chamber.

If into the civilized community made up of hand workers and workers in higher grades you pour in an infusion of a population competent at first only to the simplest hand work, they take the lowest place and lift the others into higher places. They do the manual labor. They do it most cheaply, and so they leave those whom they find free to other and more agreeable walks of duty. Thus, practically at this moment, our simplest drudgery of factory work and farm work comes into the hands of Irishmen. It does not follow that the natives, who must otherwise have performed it, do nothing or starve. They are simply pushed up into foremen of factories, superintendents of farms, railway agents, machinists, inventors, teachers, artists, etc., filling classes of society some of which we could not have had at all.

The simile of a pyramid is perfect here, I believe. A community is a pyramid, with its base of manual labor, supporting some higher classes of effort. The larger the pyramid—the larger, that is, the population of the community—the higher the position of the apex. But, if now you choose to exclude the population of manual laborers which at this moment forms your basis, you can not keep your apex where it has been. There must be a basis, though it is not necessary that there should be so high an apex as there has been. Exclude your foreign population and your whole fabric sinks. You find you have still men at hard and wholesome labor. They are now your own sons. You have lost what you had—the highest results of your civilization—for every grade descended when you moved the lowest grade away.

Mr. Chairman, a bill carrying most of the pernicious features of the one pending was passed by a Republican House and Senate, but met a violent death at the hands of that sturdy disciple of true Jeffersonian Democracy, Grover Cleveland, who vetoed the measure and sent a ringing message to Congress, telling why he did so. In that document President Cleveland said, among many other things:

A radical departure from our national policy relating to immigration is here presented. Heretofore we have welcomed all who came to us from other lands, except those whose moral or physical condition or history threatened danger to our national welfare and safety. Relying upon the jealous watchfulness of our people to prevent injury to our political and social fabric, we have encouraged those coming from foreign countries to cast their lot with us and join in the development of our vast domain, securing in return a share in the blessings of American citizenship.

A century's stupendous growth, largely due to the assimilation and thrift of millions of sturdy and patriotic adopted citizens, attests the success of this generous and free-handed policy, which, while guarding the people's interests, exacts from our immigrants only physical and moral soundness and a willingness and ability to work.

A contemplation of the grand results of this policy can not fail to arouse a sentiment in its defense; for, however it might have been regarded as an original proposition and viewed as an experiment, its accomplishments are such that if it is to be uprooted at this late day its disadvantages should be plainly apparent and the substitute adopted should be just and adequate, free from uncertainties, and guarded against difficult or oppressive administration.

Mr. Chairman, to sum up in opposition to this bill, I advance the following reasons why the policy of free immigration should obtain, and those who desire should be allowed to land.

We want them to help build the 13,014 miles of new railroad now under contract or construction.

We want them to work in our many growing industries in our new South. We want them to work in our mining industries. We want them next year and future years to help gather in the *always* large and frequently enormous harvests of our golden West.

We want them to work in 700,000 factories. We want them for their own sake, so that they may change their lives of suppression to lives of progression. We want them for our own sake, so that our country and our work may be energized by new blood. We want them because it is largely by the coming of such as they that our country's resources have developed to a point which justifies our claim of being not only the country with the largest resources in the world but also of the country with the largest development of those resources.

We want them so that in the future, as well as in the present and the past, our ranks may contain millions of free American citizens who are foreign born or of foreign parentage. We want them because in receiving them and affording them an opportunity to live as well as to work we are fulfilling the place in history and the destiny for which God created "Free America."

Legislating for the good of the nation, the statesmen of the past dismissed consistently every petition that came in here in answer to the dictates of race intolerance and religious bigotry. They legislated wisely upon this great problem by not legislating at all, and the grandeur and prestige of the nation are monuments to their wisdom and statesmanship. Let the foreigner alone and the country will not suffer. His coming marked the dawn of the Republic's great prosperity and prestige. Mr. Chairman, the foreign born in this country has never been called to action that he has not responded quickly and in the proper spirit, no matter what the character of the call. In the early days he was a pioneer blazing the path of national advancement, crowding the hostile red man backward, and pushing civilization's boundary line forward. When the great canals and roadways of the East were to be dug and built, it was the pick in the hands of the foreigner that turned the soil and his shovel that removed it from the path of these projects of progress. When the dense forest lands of the West were transformed into modern cities, as if by magic, it was the foreigner's labor that was the mystic wand that wrought the marvel.

They have largely been the instruments by which the coal, iron, gold, and other ores which contribute so lavishly to our wealth have been taken from the earth's depths; on the sea they have been numbered among our best sailors, forming a large part of the crews that manned our merchantmen when trade was the goal, and when fighting was necessary to maintain the nation's honor they contributed Barry, Jones, and McDonough. On the scroll that records the names of the heroes whose valor made and preserved the Republic will be found the names of foreign born, illuminating that list of immortals.

In the law, statesmanship, science, and the arts, in the world of finance and commerce, the foreigner has ever been a rich contributor and a potential factor for good.

Mr. Chairman, it behooves those of us who have the country's best interests at heart to follow the illustrious lead of the distinguished men who have preceded us in this body along the path laid out by Jefferson in the Declaration of Independence and later indorsed in the Constitution, and vote against the policy of exclusion that is embodied in this measure, and which contravenes the true spirit of American institutions. [Applause.]

Mr. DE ARMOND. Mr. Chairman, no one at all acquainted with the facts can doubt that a great many of the best citizens of our country are of foreign birth. Of course it is notorious that those of us not born in foreign lands are descendants of foreigners. The question, however, that we have before us, primarily, is whether there should or should not be restricted immigration. If immigration should not be restricted, all minor questions as to how restrictions might be applied, and what restriction is best, go for nothing. If immigration should be restricted, the first question is, How shall that restriction be brought about? Without stopping to debate the question, for there is no time, of course, in five minutes to do so, I wish to say that I am one of those who believe there should be restriction. Then, what would be good, wholesome methods of restriction? I have not time now to discuss that question at large. But coming down to the matter directly before the committee, if this proposed restriction become law, are the requirements reasonable? Is this provision likely to result in good or harm? Is it broad and patriotic, or is it narrow, selfish, and shortsighted? Upon this question we shall soon vote in the committee, but not in the House; there we shall not have an opportunity to vote directly upon it. Without going into the relative consideration of what is the most valuable requirement or restriction, what will work the most good or what the least harm to anybody, the question is, whether or not this educational requirement is a wise restriction of immigration; whether good will probably be done or harm will probably result from its adoption.

That brings us to the other consideration of whether intelligence is or is not a desirable thing in the immigrants to or the citizens of this country. That does not afford room for discussion. There are no two sides to that proposition. Our whole fabric of government is built upon the corner stone of intelligence and virtue in the people, and without intelligence and virtue in the people the whole structure of our governmental fabric must fall into irretrievable ruin. Now, if that applies to the people here at home, no matter whence they came, no matter how long they have been here, does it not apply, and ought it not to apply, to people seeking to come in from abroad? Let us see if here we can make the application.

That the reading test would exclude some who are desirable immigrants there can be no doubt, but that it would also exclude many more who are not desirable, I think, is equally beyond the possibility of dispute. This is not an idle proposition, nor can that be idle which will give more of good and less of harm; will be most reasonable, and an effective agency to secure to us the better classes of those who seek these shores, and exclude the less desirable elements. Will not the man who is able to stand that reading test prove more desirable than the man who can not read in any language or dialect? I believe this test, coupled with other tests, will tend to give better results from immigration; will tend to hold American citizenship to the standard upon which our institutions rest, that of the intelligence and virtue of the people. I believe the section

ought to be retained. I believe it would be unwise and injurious to the legislation to strike it out.

I do not care to turn aside from the real question by trying to argue as to whether or not we ought to admit an ignorant class of immigrants merely because they can work. Now, what is that proposition when you come to dwell upon it? Do gentlemen desire the introduction of an ignorant class because they can be put to work; because they can be "bossed" in their work; because they can be used by the evil agencies of this country; because they may be marshaled to stand against the free, intelligent, home-loving, reputable laboring citizenship of this country?

What a plea to make—that the doors ought to be opened wide, that restriction ought to be applied or ought not to be applied, according to its effect upon the industry, of bringing ignorance here merely because it can work! Ignorance is objectionable and faulty everywhere. Very good people may be ignorant people, having the capacity for great development and possessing the rudiments of the great virtues, but their ignorance is of no benefit to them, and it can be of no benefit to the citizenship of which they become a part. Intelligent laboring men must not be beaten down in this country by massed ignorance, driven by organized greed and corruption.

Let us endeavor to admit intelligence and virtue, and not debase ourselves by the enormity of admitting ignorance merely because we can work it and use it and abuse it without limit, and without protection either for it or for our own dearest interests. [Applause.]

Mr. HAYES. Mr. Chairman, I believe the proposition before the committee at this time is the amendment proposed by the gentleman from Ohio [Mr. GROSVENOR], which refers the matter treated of in section 38 of the bill to a commission to be appointed. I presume that everyone understands that this is only a ruse to defeat the provisions of section 38 of this bill. I quite understand that it was introduced here to give Members an opportunity to defeat this section of the bill without appearing to do so, and yet I believe it ought to be stated that Members who go upon this theory may find themselves in something of the position of the ostrich that hid its head in the sand and supposed it was all hidden. It deceived no one, and merely exposed its own lack of intelligence. So I believe the Members of this House, if they vote for a proposition of this kind, will deceive nobody in the country as to its purpose, and will simply expose their own lack of courage.

Now, Mr. Chairman, I am one of many who believe that section 38 is the most important provision in this bill. Many men who have given much thought and study to this subject have become impressed with the truth that the conditions of immigration to this country are very different from what they were twenty years ago. The immigrants that make the great tide that is yearly flowing here are different, and the conditions in our own country are very different. Therefore the problem is totally unlike what it was fifty or seventy-five years ago, or even twenty years ago. As the gentleman from Massachusetts has quoted from the Hartford convention, we will go back that far. The problem is even more different from that of ninety years ago. Indeed, there was no immigration problem then.

In the first place, we have now very little wild lands to be settled by the immigrants from Europe, and in the second place the immigrants that are coming to this country to-day are not generally the class that have come in the past, that go to Texas or to any other place in the South or in the North to settle on the vacant lands or meet the demand for farm labor; but they are the class that settle mostly in the large cities, who go into the slums already too full and help to fill them still fuller; the class that feed the sweat shops in the great cities. If you will study the immigration statistics you can not help being impressed with the fact that the increase of immigration is not going into the country, but is constantly augmenting the already large element that is not desirable in the great cities. You will find that 60 per cent of the immigration of last year went to the five great States containing the great cities. I have no fault to find with the statement of the gentleman from Texas [Mr. BURLESON] that Texas to-day needs 200,000 laborers; but the gentleman must be cognizant of the fact that the laborers who are now coming here are not going to Texas. Texas is getting none of the increase in the immigration of this year, although there will probably be an increase of 150,000 over last year. Neither is any other agricultural State getting any of this increase.

Now, the question is, What class of laborers, what class of immigrants, do we desire? Is it desirable by some process to sift them, admitting only the best, or shall we keep the gates wide open? If it is desirable to sift them, then what method shall we pursue? After many years' study of this subject I see no more desirable way than the way proposed by section 38, an easily applied educational test. It must be admitted, I think, by all thinking men that ignorance is always undesirable. Although it is true that many ignorant people are good people, it is also true that they would be better if they were not ignorant. We are spending hundreds of millions of dollars in this country to educate our own people, and unfortunately we still have a lot of illiteracy in this country, but is that any reason why we should add to it by importing ignorance from abroad? The martyred President, in his first message to the Congress of the United States, in 1897, said truly that "illiteracy must be banished from the land if we shall attain that high destiny as the foremost of the enlightened nations of the world that under Providence we ought to achieve."

Mr. WILLIAMS. I would like to ask the gentleman a question.

Mr. HAYES. Certainly.

Mr. WILLIAMS. On the assumption that the theory at the bottom of section 38 is correct, why should the following exceptions be made from it: Why should the half-breeds from Cuba, the greasers from Mexico, the niggers from Porto Rico, and the Filipinos from everywhere, no matter how illiterate, be admitted to the United States?

Mr. HAYES. I will say to the gentleman that the reason why some of these were excepteed is that legal complications would thus be avoided. The reason why the Mexicans were excepted is the same reason that the Canadians were excepted, because of the difficulty of applying to them the educational test. It would be practically impossible for us to exclude those along our borders under such a test.

Mr. WILLIAMS. What about the people of Cuba?

Mr. HAYES. The same reason applies to Cuba, and, besides, the present law admits immigrants from Cuba on the same basis as from Canada.

Mr. WILLIAMS. But this bill makes law. Why not change the present law? Why should you let in the most illiterate people in the world, and such a people as we refuse to assimilate with, thereby weakening instead of strengthening the Republic?

Mr. HAYES. Personally I agree with the gentleman, but I am giving the reason that moved the minds of the committee, as I understand it.

Mr. Chairman, as I have already stated, many men who have given a great deal of study to this subject and have had great experience agree that something of this kind is now most necessary. In this connection I beg to call to the attention of the committee the words of the present Commissioner-General of Immigration, as found in his report for 1904. He says:

> It can not, in justice to the interest of our country and to the preservation of its institutions, be too urgently or too frequently repeated that, in confining our treatment of the all-important immigration problem to the exclusion of such of certain enumerated classes as we can detect, our policy is superficial. The practical and pressing question is, What shall be done with the annual arrivals of aliens—approximating now 1,000,000—to avoid the dangers threatened thereby or resulting therefrom, which only the thoughtless or groundlessly optimistic can deny.

It is for us to say, gentlemen of the committee, whether we shall continue this superficial policy we are now pursuing or whether we shall seriously attempt to further cull out the undesirable immigrants that are coming to our shores. It does not matter to me that a man is an Italian, an Englishman, a Bulgarian, or a Lithuanian. The only question that I am interested in as a legislator and American is whether he is a desirable addition to our citizenship. The man who can not read and write is generally the man whose parents can not read and write. He is generally a man whose grandparents can not read and write, and, therefore, he is descended from a race of ignorance; and when he comes here he has not the capacity necessary for him to understand great problems that face the American citizen. I am aware that this rule has many marked exceptions, but a citizen of the United States is a sovereign, he is a king, and he has to face great questions of statecraft when he goes to the ballot box. How is he to face them wisely without capacity or preparation? An alien who can not read has usually come from a long line of ancestry who have been in ignorance and oppression. He is not only often incapable of grasping these great problems, but he has frequently ingrained in his very bones hatred of the government which he regards as his oppressor, to be borne with because he can not help it, and he does not as a rule look upon the Government as his protector, his benefactor, and his helper.

I repeat that the character of our immigration has been changed within the last twenty years. Prior to 1880 our immigrants were largely our own kinsmen across the water, those of the same blood, the Celtic and the Teutonic, who were accustomed to self-government, accustomed to self-restraint, who had not been so terribly oppressed as many of those who come

here now. I insist that the proposition that this country is an asylum to which all the oppressed from every land must have a right to come, irrespective of the effect of their coming upon us, has been largely overdone. The sole question which we ought to consider in this hour is, What is for the interest, what is for the welfare of the people of the United States on this question? If it is for our interest, if it is for the benefit of our people that the flood gates be opened and the slums of the cities of Europe be dumped upon us, then let us keep the gates freely open; but if it is not for our interest, then let us devise some method of keeping out the undesirable.

Mr. GARDNER of Massachusetts. Mr. Chairman, I ask unanimous consent that I may proceed for twenty minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for twenty minutes. Is there objection?

Mr. SMALL. Mr. Chairman, how much time would that leave?

The CHAIRMAN. There would be twenty-five minutes remaining. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none, and the gentleman is recognized for twenty minutes.

Mr. McCALL. Mr. Chairman, before the gentleman proceeds I would like to ask him a question.

The CHAIRMAN. Does the gentleman yield?

Mr. GARDNER of Massachusetts. I yield.

Mr. McCALL. Mr. Chairman, I desire to ask my colleague, who has given such careful attention to this matter, a question about the section we have already considered—the provision that there shall be a head tax now of $2, and that it shall not be imposed on those who go into the Philippine Islands, Porto Rico, and Hawaii. The point that occurred to my mind was whether, especially so far as Hawaii is concerned, which is an organized Territory, that did not violate the uniformity clause of the Constitution requiring duties to be uniform? That has given me some difficulty.

Mr. GARDNER of Massachusetts. Mr. Chairman, in my opinion it does not. The head tax, while it is called a head tax, is imposed, not under the taxing power granted by the Constitution, but under the right given us by the Constitution to control immigration. Moreover, while it might be very true that we could not impose on our own citizens a differential tax, if they arrive in Hawaii, from the tax imposed upon them if they arrive in New York, I think, without question, it is competent for us to impose such a differential tax on an alien.

Mr. Chairman, we have heard a great deal about bigotry being at the bottom of this movement. Has bigotry been at the bottom of it for the last ten years? Is bigotry at the bottom of petitions from 4,000 local labor unions? Is that bigotry? Is this bigotry, this letter from Samuel J. Gompers, president of the American Federation of Labor, to the Hon. JAMES E. WATSON, which I will in part read to the House? He says:

> The organized workers of this country feel that the existing immigration laws, while not without their value, are of trifling effect, compared with the needs and the just demand of American labor. * * * The Nashville convention of the American Federation of Labor by a vote of 1,858 to 352 pronounced in favor of an educational test for immigrants. Such a measure would check immigration in a moderate degree, and those who would be kept out by it are those whose competition in the labor market is most injurious to American workers. No other measure which would have any important effect of this kind is seriously proposed.
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> I earnestly hope that you will be able to procure the embodiment of an illiteracy test for immigrants in the bill which the House now has under consideration.

Mr. BENNET of New York. I would like to ask the gentleman the date of that letter.

Mr. GARDNER of Massachusetts. It was the last time the immigration bill was up—May 16, 1902. I supposed the committee understood that.

Mr. COCKRAN. I would like to ask the gentleman if Mr. Gompers represents the *Mayflower*, or those who landed at Jamestown?

Mr. GARDNER of Massachusetts. I have not the slightest idea. What does the gentleman think?

Mr. COCKRAN. From the letter I should say that it was the *Mayflower*.

Mr. GARDNER of Massachusetts. To go on, Mr. Chairman, there are 4,000 local labor unions who have petitioned specifically for the educational test. Is that all bigotry? Are economic conditions at the bottom of it, or is it bigotry that is at the bottom of it?

This is the first time in my life that I have been accused of bigotry, because I say that our immigration of 1,000,000 annually is too big to assimilate, because I say that our working people should be protected from too much competition, because I remember the hard times and fear for the fate of my constituents and yours if hard times finds us with a redundant population.

There is, however, one great satisfaction after all. No Hebrew Member of this House has accused me of bigotry. Every one of you Hebrews in this Hall is my personal friend. It has remained for the hirelings of the great interests involved and for suborned and prejudiced editors who have not even read this bill to stamp it as bigoted.

I believe in the educational test because it will cut down our immigration annually to three-quarters its present size. I believe in it because it will chiefly affect the European and Asiatic countries on the Mediterranean from which men are imported in violation of our contract-labor laws.

The educational test is not perfect. I admit that many good immigrants will be excluded under it; but no omelet can be made without breaking eggs, and I feel that it is time to cut down the competition of which the working people complain.

Now, a word about the two religious-refugee amendments. I opposed the Littauer amendment, as it seemed to me poorly adapted for its purpose and dangerously loose in its wording. The Denby amendment was opposed solely by the gentleman from Ohio [Mr. GROSVENOR].

The trouble is that gentlemen say they want restriction, and whenever a proposal is made that will restrict then we find that they say it is the wrong kind of restriction. It is always something else that they want—another kind of restriction. If it is the head tax that is proposed, they say, "Oh, no; it should not be that, but some other kind." If it is the illiteracy test, they say, "Oh, no; try a head tax." If it is a flat limitation of numbers that is proposed, they claim that that is all wrong. Now they say they want a commission to study this question. I hold in my hand the report of the last Commission. Which one of you has ever read it? Which one of you knows from cover to cover a single word that that report contains? Immigration Commission? Why, here is the report of the Senate, and here is the report of the House, and here is the report of the Industrial Commission, on immigration. And now gentlemen are talking this nonsense about having another commission. Mr. Chairman, the fact is that at first I did not believe in an educational test myself, or at least I did not think that it was as good as a large head tax. But the committee thought otherwise, and they were very wise, because the head tax had not been fought out with the American people. The educational test has been fought out with the American people. The gentleman from Texas waves a letter in his hand and talks about "influences." He says that not one-third of this House would vote for that educational test if it were not for "influences." Let me read to you what happened before "influences" were tried. On the 20th of May, 1896, the House of Representatives passed the educational test by a vote of 195 to 26. Where were the "influences" then? Is it not much more likely that if "influences" were not at work we should have an equally large majority to-day? In 1897 it again passed the House. I have not the exact figures of that vote. Gentlemen talk of the Democracy standing together and voting against passing it over President Cleveland's veto. To their credit and to the credit of the Republicans be it said that they read that message vetoing the educational test and then proceeded by a vote of 193 to 37 to say they did not think there was anything in his position.

Then, again, four years ago, May 22, 1902, we had a vote, a standing vote asked for by the gentleman from Illinois [Mr. MANN], and the educational test was carried 86 to 7. That is the natural sentiment of the House of Representatives. Talk about your artificial sentiment! It is not we who have created an artificial sentiment, but it is the people who have moved heaven and earth for their own interests to misrepresent this bill in the press and in mass meeting. Telegrams and petitions have been showered on Congressmen from honest men misled by knaves. I hold in my hand the Daily Jewish News, of New York, which calls on Congressmen and gets up meetings to beat this bill, amongst other things on the ground that it separates husband from wife. The bill does nothing of the sort. If I were a Hebrew and I was told "Here is a bill which if passed separates husband from wife" I, too, should have petitioned my Congressman; I, too, should have attended the mass meetings; but nothing of the sort is true of the bill. The separation of families is carefully guarded against. People have been misled, and what proves it is that the United Garment Makers of America, composed largely of Hebrews, is amongst the list of those who have petitioned for an educational test. Now, to go on, I do not believe the rank and file of the Hebrews want to have any unlimited immigration into this country. They do not want their own people to come on so fast that they can not take care of them, and they can not take care of them.

The Jewish societies of New York confessedly can not take care of their own people. I asked my colleague from New York [Mr. BENNET] to give me the last report of the United Hebrew Society. He could not furnish me with it, and I am sorry to say I shall have to read a somewhat old report.

Mr. BENNET of New York. Will the gentleman yield just for a question;

Mr. GARDNER of Massachusetts. Certainly.

Mr. BENNET of New York. When was it the gentleman asked that?

Mr. GARDNER of Massachusetts. I beg his pardon, I meant no reflection; I was simply apologizing for reading the only report I had at hand.

Mr. BENNET of New York. It was yesterday morning.

Mr. GARDNER of Massachusetts. Oh, certainly. Here is from the twenty-seventh annual report of the United Hebrew Charities of New York of October, 1901:

No matter how earnestly we labor to care for the Jewish poor already in our city, our burdens are being constantly increased by the thousands who come from Europe every year to settle in our midst. It is worth noting in passing that, comparatively speaking, few of these newly arrived immigrants come to us for assistance until after they have been in New York for a year or two.

What do these figures (here omitted) mean? The answer is easily given, and is but a repetition of the statements made to you in these annual reports for the past few years. They mean, if they mean anything, that a condition of chronic poverty is developing in the Jewish community of New York that is appaling in its immensity. Forty-five per cent of our applicants, representing 20,000 and 25,000 human beings, have been in the United States over five years.

Now, Mr. Chairman, I have seen this campaign go on. I have seen that newspaper in New York call on the Hebrews in my district, and there are plenty of them—there are two synagogues I know of in my district, and there are possibly many more—they have called upon them to denounce me and oppose this bill. I have sent them copies of a true statement, and not one resolution of denunciation has been gotten up by any Hebrew in my district. A Hebrew is too intelligent to be long deceived. When this thing is properly understood they will know that the blow is not aimed at any race. It is aimed simply and solely at numbers and at undesirable immigrants. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. GARDNER of Massachusetts. Now, Mr. Chairman, I was interested in the statement of the gentleman from Texas that a universal demand from all over the South for labor was published in the Manufacturers' Record, of Baltimore. I have studied that symposium with great care. It was I who had it published in the hearings of the committee, and I came to a very different conclusion from that of the gentleman from Texas.

Mr. BURNETT. Mr. Chairman, in that connection, I desire to ask if the Farmers' National Congress, at Richmond, Va., December 14, 1905, did not pass a resolution using this language:

That we favor excluding absolutely immigrants of poor physique and those unable to read in some language?

Mr. GARDNER of Massachusetts. The gentleman is perfectly correct, and I shall put that, with a number of other resolutions and letters, in the RECORD.

Now, Mr. Chairman, we can fool with this question this year, if this committee so votes. But a vote for that commission to duplicate that book means a vote against a real immigration bill. You so far have only cut off a tip of the ear and an end of the nose to-day. Now, you are at the meat of the bill, and you are hard at work on it. You take out the meat of this bill by a provision for another volume like that, Mr. Chairman, and you will not deceive a single man interested in this question throughout the United States.

To illustrate the unfairness of the compaign which has been carried on against the educational test I can point to nothing more significant than the counterfeit circular recently issued by some scalawag on a Knights of Labor letter head, in which a protest was entered against the educational test. The men who are financing this campaign against us must have been supremely disgusted when the fraud was exposed the next day.

I submit herewith three resolutions and a letter.

FARMERS' NATIONAL CONGRESS, 1905.

Resolution adopted by the Farmers' National Congress at Richmond, Va., September 14, 1905:

"*Resolved*, That we urge upon Congress the importance of further judicious regulation of immigration, and in particular demand the enactment of a law raising the present head tax upon immigrants and excluding absolutely immigrants of poor physique and those unable to read in some language."

BROTHERHOOD OF RAILWAY TRAINMEN, 1905.

Resolution passed by the Brotherhood of Railway Trainmen at its seventh biennial convention, held at Buffalo, N. Y., May, 1905:

"Whereas the Republican party platforms of 1896 and 1900 contained planks favoring the further restriction of immigration; and

"Whereas the representatives of that party have been in complete control of the Congress of the United States for the past ten years and have failed to carry out these pledges: Therefore, be it

"*Resolved by the Brotherhood of Railway Trainmen in seventh biennial convention assembled, at Buffalo, N. Y., this 24th day of May, 1905*, That we criticise the representatives of the Republican party in Congress for their failure to make good their pledges with regard to legislation for a further restriction of immigration."

AMERICAN FEDERATION OF LABOR, 1905.

[From proceedings of national convention of American Federation of Labor, held in Pittsburg, Pa., November 13–25, 1905, p. 238.]

A further check should be put upon assisted immigration. The law now permits the passage of an alien to be paid by any relative or "friend" living in this country. Every employer who wants to bring in cheap laborers is of course a "friend" to them, or can find somebody to play the part. It is one of the readiest means of evading the contract-labor law. The privilege of paying the passage of others should be restricted to the nearest relatives—fathers, mothers, and children, brothers and sisters, husbands and wives.

In accordance with the views here outlined, we recommend that you authorize your officers to use all honorable means for the amendment of our immigration laws so as to exclude persons physically unfit, to check the evil of assisted immigration, to introduce an educational test, and to provide that ports of entry shall be confined to those on the Atlantic and Pacific oceans and the Gulf of Mexico.

WASHINGTON, D. C., *June 23, 1906*.

Hon. A. P. GARDNER,
House of Representatives.

DEAR SIR: Information has been received that certain opponents of the Senate immigration bill (S. 4403), now pending in the House, are asserting that the American Federation of Labor is not particularly interested in its passage, and especially that part known as the "educational test."

I have been directed by the executive council, who were in session this week, to state that the American Federation of Labor has not changed its position, which is clearly set forth in the following instructions to the officers of the American Federation of Labor, adopted November 24, 1905, at the Pittsburg convention:

"In accordance with the views here outlined, we recommend that you authorize your officers to use all honorable means for the amendment of our immigration laws so as to exclude persons physically unfit, to check the evil of assisted immigration, to introduce an educational test, and to provide that ports of entry shall be confined to those on the Atlantic and Pacific oceans and the Gulf of Mexico."

I am communicating this to you so you will understand that the assertions made by our opponents are unfounded and untrue.

Respectfully,

FRANK MORRISON,
Secretary American Federation of Labor.

Now, Mr. Chairman, I yield back the balance of my time.

Mr. COOPER of Pennsylvania. It was stated on the floor of the House here this afternoon, particularly by the gentleman from Missouri [Mr. DE ARMOND], that this bill violates the "most-favored-nation" clause.

Mr. GARDNER of Massachusetts. I am glad the gentleman spoke to me about that.

Mr. COOPER of Pennsylvania. Is there anything in this bill of that kind?

Mr. GARDNER of Massachusetts. Absolutely not. The exceptions which are made for the citizens of Canada, and so forth, in the present law might possibly violate the "most-favored-nation" clause in the Japanese treaty, but in no other. We submitted this clause to the Secretary of State when we changed the text from "citizenship" to "domicile." He approved it, and said it was a very good way of avoiding the difficulty.

The CHAIRMAN. Has the gentleman from Massachusetts [Mr. GARDNER] yielded the floor?

Mr. GARDNER of Massachusetts. I yielded back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. MICHALEK].

Mr. MICHALEK. Mr. Chairman, the opposition to the immigrant has its foundation in racial conceit and prejudice, the psychology of which is found in loyalty to racial tradition and in that peculiar instinctive egotism that deludes the possessor with the obsession that he is better than his fellow-man. It does not seek its justification in the demonstration of facts, but in the viciously silly attacks of mental dyspeptics who muck rake nations and races of whose past contributions to the sum of human knowledge and culture they know little, of their present less, and of the people themselves nothing.

This unjust villification is the result of impressions created and conclusions arrived at by the study of the foreign-born from a mental view point akin to that of a curious visitor at a menagerie. And the worthy American citizen of foreign birth or parentage, whose renationalization is recent, suffers the humiliation of having the entire race of which he is an offspring judged by and slandered to the low level of certain of its types—types inherent in all races of mankind. Thus a few are studied and a race condemned.

In my opinion, the belief in and advocacy of the policy of further restricting immigration is based on the theory, or rather prophecy, of a resultant future evil conjured up by the magic of imagination, the overstudy of statistics, and their misleading application to a condition with the purpose of exaggerating it into a problem. Mr. Chairman, there never has been, nor is there now, any white immigration problem, and to

assert the contrary is to prostitute the teachings of our past history and disregard the logic of the unexampled progress of these United States.

Now, I do not deny the right nor do I question the policy of our Government to keep out the unworthy and really objectionable immigrant, but, sir, that policy is already in force, and I contend that further restriction is unwarranted in the light of our past experience, unwise in view of our present freedom from any tangible immigration evil, and demoralizing in its future effects upon the proper development of this country. [Applause.]

Briefly summed up, it is charged that immigration promotes pauperism, crime, anarchy, labor riots, competition of cheap labor, and the consequent lowering of our standard of living and wages, race pollution, and political degeneracy. And because an intelligent and unbiased study of the immigrant's past and present abode in our midst and his effect on the racial, political, and industrial condition of this country is a complete and unanswerable refutation of these charges, it is asserted, and with a logic worthy a disciple of a certain mental healing sect, that the immigration of to-day and that of the past are two entirely different problems; that certain civilized races of certain sections of Europe are of a better grade than those of other parts. Oh, not because these self-appointed judges and critics of European nations have such a high regard for some of the peoples whose virtues they extol, but because it serves the purpose of specious argument.

Mr. Chairman, the proposition that the immigrant is a contributing agent to the crime and poverty in our midst in an extraordinary degree is hardly borne out by the fact that poverty and crime are the result, broadly speaking, of a physical and mental condition of the individual, a condition that is not influenced by racial heredity or decided by the place of birth. I believe that the danger to our institutions through certain immigrants' alleged propagation of the doctrine of resistance to lawful authority is greatly exaggerated, if not altogether unfounded. That liberty is mistaken for license is true, but not so much on the part of those to whom the heritage of life brings toil instead of ease—the poor immigrant, the toiler who is content with a modest and decent living—but on the part of those whose inhuman greed is in stupendous contrast to human needs and sane desires. The high priests of Faganism, whose contempt for and evasion of the law of the land and absolute disregard of the moral code of enlightened civilization burlesques human rights, makes our laws a meaningless babble of words, casts a doubt upon the virtue of honesty itself, and resolves our cherished ideals into naught but a grotesque figment of a vanished national dream. [Applause.] And so long as the qualities of heart and mind shall be subordinated to the spirit of this degenerate commercialism, so long as the acme of our nation's desire shall be the acquisition of wealth, so long as captains of industry, apostles of dishonesty, shall be held up as shining examples for the youth of the land to emulate, so long will the destiny worthy of our institutions, of our possibilities, of our nation, be retarded. [Applause.]

And when it is urged that immigration influences and the foreign-born citizen tend to lower the high character of our citizenship I can not but think that the inspiration so to do is not lacking; that it is found in the shameful story chronicled in the press, the verdict of the courts of yesterday, of to-day, of a high trust outraged, an exalted office debauched. And need I say that this condition is not the result of or due to any of the alleged evils of immigration? And, again, consider, sir, the spectacle of a certain class of our countrymen who denounce and despise the immigrant, boast of their ancestry as if it was in itself the crowning glory of their Americanism, and yet who fawn like puppies at the feet of some titled and monocled ass. Oh, what a pitiful exhibition of retrogression to ideals from which humanity, since the awakening of man's desire to be less and less the beast, since the dawn of civilization, made spasmodic and at times successful efforts to escape—ideals that underlie the creation of the ridiculous human institution of classes in their various phases and stages of evolution—ideals, sir, that are fundamentally opposed to the philosophy of our form of government. [Applause.]

Mr. Chairman, let us appreciate the fact that the immigrant is human and entitled to our respect and consideration as such. Let us realize the fact that the foreign-born citizen is not ignorant simply because he can not speak English; and that his conception of duty, life, and ideals may be as lofty as our own, and that his Americanism is none the less fervent or patriotic and self-sacrificing because of the accident of birth; for after all, Mr. Chairman, our acceptance of life is not contingent on our own volition, is involuntary, and not the result of choice, and surely that over which we have no control ought not to be made the basis of and reason for reproach or detraction. [Applause.]

As far as the race-pollution phase of this question is concerned, there is not a scintilla of evidence, scientific or otherwise, to support the proposition that the fusion of the blood of one branch of the Caucasian race with that of another results in race deterioration. That the contrary is true is evidenced in the very genius of the American people. The danger of racial adulteration is confined to the yellow races, and, in my judgment, is aggravated, so far as the Japanese are concerned, by the tendency of the American people to stamp them with the seal of their approval.

Now, I do not wish to be understood as criticising or condemning the yellow race, or any branch of it, as human beings, for they are excellent people in many ways; but I simply do not think it wise to create an opportunity for the violation of any immutable physical laws of reproduction. In other words, shall the picture of the black problem in our midst, with its disgusting high lights of brown, symbolic of a national mistake, shall it be reproduced, repeated, and our national life be further blotched and discolored with yellow? Surely one race problem is more than enough. I therefore believe, Mr. Chairman, that the Chinese-exclusion law should be more rigidly enforced and proper efforts made to have all yellow races placed in the same category as the Chinese, because assimilation is unnatural and obviously undesirable. [Applause.]

Another reason advanced by the exclusionist or restrictionist is that the poorly paid European laborer works for less and consumes less, and thus lowers the American standard of living and wages. And yet, despite the steady, and to some alarmingly large increase of immigration of recent years, our standard of living and wages was in no way affected, but is higher to-day than it ever has been.

Let us remember, Mr. Chairman, that while the immigrant received less for his labor at home his living expenses were correspondingly lower, and in this country he is not favored with any rebate by the few men who virtually control the necessities of life, and he would certainly be unlike the rest of humanity if he did not try to obtain the highest possible reward for his services. And yet by a strange law of reasoning, too subtle for me to grasp, it is charged in one and the same breath that he cheapens labor, and yet is largely responsible for labor strikes. You know that can not be true, for the very object of a strike is to secure a raise in the wage standard and better the condition of labor.

Again, it is urged that we place a high tariff on goods coming to this country with the ostensible purpose of protecting our wage-earners from the cheap competition of European labor, and at the same time allow the laborers themselves free entry into our country. Now, Mr. Chairman, the immigrant does not perform any labor for nothing, for the labor he renders he is compelled to demand an equivalent sufficient to meet his high American living expenses. I am applying these arguments not to the imported contract laborer or the so-called "bird of passage," whom I emphatically object to, but to the white man that comes here with the purpose of making this country his permanent home.

The demand for labor increases naturally with the growth of industries, and the immigrant comes in response to that demand. In this connection, I think that the recent large influx of immigrants is a high tribute to the Republican party, its policies and their practical application in the conduct of the affairs of this Government. [Applause on the Republican side.]

Now, the idea of free trade or tariff for revenue only has its basis in an altruistic conception of the commercial brotherhood of nations—a conception belied by the experience of mankind and fundamentally opposed to the law of self-preservation—a law that applies to nations as well as individuals, and a law that is the basis of the protective system. That the policy of protection may be, and is in some respects, overapplied I personally have no doubt. And while I recognize and appreciate the vast amount of work and controversy the readjustment of the existing tariff schedules would involve, I believe it ought to be done to the extent of reducing the tariff on goods whose production and sale is controlled by a few men. My conclusions in this regard are that immigration is not antagonistic to the principles of national self-preservation, because its ruling motive underlies the individual's desire to better the status of himself and progeny. Or, put in another way, his aims and those of the nation are harmonized by a unity of intention. [Applause.]

Now, it has been charged by some and, I think, believed by many, that certain foreign governments, and Austria-Hungary in particular, control the foreign colonies through the medium of a subsidized press and other methods, with the purpose of

inspiring in the minds of the people loyalty to the land of their birth and a hatred for American institutions. I can not conceive the existence of such a deplorable and practically impossible situation. In the section of this nation that I have the honor to represent in this great body, there are published and ably edited in various languages, over a dozen daily and weekly newspapers and magazines, and I have never heard it even intimated that any of these newspapers were used to propagate the doctrine of anti-Americanism, but know, as a matter of fact, that the contrary is true. These newspapers are practically reproductions of our English dailies, except as to language, and perform a great work in familiarizing those who through no fault of their own can not read English, with the meaning, significance, and value of our institutions.

Mr. Chairman, the report of the Commissioner-General of Immigration for the fiscal year ending June 30, 1905, classifies rather arbitrarily the Slavonic race into the following subdivisions: Bohemian, Moravian, Bulgarian, Servian, Montenegrin, Croatian, Slovenian, Dalmatian, Bosnian, Herzegovinian, Hebrew, Lithuanian, Polish, Roumanian, Russian, Ruthenian, and Slovak; and so much has been said about the hordes of illiterates, the pauper invasion, the scum of Europe, and these expressions have in the main been applied so frequently of late to this race that they have with constant parrot-like repetition stereotyped themselves into the public mind as typifying the mental and moral status and general undesirability of these peoples as prospective Americans. And while I agree with the first citizen of the United States when he says "that we can not have too much immigration of the right sort and we should have none whatever of the wrong," I protest against the attempts to classify these races as the wrong sort of immigrants.

These races have demonstrated that they make the best of citizens, are law-abiding, willing and able to work, and home seekers and builders to a degree not surpassed by any other peoples. The younger generation is aggressively American, a fact that a study of the names of those who responded loyally to the call of President McKinley in our late war with Spain will verify. Because of these facts, not fancies, the Slav needs no more defense than does the immigrant from any other section of Europe. And I deplore the veiled endeavor to excuse or justify the proposed restrictive legislation on the theory of their alleged unfitness for American citizenship.

Mr. Chairman, in conclusion I wish to say that the main provisions of the pending measure relative to the educational test, financial qualifications, and increase of the head tax, if enacted into law, would have the effect of excluding a large percentage of very desirable immigrants. I am opposed to the bill in its entirety, because its operation would eunuch the productive power of our country in all of its elemental phases, and because, in my judgment, it is unnecessary, unjust, and un-American. [Loud applause.]

Mr. COCKRAN. Mr. Chairman, I have waited with very great interest—I may say with eager anticipation—for an explanation by the gentleman from Massachusetts [Mr. GARDNER], whose name will be linked forever with this proposal, of his reasons for attempting to change so radically the policy toward immigration which we have maintained through all the years of our national existence. So far as I have been able to understand his position, it seems that he has instituted a comparison between the number and influence of citizens who have signed petitions in favor of the measure and citizens who have expressed opposition to it, and striking a balance of popularity between them he appears to have decided its supporters are the stronger and more influential body. Now, that may be entirely satisfactory to him; it may meet fully his notions of loyalty to duty as a Representative on this floor, but I am confident a large majority of this committee are moved by a desire that justice and sound policy should govern them in dealing with this measure, rather than a desire to promote their popularity at any particular moment. In the few minutes at my disposal I shall therefore ask the committee to consider the effect of restricting immigration, and especially of restricting it by an educational test, on the substantial and moral interests of the American people.

The one serious argument in favor of this proposal—the one argument that I think needs answering—is that of the gentleman from Missouri [Mr. DE ARMOND]. He put the issue with a characteristic clearness. He asks if immigration should be restricted to the desirable; and if so, is an educational test the most effective method of restriction. He answers both questions in the affirmative. Everybody here agrees that immigration should be restricted to the desirable, but we differ radically as to the meaning of that word "desirable." If the significance of that qualification were made clear, there could be little division of opinion about the method or test most effective for establishing it. The gentleman from Massachusetts [Mr. GARDNER] evidently considers the desirable immigrant a man who can read, who can speak according to rules of grammar, who is trained in loquacity. That being his conception of what is desirable, the proposal he has submitted becomes intelligible to all of us, even though to many of us it is objectionable. We who oppose the educational test believe the man who works with his hands, who is trained to efficiency in labor, is the desirable immigrant. The test we wish to impose is one that will establish his ability and his willingness to work. Now, the gentleman from Missouri suggests that we who oppose this restriction favor the admission of ignorance in order that it may be worked. I think that was his expression. Mr. Chairman, I don't quite understand just what the gentleman means. If he means that we want no immigrants except men who must work to live, he is entirely correct. But when he is worked in this sense the immigrant is not injured, but improved. He is worked in the widest and most productive field of labor in the world, but of the abundance he creates he receives an equitable share. The gentleman from Alabama [Mr. UNDERWOOD] spoke of restricting immigration to the virtuous. Mr. Chairman, it is precisely to the virtuous that I think it should be restricted, and my object in taking the floor now is to suggest a test for virtue that is absolutely infallible and which every opponent of this measure would be very glad to see imposed on everyone seeking admission to our population.

While the gentleman from Alabama [Mr. UNDERWOOD] was on the floor I challenged him to name one man in all his acquaintance who worked with his hands every day that was not a valuable element of our citizenship. There is not a vicious man in any community outside of a poorhouse that is not more or less educated. He can not live by his wits rather than by his hands unless those wits are trained to some extent. Any unlettered immigrant shows that he must have virtuous instincts by the very fact that he comes here, for he can have no other purpose than to support life by his toil. I believe it is more important that the applicant for admission to these shores should be made to show by the calloused palms of his hands that he is accustomed to work than to show glibness of tongue in meeting a literary test. [Applause.]

Mr. Chairman, let us consider in the light of ordinary experience what must happen to the man who comes here with nothing except capacity to work. He must work to live, and he must work hard all day. No man who spends all the hours of the day in labor can be vicious. Even if he had vicious propensities he would have no time to indulge them. It is simply unthinkable that a laborious man can be a vicious man. The object and end of vice among men who are not rich is to live without labor. It is only those who desire to escape work that are vicious. The man who works with his hands and lives by the sweat of his brow must in the very nature of things lead a virtuous life. If, therefore, we want to secure admission of none but the virtuous, and make absolutely sure of excluding the vicious, let us admit those only who can show that they have lived lives of labor in their native lands, and that they are anxious to live lives of industry here.

If we admit those only who possess some educational qualification, what class shall we find passing through our ports? Why is a man instructed in reading and writing? If he be not rich enough that he can expect to lead a life of leisure, the very object of educating him is that he may live by the labor of his head rather than the labor of his hands.

Now, that is precisely the character of immigrant the opponents of this measure consider the least desirable. We believe the effect of this proposal would be to exclude the desirable and admit the objectionable. I repeat the question propounded by the gentleman from Texas [Mr. BURLESON]: Do you want more lawyers, do you want more school-teachers, do you want more artists, do you want more anarchists, do you want more linguists, or do you want more laborers? If lawyers, clerks, artists, writers, and agitators are the desirable immigrants, the measure of the gentleman from Massachusetts [Mr. GARDNER] is highly meritorious. Its effect will be to increase enormously the supply. We believe in encouraging the arrival of immigrants who will not be a tax on the resources, but a vast reenforcement to the productive capacities of the country. There is but one way in which a man can serve the country in time of peace, and that is by work upon its soil. How can any person work from morning until night, increasing the production of the soil, and be other than a valuable citizen? The man who comes here where no mode of living is possible to him except by the work of his hands gives a bond to society that his life, if it be supported at all, must be spent in actively serving the common welfare. The unlettered man can live only by work. The educated man never wants to live by manual labor.

If I were reduced to a choice—and I do not want to exclude anybody—but if I were reduced to a choice between the man who could stand this educational test and the man who could not—if I must exclude one or the other—it would be the man with such a literary qualification as the bill provides, for he may lead a vicious life, while the man who works with his hands can not lead other than a useful because an industrious life.

Mr. GARDNER of Massachusetts. Will the gentleman allow me a question?

Mr. COCKRAN. I yield for a question.

Mr. GARDNER of Massachusetts. Does the gentleman mean to say that out of 500,000 immigrants who can read, the average of good citizenship would be less than in 500,000 who can not read? That is the educational test; and if you are right, then our whole theory of popular education is an entire failure. [Loud applause.]

Mr. COCKRAN. I am perfectly willing to meet the gentleman's question. I do not say that 500,000 men who can not read are necessarily better than 500,000 men who can; but I do say this, that the chances or probabilities of vicious lives are greater among men who can live by their wits than among men who must live by their hands. [Applause.] The man who must work for his bread can not be dangerous to peace and morals, for he can not support life without exercising and practicing the virtues that are always important forces for promoting the moral and material welfare of a nation.

The man who can work and do nothing else is fitted to join that throng of 200,000 for which the State of Texas is looking. He must delve in the cellars of Boston, as the gentleman from Massachusetts [Mr. KELIHER] has described; he must plough furrows in western fields; he must construct railroads and pave highways; above and beyond all, when he is performing this primary labor upon the bosom of the earth, without which no higher labor could find any opportunity of exercising its skill, he is lifting an American laborer on his shoulders to a higher plane of employment, where he can command higher wages. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STANLEY. I ask that the gentleman's time be extended five minutes.

Mr. BURNETT. I understand that there are only five minutes remaining.

Mr. COCKRAN. I am much obliged to the gentleman. There are thirteen minutes remaining, but as I understand gentlemen are anxious to address the committee, and as I have already discussed this question to some extent when the naturalization bill was before the House, I shall not now ask an extension of time.

The CHAIRMAN. The Chair recognizes a member of the committee, the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, the gentleman from New York [Mr. COCKRAN] says that wherever you find men who are industrious, you find men who are honest and lawabiding and worthy of admission to our shores. If his logic is correct and is carried out to its legitimate analysis, then he would break down and repeal the Chinese-exclusion act and let every man from the Orient invade this country. [Applause.]

Mr. COCKRAN. Mr. Chairman——

Mr. BURNETT. My time is too short.

Mr. COCKRAN. I am speaking of the white races. There is a racial question involved.

Mr. BURNETT. The gentleman can not deny that the Chinaman is an industrious man and an honest man, and yet does he favor the admission of Chinese laborers?

Mr. COCKRAN. I admit; but there may be a racial reason for excluding people from this country.

Mr. BURNETT. I hope the gentleman will not undertake to make a speech in my time, because I did not in his, and my time is so limited that I can not yield further.

Mr. COCKRAN. I do not want to be misrepresented.

Mr. BURNETT. I am not misrepresenting the gentleman. The gentleman undertakes to dodge it, and there is no dodging the result of his proposition. [Applause.] He knows what he said, and this House knows. If his proposition is a correct one, the man who comes with a Buddhist bible and undertakes to tear down the Christian churches of this country and to erect the temples of Buddha on their ruins is a desirable addition to the population of our land. The juggernaut of commercialism is being erected by that same body of men who to-day are trying to crush out American laborers with illiterate foreign labor, and for the Sermon on the Mount they would substitute the philosophy of Confucius. I appeal to you of the South, you of the land which has been baptized in the blood of your ancestors and of your brothers in their struggle for our white civilization, the land which so far has been kept free from contamination, to keep it spotless as a goodly heritage for your children. [Applause.] Why, gentlemen, I would read, if I had time, a clipping from one of the daily papers showing that in one of the towns of North Carolina within the last few days a band of Italians terrorized that town, and the police and citizenship had to be called out and the town placed under martial law.

Gentlemen of the South, we believe that we have partially solved one race question. We believe that by the help of the eternal God and our own intelligence the race problem with which we have had to contend is to a very great extent settled; but if you allow this horde of Italians, Austrians, Hungarians, Syrians, Bohemians, and others of that class to come in great numbers, then you are giving us a greater race problem than that which your intelligence and your patriotism have already solved. I appeal to you, gentlemen, not to allow that day to come. There is not a man living who understands the colored man in the South like the southern white man. That colored man recognizes the Caucasian as his superior; but there is not a negro in the South but what thinks that the "dago," as he calls him, is his inferior, and when the two races meet in great numbers, there will be the devil to pay. [Great applause.]

Gentlemen, this is a serious proposition. I have nothing against foreigners. Many of the best friends I have are foreigners. Just a few months ago I appointed to Annapolis a splendid young German from one of my counties, after having first tendered the place to an excellent young Jew of my own city. But why is it that the desirable immigration from northwestern Europe is ceasing to come to our borders? It has been shown by those who have been investigating the conditions there that the very decrease in the splendid immigration from northwestern Europe has been brought about by the influx of Italians, Syrians, Austrians, Hungarians, and others from that part of Europe. [Applause.] The immigrant from northwestern Europe is not illiterate. Of the Germans only about 4 per cent of those over 14 years of age are unable to read and write; of the Irish and Scotch, only about 3 per cent, and of the English and Scandinavian only about 1 per cent, while of the South Italians more than 56 per cent can not even read their own language.

Gentlemen try to deceive the southern farmer into wanting Italians for work on the farm. Who ever heard of a dago doing well on the farm? You will find them herding together in the cities, running push carts and fruit stands and hand organs, and crowding together in tenement houses, breeding disease and sending forth the seeds of death upon every passing breeze.

You all remember that when yellow fever was devastating New Orleans the papers were full of statements as to how the Italians were concealing its victims in their ranks, and hiding their dead from those who would stay the progress of the terrible disease.

Gentlemen, do you call that class of people a desirable population?

The real farmers among the Italians are from northern Italy, and as only 14 per cent of them are illiterate, but few would be excluded by this bill.

Let us see what is really the provision of the bill about which gentlemen rant and rave like they were mad.

Here is that part of the section providing for the educational test:

SEC. 38. That no alien over 16 years of age physically capable of reading shall be admitted to the United States until he has proved to the satisfaction of the proper inspection officers that he can read English or some other language or dialect, and the Secretary of Commerce and Labor is hereby authorized and directed to prescribe from time to time such methods and rules as he may think best for the purpose of testing the ability of such immigrants to read: *Provided*, That an admissible alien over 16 years of age, or a person now or hereafter in the United States of like age, may bring in or send for his wife, his mother, his grandmother, his affianced wife, his father who is over 55 years of age, or his grandfather, if they are otherwise admissible, whether they are able to read or not; and such persons shall be permitted to land: *Provided further*, That a daughter not exceeding 21 years of age or a son not exceeding 18 years of age, otherwise admissible, if accompanying an admissible alien father or mother, shall be permitted to land whether said daughter or son is able to read or not.

Can gentlemen say that there is anything unreasonable in that?

A few weeks ago the gentleman from New York [Mr. BENNET], in a speech on this floor, sneered at the illiteracy in the district of the gentleman from Kentucky [Mr. HOPKINS]. Mr. Chairman, we have many illiterates all over the South, both white and black. Our people are poor. A little more than a generation ago we emerged from one of the most terrible wars that ever drenched any land with the blood of its sons. The old Confederate soldier came hobbling home to find wreck and destruction on every side and starvation staring him and his family in the face. But with nothing but his faith in the eternal God and his own unconquered will and energy he went

to work to recover his ruined fortunes. He had nothing with which to educate even his own children, and yet the vicissitudes of war had thrust upon him the duty of educating not only his own, but also those of his former slaves. This duty he has striven and struggled to perform without a murmur.

The white people of the South have paid 90 per cent of the taxes, and yet the colored man has had an equal share of these taxes in the education of his children.

Now, if the gentleman from New York has spoken truly when he taunted us with illiteracy in the South, will you representatives of a southern constituency, by your votes, aid in bringing in a third race of illiterates to be educated by your poor, struggling constituents?

Is it fair to the poor farmer, the blacksmith, or the mechanic to tax their little homes to educate the children of the dago, while our own native-born sons and daughters are growing up in ignorance?

Gentlemen, these Poles, Hungarians, Syrians, and Italians are not the ones who send you here. The proof shows that many of them do not become citizens or taxpayers, but that as soon as they accumulate a little money they either return with it or send it back to their native land. It has been shown that to Hungary alone more than $50,000,000 was sent last year from this country. Most of them do not try to assimilate with our people, but they are taught by their priests and their ministers from the very hour they land on our shores not to renounce or forget their allegiance to the fatherland.

Not so with the English, the German, and other people from northwestern Europe. They come seeking homes for themselves and their families. I have many of them in Cullman County, in my district, and they are an honest, intelligent, and industrious citizenship. Such as they are I welcome to our country, and only wish we had more of them. They have made Cullman County to blossom as the rose, and I am proud of them. They are my friends, and I rejoice in their friendship. They have made "our country their country, our people are their people, and our God is their God." They have cast their lots beneath southern skies; on Alabama soil they have erected their homes, and as an Alabamian I bid them welcome.

But, gentlemen, they are very different from the dirty Bohemian who vends decayed bananas and pushes a hand organ on the streets of our cities.

Not all Italians are illiterate or bad, and I would not exclude them merely because of their name.

As good a friend as I have in my home city was born beneath Italian skies. So excellent a character does he bear that he is a member of one of the secret orders to which I myself belong, and, as a brother, I am glad to meet and greet him; and were all Italians like Mike Costa, I would never raise my voice against their admission. But I have no doubt but that he would join me in my desire to shut out the illiterate hordes from entering our sunny South. I do not subscribe to the doctrine of America for Americans alone. To those who come to help build up our national wealth, and at the same time to help elevate and adorn our citizenship, I say, throw wide the doors. But to those who come with the Black Hand or the Mafia, or who come to take away our wealth to build up foreign lands, I say, shut and bar the gates. [Great applause.]

Mr. Chairman, who is it that wants them? It is not the laboring man, for he has expressed his views in no uncertain sound. I will here insert in the RECORD resolutions passed by the Federation of Labor and by the Brotherhood of Railroad Trainmen. They are as follows:

[From proceedings of national convention of American Federation of Labor, held in Pittsburg, Pa., November 13 to 25, 1905, page 238.]

A further check should be put upon assisted immigration. The law now permits the passage of an alien to be paid by any relative or "friend" living in this country. Every employer who wants to bring in cheap laborers is of course a "friend" to them, or can find somebody to play the part. It is one of the readiest means of evading the contract-labor law. The privilege of paying the passage of others should be restricted to the nearest relatives—fathers, mothers, and children, brothers and sisters, husbands and wives.

In accordance with the views here outlined, we recommend that you authorize your officers to use all honorable means for the amendment of our immigration laws, so as to exclude persons physically unfit, to check the evil of assisted immigration, to introduce an educational test, and to provide that ports of entry shall be confined to those on the Atlantic and Pacific oceans and the Gulf of Mexico.

Resolution passed by the Brotherhood of Railroad Trainmen at its seventh biennial convention, held at Buffalo, N. Y., May, 1905.

Whereas the Republican party platforms of 1896 and 1900 contained planks favoring the further restriction of immigration; and

Whereas the Representatives of that party have been in complete control of the Congress of the United States for the past ten years, and have failed to carry out these pledges: Therefore, be it

Resolved by the Brotherhood of Railroad Trainmen in seventh biennial convention assembled, at Buffalo, N. Y., this 24th day of May, 1905, That we criticise the Representatives of the Republican party in Congress for their failure to make good their pledges with regard to legislation for a further restriction of immigration.

It is not the farmers who want them, for in their latest national congress they spoke out in the resolution which I here insert in the RECORD:

Resolved, That we urge upon Congress the importance of further judicious regulation of immigration, and in particular demand the enactment of a law raising the present head tax upon immigrants and *excluding absolutely immigrants of poor physique and those unable to read in some language.*

The test in the bill now under consideration meets just the proposition stated in this resolution, and yet gentlemen representing farmers are trying to defeat it. Under the rule adopted for consideration of this bill there can be no record vote.

In my opinion this rule was brought in by the enemies of the educational test with the deliberate purpose of allowing gentlemen to oppose the educational test without their constituents finding it out, and I fear that there are some voting against a restricted immigration that will be denying it before five years shall have come and gone.

It is not because I look down upon the man who can not read that I favor this bill. Many of the best friends that I ever had were totally illiterate. But, Mr. Chairman, they were reared in the midst of American civilization, and from their youth up have drank of the fountain of liberty and have eaten the fruits of American freedom.

The report of the Commissioner of Immigration shows that during the last fiscal year 1,026,499 immigrants landed on our shores, and up to the 1st of June of this year more than 950,000 landed, so that the number this year will be even greater than that of last. Think of it, gentlemen: Nearly two and a quarter millions of foreigners landing on our shores in two years. Of the 1,026,499 landing last year, 239,091 could not even read their own language.

Nearly all these illiterates came from Austria-Hungary, Italy, Russia, and other eastern and southeastern European countries. Think of it, gentlemen, and say whether the future American citizenship is to be made up of such as these—people who have no idea of our American system of government and are totally unable to prepare themselves for the duties of American voters. Already there are 5,000,000 foreign males in America of voting age out of an entire voting population of about 16,000,000. Then what will it be if the present rate of increase continues for ten years more?

Mr. Chairman, we now have the opportunity of at least mitigating the evil of too many undesirable immigrants, and if we let this opportunity pass it may pass forever, for as the tremendous tide of immigration piles up higher and higher, representatives of a free people become enthralled by the environments till they dare not lift their voice or cast their vote in the interest of a free republic.

Again, I ask who is it that is wanting this horde of illiterates? I answer, the steamship companies in their greed for the passage fees, the railroad companies in their greed for the transportation fees, the large manufacturing companies in their desire to destroy respectable wages to the intelligent laborer, and a few large farmers who can live in ease and luxury with their families in the cities while their managers corral the ignorant laborer on the farm.

Gentlemen, in my district the small farmer has to "bed and board" his white laborer in his own household. He sleeps in the bed with the farmer's sons and eats at the table with his wife and his daughters. So long as that laborer is a decent Caucasian, that is all right; but where is the poor white man that wants the dirty Syrian to thus share his home? These poorer constituents are the men, gentlemen, that need our protection. Your pockets are not filled with telegrams from these poor farmers protesting against this legislation, but, gentlemen, while they and their children, and perhaps their wives, are trying to support themselves by honest toil, they are expecting us to protect them, and by the help of their God I intend to try to do it so far as in me lies. [Great applause.]

I would not close the doors of our Republic against those who on account of religious or political persecution are refugees to our shores, whether they can read or not, and hence I most cheerfully supported the amendment of the gentleman from Michigan to let such as these in without applying the educational test. I say to such as they: "Come over and cast your lots in free America, where every man can worship God according to the dictates of his own conscience." [Applause.] But, Mr. Chairman, I do not want to go further and make America the dumping ground for the millions of illiterates who come here merely to fill their pockets with American gold and then return to their home country to enjoy it. [Applause.]

Mr. Chairman, I have not discussed at great length the effect of this unrestricted immigration on American labor, for other gentlemen have elaborated on this phase of the case. The labor unions in my district are not very strong, but those we have are

of as fine a class of citizenship as any in the land, and I am glad to say that they are all my friends, and I am one of those who believe that the laborer is worthy of his hire whether he follows the plow, drives the plane, mines the coal, or smelts the ore.

Just before every election the Republican party has orated its lungs out in appeals for the protection of American labor against the pauper labor of Europe, and my greatest complaint against organized labor is that it has listened too often to those siren notes.

Now, gentlemen, you have the chance to make good. Either do it or let the brand of hypocrisy stand forth on your brow. Within the last few days Republicans on this floor have talked in pathetic strains of the rights of the workingman, and now, when you can escape a record vote, you are trying to stab him from behind. Your President in his message has advised the literary test. The platform of 1896 on which you defeated that real friend of the workingman, William J. Bryan [applause], declared, "We demand that the immigration laws be thoroughly enforced and so extended as to exclude from entrance to the United States those who can neither read nor write." Gentlemen, did you mean that when you said it, or was it only hypocritical cant to catch the workingman's vote? If you meant it, you have now the chance to make your promise good. If you did not mean it, you stand before the American people convicted of deliberate falsehood by your own words and deeds. This day will tell the tale. "Choose ye whom ye will serve." [Great applause.]

I have witnessed to-day what I had expected never to see. The Speaker of the House, on a nonpartisan question, on a question of great and serious import to the American people, lobbying on the floor of the House of Representatives for the defeat of a just and wholesome bill.

On account of his great influence and high official character, he is followed by men of his party who, flying in the face of their own intelligent consciences, and of their own platform declarations, seek to strike a death blow to this important bill. [Applause.]

Mr. Chairman, I would not put one single obstacle in the progress of legitimate commercial development and prosperity. The town in which I live is moving upward by leaps and bounds, and I am proud of it. There is no city in the State except Birmingham which is making such rapid strides, and I would be the last man to stay its onward march.

Yet I would rather see it forever nestling amid sylvan oaks, only known as the pretty village beside the Coosa, rather than see it built up on the ruins of the civilization of our fathers. [Loud applause.]

As yet the influx of illiterate aliens to the South has been so small that we have felt but little evil effects from it, and if the present exodus from the slums of western and southwestern Europe were but a temporary expedient to meet urgent demands for more toilers, then the danger would not be so great. But, gentlemen, we are legislating for posterity, and while the evil fruits may not be seriously felt while you and I live, yet if this march of illiterates to American shores continue, your children and mine will pronounce anathemas upon us who might have checked it and saved them the evils they will feel. Other Members from the South may do as they please. I am no man's conscience keeper but my own, but, gentlemen, as for me, I would vote for this bill if I knew it would be my political death knell, and trust to posterity to write my just epitaph and to make my vindication. [Loud applause.]

Mr. BENNET of New York. Mr. Chairman——

The CHAIRMAN. The Chair recognizes another member of the committee, the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Chairman, I desire to answer the statement of the gentleman from Alabama [Mr. BURNETT], my colleague on the committee, in relation to the Italian as an immigrant to the South, by reading a telegram from Mr. Leroy Percy, of Greenville, Miss. I do not know Mr. Percy, but the gentleman from Mississippi [Mr. WILLIAMS] tells me he is a man of the highest character. He says:

GREENVILLE, MISS., *June 14, 1906.*

W. S. BENNET,
House of Representatives, Washington, D. C.

Work over 4,000 acres in cotton with Italian labor from north Italy. Have worked them seven years. They are industrious, law-abiding, thrifty; make 30 per cent more cotton than best negro labor. Consider it the most desirable immigration for this section.

LEROY PERCY.

Mr. GARDNER of Massachusetts. Do I understand the gentleman to say that those men are from north Italy?

Mr. BENNET of New York. Yes.

Mr. GARDNER of Massachusetts. Mr. Chairman——

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

Mr. BENNET of New York. I can not yield, I have only five minutes. Now, I want to answer the gentleman from Massachusetts in what he said about poverty in the city coming from immigration. The gentleman himself made a speech on the 14th of March in this House, and here is what he said:

It is foolish to say that these immigrants congest our large centers and become charges upon the community. It is not true. There were 315,000 immigrants settled in New York State last year, one year's importation alone, and yet only 12,000 aliens, all told, are in the penal and charitable institutions of the State. In Pennsylvania less than 6,000 aliens, all told, are in charitable or penal institutions, and yet 210,000 last year alone settled in Pennsylvania. I think that we must accept the fact as demonstrated beyond doubt that those people stay in Pennsylvania and stay in New York on account of economic reasons.

Now, the gentleman has not said very much about his chart. That is "before taking." I want to call his attention to "after taking," and he will find in the census of 1900 that the illiteracy among those born abroad and settling here had decreased to 12 per cent, and then if he will look at the same document he will find on page cvi, part 1, of the Census, that out of 30,000 white persons over 10 years of age born of native parentage 5.7 per cent were illiterate, while among the whites of the same age born of foreign parents it was only 1.6 per cent that were illiterate. That is, the children of native parents here, the children of our own, are nearly 4 per cent more illiterate than the children of foreigners. He will find further that while the white parents, native born, kept their children in school 65 per cent of the time, the white parents of foreign birth kept their children in school 71 per cent of the time.

The gentleman talks about bigotry. I haven't time to go into it, but if you will read that letter you received this morning from Rev. C. E. Redeker you will see that he says the immigrant is coming in to build a beer garden in every back yard. That man's parents were born in Germany. I have no sympathy with the man who comes over here and after he comes across the gang plank says, "Thank God I am in America; America for Americans; put up the bars." [Laughter and applause.]

Mr. GROSVENOR. If the gentleman from Massachusetts [Mr. GARDNER] had been as vigorous and enterprising and industrious to give this House and the country some information pertinent to the question before the House as he has been to slur the membership of the House and impugn the motives of the gentlemen of the House who have differed with him in opinion, we might have had some information on the great question involved in the mighty question of immigration. But he has seen fit to come into the House and attack every man who was in favor of this amendment by assailing his motives, while he himself presented a dense ignorance upon every question connected with the whole transaction. [Laughter and applause.]

Mr. Chairman, a long experience in life has taught me——

Mr. GARDNER of Massachusetts. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Massachusetts?

Mr. GROSVENOR. Certainly not. A long experience in life has taught me to beware of the men who always impugn the motives of others. I have been taught to fear that possibly their own mode of life has had something to do with their opinions of their neighbors. [Laughter.]

Mr. GARDNER of Massachusetts. I beg the gentleman from Ohio will not talk that way. I very much resent his language.

Mr. GROSVENOR. Certainly the gentleman does. I should regret if after I had made such an effort as I have he should not appreciate it. [Laughter.] But the gentleman ought to remember that men who differ with him in opinion have something of patriotism, something of intelligence, and something of fair play about them. One of the gentlemen on the other side has said that if we proceed upon this line of discussion and operation we shall repeal the Chinese-exclusion act. Let me say to the gentleman that if you apply the doctrine of this bill to the Chinese-exclusion act hundreds of thousands of Chinamen will come over, and under a competitive examination the gentleman from Massachusetts could not get a position as a common-school teacher in comparison with the literary test that would be applied in these cases. [Laughter.]

Mr. WILLIAMS. They are the least illiterate of all the nations of the earth.

Mr. GROSVENOR. The least illiterate of all nations, and yet we exclude them. I voted for it and I would vote to continue it, and I would like to apply it to some other locations on the map of the world.

But the test of illiteracy is purely a misfortune and an injury rather than a benefit. I have spoken on this subject in the House before, and I brought before the House a proposition which involved this. There never was a great crime attempted

against good government in this country or in any other country by a man who could not read and write. There never was a murder of a President of the United States which was not committed by an educated man. There was not a conspiracy against this Government in 1861 by any men who could not read and write and who could not pass an examination under this bill. What is the use of telling the people of the country that the ignorant men are the dangerous men in this or any other country?

Mr. GARDNER of Massachusetts. May I ask the gentleman a question?

Mr. GROSVENOR. Yes; I yield for a question.

Mr. GARDNER of Massachusetts. If those are the gentleman's views, why did he vote for the educational test on March 2, 1897?

Mr. GROSVENOR. 1897? I don't think I did. I made a speech against the educational test.

Mr. GARDNER of Massachusetts. The gentleman voted to pass it over the President's veto.

Mr. GROSVENOR. I may have voted for a bill which contained an educational test, but it was, if at all, a choice of evils. The gentleman must not interrupt me. I voted against the educational test in the bill to admit the Territory of Hawaii and the Territory of Alaska, and I have always voted against it, and I do not believe that I voted for the educational test. I may have voted for a bill that had the educational test in it after I found it impossible to exclude it, as I may do in the present case. What is the purpose in view of this amendment? The purpose of this amendment is to ascertain how much of truth there is in a series of charges that have been made and which this committee have been silent upon. How much is there?

The CHAIRMAN. The time of the gentleman has expired. Debate has been exhausted. The question is on the motion of the gentleman from Ohio to strike out and insert the amendment which the Clerk reported at the beginning of the reading. Without objection, the Clerk will again report the amendment.

There was no objection; and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

Mr. KEIFER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. KEIFER. I make the point that we may have a separate vote on this—that is, that we divide it so as to have a motion put first on striking out.

The CHAIRMAN. Under the rules of the House, the Chair will state to the gentleman, a motion to strike out and insert is not divisible. The question is on the motion of the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. BENNET of New York) the Chair reported—ayes 123, noes 136.

Mr. BENNET of New York. Mr. Chairman, I demand tellers.

Tellers were ordered.

The CHAIRMAN appointed as tellers Mr. GROSVENOR and Mr. GARDNER of Massachusetts.

The House again divided; and the tellers reported—ayes 128, noes 116.

So the amendment was agreed to.

The CHAIRMAN. In accordance with the special order adopted by the House, the committee will now rise.

The committee accordingly 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 the bill S. 4403, the immigration bill, and in accordance with the order adopted by the House reported the same back, together with an amendment thereto in the nature of a substitute.

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

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

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

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

Mr. WATSON. Mr. Speaker, inasmuch as it is late in the session and this legislation is important, I move that the House ask for a conference on the immigration bill just passed.

The SPEAKER. The question is on the motion of the gentleman from Indiana that the House ask for a conference on the immigration bill.

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

The SPEAKER announced the following conferees on the part of the House: Mr. HOWELL of New Jersey, Mr. BENNET of New York, and Mr. RUPPERT.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its disagreement to the amendments of the House of Representatives to the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulation of traffic therein, and for other purposes, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEYBURN, Mr. McCUMBER, and Mr. LATIMER as the conferees on the part of the Senate.

DURANGO, COLO.

The SPEAKER laid before the House from the Speaker's table the bill (S. 2188) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs, with House amendments disagreed to.

Mr. LACEY. Mr. Speaker, I move that the House agree to the conference asked by the Senate.

The motion was agreed to.

GAME BIRDS.

The SPEAKER also laid before the House the bill (H. R. 19190) to protect birds and their eggs in game and bird preserves, with a Senate amendment.

The Senate amendment was read.

Mr. LACEY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

LEAVES OF ABSENCE.

By unanimous consent, Mr. BUTLER of Tennessee was granted leave of absence for ten days, on account of important business.

Mr. BIRDSALL was granted leave of absence indefinitely, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on the District of Columbia was discharged from the further consideration of Senate resolution No. 29, and the same was referred to the Committee on the Library.

EXTENSION OF REMARKS.

Mr. PATTERSON of South Carolina. Mr. Speaker, I ask leave to extend my remarks in the RECORD on the naval appropriation bill amendment in relation to Port Royal—amendment No. 13.

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

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 6493. An act to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River, to erect and maintain an inlet pier therefrom, and to construct and maintain filter beds for the purpose of supplying the city of Buffalo with pure water; and

S. R. 68. Joint resolution expressing sympathy of the people of the United States with the Hebrews on account of the massacres of members of their race in Russia.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 18198. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes;

H. R. 19680. An act directing the Secretary of War to cause an examination and survey to be made of Coney Island channel;

H. R. 13372. An act to authorize the cutting, sawing into lumber, and sale of timber on certain lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin; and

H. J. Res. 160. Joint resolution authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.

H. R. 5998. An act creating the Mesa Verde National Park;

H. R. 12086. An act to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company;"

H. R. 9528. An act to reimburse Fred Dickson for the loss of his tools through the fire which destroyed the engine house at Fort Duschesne, Utah, on September 19, 1902;

H. R. 18443. An act to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900;

H. R. 11029. An act to authorize the holding of a regular

term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va.;

H. R. 13106. An act granting to the Batesville Power Company right to erect and construct canal and power stations at Lock and Dam No. 1, upper White River, Arkansas;

H. R. 15506. An act authorizing the patenting of certain lands to school district No. 57, Nez Perces County, Idaho;

H. R. 19431. An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota;

H. R. 19756. An act to amend section 2844 of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands;

H. R. 17411. An act for the resurvey of certain townships in the State of Nebraska;

H. R. 19916. An act withdrawing from entry certain public lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts;

H. J. Res. 158. Joint resolution amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1890, and for other purposes; and

H. R. 7065. An act to amend section 858 of the Revised Statutes of the United States.

H. R. 5681. An act for the relief of John Lewis Young;

H. R. 9854. An act to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River;

H. J. Res. 21. Joint resolution authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays;

H. R. 19566. An act to authorize the Ceraopolis and Osborne Bridge Company to construct a bridge over the Ohio River;

H. R. 9528. An act to reimburse Fred Dickson for loss of his tools through the fire which destroyed the engine house at Fort Duchesne on September 19, 1902; and

H. R. 19850. An act to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania.

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. 16953. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes; and

H. R. 13543. An act for the protection and regulation of the fisheries of Alaska.

MINORITY REPORT ON GENERAL DEFICIENCY BILL.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I move to extend the time for the filing of the minority report of the Committee on Appropriations on the general deficiency bill until noon to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair will announce that at the session beginning at 8 o'clock after the recess the gentleman from Pennsylvania [Mr. DALZELL] will please act as Speaker.

Mr. PAYNE. Mr. Speaker, I move that the House now take a recess until 8 o'clock this evening.

The motion was agreed to; and accordingly (at 5 o'clock and 35 minutes p. m.) the House took a recess until 8 o'clock this evening.

AFTER RECESS.

The recess having expired, the House was called to order by Mr. DALZELL, Speaker pro tempore.

COLLECTION OF THE REVENUES.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 19750) to amend the act to simplify the collection of the revenues.

The SPEAKER pro tempore. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19750.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, Mr. CAPRON in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 19750) to amend an act entitled "An act to simplify the laws in relation to the collection of revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Minnesota [Mr. MCCLEARY] is recognized. [Applause.]

[Mr. MCCLEARY of Minnesota addressed the committee. See Appendiix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOUDENSLAGER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 13193) to prohibit the killing of wild birds and wild animals in the District of Columbia, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLACKBURN, Mr. GALLINGER and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 3028) granting an increase of pension to Helen C. Sanderson.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 7099) to amend section 2871 of the Revised Statutes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. PERKINS, and Mr. MALLORY as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7. An act to provide a seal for the United States commissioners;

H. R. 9721. An act to amend section 5481 of the Revised Statutes of the United States;

H. R. 10074. An act in relation to contracts with the District of Columbia;

H. R. 11501. An act to amend an act to provide for circuit and district courts of the United States at Albany, Ga.;

H. R. 15078. An act granting to the Ocean Shore Railway Company a right of way for railroad purposes across Pigeon Point light-house reservation, in San Mateo County, Cal.;

H. R. 17945. An act authorizing the Borderland Coal Company to construct a bridge across Tug Branch of Big Sandy River;

H. R. 19374. An act to prohibit shanghaiing in the United States;

H. R. 12252. An act for the relief of the heirs at law of Massalon Whitten, deceased; and

H. J. Res. 92. Joint resolution authorizing the Secretary of War to deliver to the Southern Historical Society certain unidentified battle flags.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906.

The message also announced that the Senate had passed the following resolution without amendment:

House concurrent resolution 36.

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and he is hereby, requested to return to the House of Representatives H. R. 18668, "An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington."

COLLECTION OF THE REVENUES.

The committee resumed its session.

Mr. WILLIAMS. I yield to the gentleman from Missouri [Mr. HUNT].

Mr. HUNT. Mr. Chairman, among the many questions relating to the betterment of the country that have been brought before Congress from time to time I fain would call the attention of the House to a bill (H. R. 12318) which was introduced by myself January 18, 1906, and a favorable report made

thereon by the Committee on Labor April 12, 1906, having for its object the abrogation of the interstate-commerce law as at present applied to convict-made goods, thereby affording to the different States and Territories the right to inhibit the shipping of convict-made goods within the confines of any State or Territory. In short, to strengthen the power of the State and assist in aiding it so far as the Federal power is concerned.

At the present time any State of the Union may pass an act to prevent the products of its penal institutions from being sold in competition with the honest manufacturer and the citizen merchant, both of whom are taxed directly to maintain law and order and also taxed indirectly to maintain the families of felons, while the State itself, under the guise of reforming its criminal classes, actually enters into the business of making and offering for sale the products of its prisons, in some cases actually turning its convicts over to syndicates who in turn sell the labor of its prison birds to others that may be in search of cheap labor that will not strike—aye, that will not by sentence of the State dare to call its master into question or to even grumble at the grievous grind imposed by corporations that have no more interest in the reformation of the unfortunates contracted to their care than they have in the outcome of the convict corpse buried by the roadside. [Applause.]

Mr. Chairman, it seems to me that while the penitentiary systems of our country are organized ostensibly for the purpose of converting its convicts into good citizens, they are really being exploited by politicians whose only desire is to juggle figures and frame up a few facts to fool the people, and after doing so pride themselves in showing what they are pleased to call a balance in favor of the State and exult in being able to show that their several penitentiaries are self-supporting.

In 1898 a commission was established by act of Congress and submitted its report, a portion of which I will place in the RECORD in order to show the necessity of legislating along the lines proposed by House bill 12318:

[Report of the Industrial Commission on prison labor. 1900. Pages 10 to 15.]

After a careful consideration of the subject in all its phases, as presented in numerous reports, of the testimony and recommendations that have been submitted, of the present systems of employing convicts, and the conditions that culminated in the adoption of those systems, the Commission feels warranted in arriving at the following conclusions:

First. That provisions should be made in the laws of each State for the employment of all prisoners in productive labor.

Second. The State should have absolute control of the care, punishment, reformation, and employment of the prisoners, as well as the disposition of the products of their industry.

Third. The employment of prisoners in productive labor does, of necessity, result in competition of some character with free labor and industry.

Fourth. The employment of prisoners with the intention of producing revenue, either for the State exclusively or for private individuals or corporations and the State jointly, tends to the greatest competition with free labor.

Fifth. That a system of employing prisoners for the purpose of producing revenue has a tendency to detract from the punitive, reformatory, and disciplinary features of the prisons.

Sixth. The employment of prisoners in the production of supplies for the maintenance of State, county, and municipal institutions and the support of inmates of same, or in work on the public buildings or roads, tends to the least direct competition with free labor.

Seventh. Of the various systems of employing convicts, those under which private individuals or corporations are interested have resulted in procuring the greatest revenue to the State.

Eighth. No system of employing convicts, however wise in conception and however carefully guarded, can be entirely free from the danger of abuses in management.

Ninth. The most desirable system for employing convicts is one which provides primarily for the punishment and reformation of the prisoner and the least competition with free labor, and, secondarily, for the revenue.

Tenth. In order to harmonize the antagonistic interests of the different States it is essential that the industrial operations of all the penal, reformatory, and eleemosynary institutions in each should be under the supervision of a central office.

Eleventh. The adoption of laws embracing the above principles has been retarded by the prevailing industrial, economic, social, and climatic conditions in many of the States. These conditions are so diversified, and the industrial, moral, and educational possibilities of the prison population differ so widely in the several States that the Commission is of the opinion that it is impracticable for all of them to adopt a uniform law for the employment of prisoners. The necessity for uniform legislation is, however, fully realized; it is the only permanent remedy for the abuses that exist under the systems now prevailing and for the abatement of competition with free labor.

The Commission accordingly submits the following general provisions of law, mainly from New York statutes, which are in harmony with the above conclusions, and recommends that all, or such of them as may be possible, shall be embodied in the laws of the different States, with such additional provisions as to management as may be necessary to meet the prevailing social conditions:

PROPOSED PROVISIONS OF LAWS REGULATING EMPLOYMENT OF PRISONERS.

"Within ten days after the passage of this act the governor, by and with the advice and consent of the senate, shall appoint four persons, who shall be commissioned for the purpose of this act, to be called commissioners of prisons, who shall constitute the State commission of prisons; one of the persons so appointed shall hold his office for one year, one for two years, one for three years, one for four years, as indicated by the governor on making the nominations, and all nominations thereafter, except to fill vacancies, shall be made for four years. Said commission shall have power to make and use an official seal and alter the same at pleasure. It shall be the duty of said commission to visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors; to aid in securing the just, humane, and economic administration of all said institutions subject to its inspection; to aid in securing the erection of suitable buildings for the accommodation of the inmates of such institutions, and to approve or reject plans for their construction or improvement; to investigate the management of all institutions made subject to the investigation of said commission and the conduct and efficiency of the officers or persons in charge with their management; to secure the best sanitary conditions of the buildings and grounds of all such institutions, and to protect and preserve the health of the inmates; to collect statistical information in respect to the property, receipts, and expenditures of said institutions, the number and condition of the inmates thereof, and to ascertain and to recommend such system of employing said inmates as may, in the opinion of said commission, be for the best interest of the public.

"The proper authorities shall provide for and assign to such commission suitable furnished rooms for its office and its place of meeting at the State capital, where it shall hold its meetings as often as once in three months.

"The said commission shall annually elect one of its members as the president of the commission, and shall also annually elect a secretary, who sall keep a record of its proceedings and perform such duties as may be required of him by the commission and by law, and he shall receive a salary of $—— per annum; and said commission may also appoint as employees and assistants of said commission and of the commissioners in the performance of their official duties a clerk, at the salary of $——, a general office assistant, at an annual salary of $——, and remove each and appoint a successor at any time; and the said commission is authorized to make rules and regulations for its meetings and the transaction of its business and also as to the manner in which reports to it shall be made and all matters shall be presented before it.

"Said commission or any of said commissioners, or its secretary, if authorized by it, is authorized to visit and inspect any of said institutions subject to its visitations, and may take and hear testimony or proofs in relation to any matter before it or him upon any visit, inspection, or examination made by such commission or member thereof, and the said commission or any member thereof shall have full access to persons, grounds, buildings, books and papers relating thereto, and may require from the officers and persons in charge any information it or he may deem necessary in the discharge of its or his duties. Said commission may prepare regulations according to which and provide blanks and forms upon which information shall be furnished in a clear, uniform, and prompt manner for the use of said commission. Said commission shall make an annual report to the legislature, or to the governor when the legislature is not in session, in which it shall give the results of its work and such information as it deems proper relating to said institutions and its opinions and conclusions relating to the same.

"The warden of every prison, the superintendent or manager of every penitentiary, and keeper of every jail or other institution used for the detention of sane adults charged with or convicted of crime or detained as witnesses or debtors shall, on or before the 1st day of November in each and every year, report to the State commission of prisons the number of male and female persons charged with crime and awaiting trial, the number convicted of crime, the number detained as witnesses and as debtors, in his custody on the 1st day of October last past, together with a statistical exhibit of the number of admissions, discharges, and deaths which have occurred within the past year, the nature of the charge, the period of detention or sentence, and such other facts and information as the commission may require.

"Any officer, superintendent, or employee of any of said penal institutions who shall refuse to admit said commission or any of said commissioners or its secretary or other authorized agent for the purpose of visitation or inspection, or shall refuse or neglect to furnish the information required by said commission or any member thereof, or its secretary, shall be guilty of a misdemeanor, and subject to a fine of $100 for each such refusal or neglect. The rights and powers hereby conferred may be enforced by an order of the supreme court. In making investigations as herein empowered said commission or any member thereof is hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers, to administer oaths, and to examine persons under oath, and to exercise the same powers as belong to referees appointed by the court.

"The said commission shall have the further duty and authority to require the proper officials of the State and the political divisions thereof, and all public institutions of the State, and poltical divisions thereof, supported wholly or in part by the State or any political division thereof, to furnish to said commission annually estimates for each ensuing year of the amount of labor to be required by each, and of the articles which may be manufactured in penal institutions, required to be purchased for the use of the State or the political division or said institutions in their charge or management. All persons sentenced to the prisons, reformatories, penitentiaries, or jails in the State shall be employed for the State, or the political division thereof, or in productive industries for the benefit of the State, or the political division thereof, or for the use of public institutions owned or managed or controlled by the State, or the political division thereof, which shall be under rules and regulations for the distribution and diversification thereof, to be established by the State commission of prisons. The labor of the prisoners in the institutions known as State penitentiaries, prisons, or reformatories, after the necessary labor for the manufacture of all needed supplies for said institutions, shall be primarily devoted to the State and the construction and the care of the public buildings, roads, and institutions thereof, and secondly, to the public divisions of the State and public institutions thereof; and the labor of the prisoners in the institutions known as county jails, prisons, workhouses, or reformatories, after the necessary labor for and manufacture of all needed supplies for the same, shall be primarily devoted to the counties, respectively, in which said institutions are located, and the towns, cities, and villages therein, and to the construction and care of the public buildings, roads, and institutions thereof, and the manufacture of supplies for the public institutions of the counties or the political divisions thereof, and secondly, to the State and public institutions thereof.

"It shall be the duty of the State commission of prisons to distribute among the penal and reformatory institutions under its jurisdiction the labor and industries assigned by the commission to said institutions, due regard being had to the location and convenience of the institutions to the other institutions to be supplied. The commission of prisons shall annually cause to be procured and transmitted to the legislature with its annual report a statement showing in detail the amount and the quantity of each of the various articles manu-

factured in the several penal and reformatory institutions under its control, and the labor performed by the prisoners therein, and of the disposition thereof.

"The officers of the State prison reformatories and penitentiaries, county jails, and other penal and reformatory institutions, respectively, are authorized and directed to cause to be manufactured by the prisoners in the institution such articles as are needed and used therein, and also such as are required by the State or political division thereof, and in the buildings, offices, and public institutions owned or managed and controlled by the State, including articles and materials to be used in the erection of the buildings and construction of roads.

"All such articles manufactured in the institutions and not required for use therein may be furnished to the State or to any political division thereof, or for or to any public institution owned or managed and controlled by the State, or any political division thereof, at and for such prices as shall be fixed and determined as hereinafter provided, upon the requisition of the proper officials, trustees, or managers thereof. No article so manufactured shall be purchased from any other source for the State or public institutions of the State or the political division thereof, unless said commission of prisons shall certify that the same can not be furnished upon such requisition, and no claim thereof shall be audited or paid without such certificate.

"On or before October 1 of each year the proper officials of the State and the political divisions thereof, and of the institutions of the State, or the political divisions thereof, shall report to the said commission of prisons estimates for the ensuing year of the amount of supplies of different kinds required to be purchased by them that can be furnished by the penal and reformatory institutions of the State and the political divisions thereof. The said commission is authorized to make regulations for said reports, to provide for the manner in which requisitions shall be made for supplies, and to provide for the proper diversification of the industries in said institutions.

"The State commission of prisons shall fix and determine the prices at which all labor performed, and all articles manufactured and furnished to the State, or the political divisions thereof, or the public institutions thereof, shall be furnished, which prices shall be uniform to all. The prices shall be as near the usual market price for such labor and supplies as possible. The State commission of prisons shall devise and furnish to all such institutions a proper form for such requisitions and the comptroller shall devise and furnish a proper system of accounts to be kept by all such institutions. The State commission of prisons shall not, nor shall any other authority whatsoever, make any contract by which the labor or time of any prisoner in any State prison, reformatory, penitentiary, or jail in this State, or the product or profit of his work, shall be contracted, let, farmed out, given, or sold to any person, firm, association, or corporation; except the prisoners in said penal or reformatory institutions may work for, and the products of their labor may be disposed of, to the State or any political division thereof, or for or to any public institution owned or managed and controlled by the State or any political divisions thereof.

"The superintendents, managers, and officials of all penal and reformatory institutions in the State shall, so far as practicable, cause all the prisoners in said institutions who are physically capable thereof to be employed at hard labor for not to exceed eight hours of each day, other than Sundays and public holidays; but such hard labor shall either be for the purpose of production of supplies for said institutions or for the State, or any political division thereof, or any public institution owned or managed and controlled by the State, or any political division thereof, or for the purpose of industrial training and instruction, or partly for one and partly for the other of such purposes.

"No appointment shall be made in any of the penal, reformatory, or eleemosynary institutions of this State on the grounds of political partisanship; and any violation of this rule shall be sufficient cause for the removal from office of the officer committing such violation.

"The said State commission of prisons shall have the further duty and authority to direct the employment of such of the prisoners in the State and county penal and reformatory institutions, as they may deem desirable, in agricultural pursuits on the State or country lands, and the products of such labor shall be devoted to the support of the inmates of the public institutions of the State and of the counties or the political divisions thereof.

"No machine, except machines operated by hand or foot power, shall be used in any of said institutions in the manufacture of any goods, wares, articles, or things that are manufactured elsewhere in the State."

The Commission are of the opinion that the nearest to complete remedy for the evils of convict-labor competition with the business and labor of the country would be the interdiction of *interstate commerce* in all goods, minerals, or materials in whole or in part the product of convict labor, supplemented by State legislation on the lines above indicated. But in the absence of such legislation by all the States, and in order to protect such States as do adopt such legislation from the convict-labor competition of others, the most practicable step would be an act of Congress by which goods, minerals, or materials in whole or in part the product of convict labor, upon their arrival in any State would become fully subject to its laws.

For if interstate trade in convict-made goods be not absolutely prohibited it would be of little use to recommend the foregoing law for the enactment by the States were it not supplemented by national legislation, which should, if possible, protect the States adopting such improved legislation from other States which may still proceed under the old system. There can be no reason, constitutional or economic, why the markets of one State, which has adopted the noncompetitive theory of convict labor, should be swamped by the product of the competitive convict labor of neighboring States. In fact, a condition of this sort would penalize a State for adopting such improved legislation, as its markets would thereby become more completely the prey of the competitive convict labor of other States which might choose to profit by the situation; but, on the other hand, those States which still retain the money-making theory of conducting their convict labor should not complain of the competition of the other States retaining the same policy. There should, at the least, be national legislation to protect the States from the competition of convict-made goods, so far as they protect their own markets against their own convict-labor competition, even if not interfering with interstate trade in such goods as to such States as themselves seek to profit by it.

The Commission are of the opinion that it is both constitutional and possible to enact such a law, and that a simple statute which shall merely remove the Federal control of interstate trade in convict-made goods, so that they become subject, wherever found, to the general regulation of the State laws, would meet the case. A precedent can be found in the so-called "Wilson Act" (U. S., 1890, ch. 728), applying to intoxicating liquors. We have already a statute forbidding the importation of convict-made goods from foreign countries (U. S., 1890, ch. 1244, 51). Nothing remains but to protect the States, so far as they are fairly entitled to such protection, as against each other. The Commission would therefore recommend the passage by Congress of an act similar to that of August 8, 1890 (26 Stat. L., 313, ch. 728), substituting the words "good minerals, or materials wholly or in part the product of convict labor," for the words "all fermented, distilled, or other intoxicating liquors," etc. It seems probable that Congress would have the power to pass such a statute as to any article of interstate commerce whatever at its own discretion; certainly it has the power when the traffic in the commodities concerned obviously affects the health, safety, or general welfare of the people, as is the case in both intoxicating liquors and convict-made goods.

It would then be possible for the States to enact laws regulating or even prohibiting the sale of all convict-made goods, requiring bonds, licenses, labels, or other safeguards, which would apply also to the convict-made goods of other States. For an example of such a law, see New York act of 1897 (general labor law), article 4; also Penal Code, section 384b. Summaries of similar laws in Ohio (which were held unconstitutional in the absence of Federal legislation above recommended), Indiana, Kentucky, and other States will be found in succeeding pages.

JAMES H. KYLE, *Chairman*,
BOIES PENROSE,
JOHN J. GARDNER,
WILLIAM LORIMER,
JOHN C. BELL,
THEOBALD OTJEN,
LEE MANTLE,
ANDREW L. HARRIS,
ELLISON A. SMYTH,
JOHN M. FARQUHAR,
EUGENE D. CONGER,
THOMAS W. PHILLIPS,
M. D. RATCHFORD,
JOHN L. KENNEDY,
ALBERT CLARK,
Commissioners.

Mr. Chairman, in quest of information relative to the annual amount of prison products placed upon the open market, I called upon the Commissioner of Labor, and while in conversation with Mr. Neill, Commissioner of Labor, he told me that he would send a corps of men out to procure the desired information. He also told me that it was no easy matter to secure the necessary data, etc., on account of an unwillingness on the part of prison contractors, etc., not caring to make public what their sales or output was, so that any attempt to even approximate the financial value of prison-made goods would be exceedingly difficult. The following communication will show the Labor Commissioner's willingness to assist in ascertaining the information that will startle, if not surprise, the people of our country who, in the pressure of other interests, have for the moment overlooked the mercenary motives that at the present time obtains in the management of our penal institutions, not even to mention the damnable poison injected into the open market by the State becoming a competitor against the free and honest manufacturer.

Mr. Chairman, the real injury consists not so much in the amount actually sold as it does by having this penitentiary product used as a club by the sharp-bargain business man to either force the free products to a lower price than would be done if the State did not contract its able-bodied convicts for a period of years and to furnish free of cost to the contractor the use of building, power, and light, and a thoroughly subdued slave for the miserable pittance of 45 cents per day.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF LABOR,
Washington, February 19, 1906.

Hon. JOHN T. HUNT,
House of Representatives,
Washington, D. C.

DEAR SIR: I have just been talking to Mr. Brennan in regard to the information you want about convict labor. We are now working on a report on convict labor and still have agents in the field collecting information. Much of it has been very hard to get, but as soon as the report can be prepared, I think you will find that it has nearly all the information that you want. I do not think, however, that I can get the report finished within the next two months.

I am, very truly, yours,

CHARLES P. NEILL, *Commissioner.*

I submit herewith table showing value of prison products:

Market value of convict-made goods produced in the United States sold and used in the year 1903–4.

Sold within State where made	[a] $9,325,068
Sold outside of State where made	[a] 17,520,860
Total	27,248,761
Used in public institutions	6,513,684
Total market value of goods sold and used	33,762,445
Per cent of convict-made goods:	
Sold within State where made	[b] 27.6
Sold outside of State where made	[b] 51.9
Used in public institutions	19.3
Total	100.0

[a] Not including $402,833 worth of goods concerning which there is no record as to locality of sale.

[b] Not including 1.2 per cent of the total value of goods concerning which there is no record as to the locality of sale.

[Memorandum.]

In an investigation into the commercial effect of prison-made goods by the Bureau of Labor, the details of which are in the possession of this Bureau, the following facts were ascertained:

In all leather whips and whiplashes (other than buggy whips) fully 90 per cent of the total product is prison made, and in black-snake whips and cheap handmade whiplashes, 99 per cent. The industry has been almost entirely abandoned to the prisons.

In saddletrees fully 90 per cent are prison made, only special patented shapes being attempted by outside manufacturers.

Of stove hollow ware, the cheaper grades of kettles, skillets, etc., 99 per cent are prison products, the industry having been abandoned by the outside manufacturers, who as stove producers have become largely the jobbers of prison hollow ware.

In harness and saddles and cheaper grades of horse collars prison competition is a serious menace.

In binder twine the outside manufacturers have been forced to carefully estimate the needs of the market and the prison output, eliminating the latter from their calculation and taking only what is left. They do not attempt to meet prison prices, except one or two firms who compete by lowering the quality of their product far below that of the prison-made goods. In various lines of goods this tendency to adulterate products or lower the grade because of prison prices was noted.

In many lines manufacturers have been driven by prison competition to entirely change their line of products; in cases where that could not readily be done they have been forced to suspend business altogether.

Agents of the Bureau found manufacturers practically a unit in favoring a Federal law prohibiting interstate commerce in prison-made goods.

[Memorandum.]

In an investigation into the commercial effect of prison-made goods on the boot and shoe, furniture, brush, shirts and overalls, and broom industries, by the Bureau of Labor, the following facts were developed:

The manufacturers affected in the boot and shoe industry are a unit in condemning the prison-made product, denouncing it as unfair and ruinous competition, demoralizing to markets and business stability, compelling the reduction of prices below a fair margin of profit, and often the sale of goods without profit, while also forcing reductions of wages in vain efforts to lower the cost of production to that of the prison contractor; in some cases a deterioration of quality and in others an entire abandonment of the manufacture of grades of shoes similar to those made in prison. Prison-made shoes are 16 per cent of the output of legitimate shoe factories, with which it comes into direct competition. Twenty per cent of the total output of legitimate factories is of the same grade or quality as the shoes made in prisons.

In furniture the prices and output are seriously affected by the prison product. The prison contractors use the catalogues of the regular manufacturers to market their goods, offering to supply any of the goods therein illustrated at discounts of from 20 to 40 per cent less than the prices of the regular manufacturers.

In any effort to reduce the cost to meet the prison competition wages were reduced, and in certain grades the manufacturers were driven out of the business of manufacturing. Traveling salesmen find it impossible to sell the trade against them.

In the brush industry the manufacture of scrubbing and shoe brushes has been abandoned by most of the large houses which formerly made them, owing to the fact that the prisons are making immense quantities of these kinds, and many of the principal manufacturers buy the prison brushes to sell with their higher grade goods. Those who still make the prison grades can not sell the large jobbers, and have to sell the retail trade. The department stores buy this class of goods almost entirely from contractors and jobbers in prison-made goods.

In the working-shirt and overall industry the manufacturers can not sell the trade at all until the low-price prison-made goods are all sold out. They can get no action to sell their goods until the prisons are sold up for the season. (The prison quality is as good, and the finish attachments are better than those of free manufacturers.)

If the manufacturer has to sell before the prisons are sold up, he must reduce his prices to obtain enough work to keep his factories in operation. The prison prices affect the prices of the entire output of free factories.

In the whisk and broom industry the prison-made goods have a most demoralizing effect. The prison brooms are often sold at less than the cost of production of the regular manufacturers. Many factories in several States have been running three days a week, while all the prisons ran full time. In whisks, prison-made goods are shipped 1,400 miles, freight prepaid, and sold $2 per gross less than free manufacturers sell them at place of delivery.

In all of the industries the manufacturers are a unit in their desire for a Federal law confining the sale of prison-made goods within the State in which they are made; in other words, an interstate law prohibiting interstate transmission of convict-made goods.

A bill (H. R. 12318) to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise wholly or in part, manufactured by convict labor, or in any prison or reformatory.

Be it enacted, etc., That all goods, wares, and merchandise manufactured wholly or in part by convict labor, or in any prison or reformatory, transported into any State or Territory or remaining therein for use, consumption, sale, or storage, shall, upon arrival or delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured in such State or Territory, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise.

Here let me read a communication from the warden of Missouri Penitentiary, also a more extended report made by a special agent of the department of labor of the State of Missouri:

MISSOURI STATE PENITENTIARY,
WARDEN'S OFFICE,
City of Jefferson City, January 25, 1906.

Hon. JOHN T. HUNT, M. C.,
Washington, D. C.

MY DEAR SIR: Your favor of the 22d instant, requesting information pertaining to the subject of convict labor, has been received and contents noted. In reply, I beg leave to advise you that you have been erroneously informed in regard to the report of 1905 being in the hands of the printer. We only publish a biennial report, and our next report will not go to the printer until January, 1907. We always try to have this report out as early as possible after the first of the year in order that it may be submitted to the legislature which is in session at that time. I send you, under separate cover, a copy of our last biennial report, which will give you about all the information you desire up to that time.

In addition to this will state that at the close of business hours on yesterday afternoon we had 2,033 prisoners, 1,970 of whom were males and 63 females. Of this number there are assigned to contractors within the walls of the penitentiary 1,468 males, for whom the State receives a daily stipend of 60 cents per man per day, and 30 women, assigned to the Star Clothing Manufacturing Company, for whom we receive 40 cents per woman. The remainder of the women of the institution are engaged in working for the State, cleaning, repairing, and working in the different State shops, for which the State receives no remuneration whatever, as all the products of these shops are used here in the penitentiary. The State manufactures only binder twine, for the benefit of the Missouri farmers. Last year we manufactured 512,000 pounds of twine, every pound of which was sold within the State of Missouri, and for the coming season we expect to manufacture from a million to a million and a half pounds. At the present time there are 45 of our inmates employed in this plant. We have already manufactured in the neighborhood of 500,000 pounds of twine for the coming season, and are now running at the rate of about 5,000 pounds per day, our full capacity, when we desire to rush things, being about 10,000 pounds daily. Under the law, we sell this twine to farmers of Missouri at about actual cost, taking into consideration the wear and tear on the machinery, number of men employed, and cost of hemp, oils, etc.

If there is any further information that I can give you, do not hesitate to command me.

Very truly, yours,

MATT. W. HALL, *Warden.*
Per DUDLEY.

The Abuses of Prison Labor, by Collis Lovely. An impartial discussion of the five prevailing systems of convict administration in the light of the facts obtained as special agent of the department of labor of the State of Missouri, after a personal inspection of twenty-eight penal institutions in various parts of the United States.

The objection that free workingmen raise to prison labor is not because prisoners are employed, but because of the present methods of their employment.

THE LEASE SYSTEM.

How a convict-slave trust and a regular convict-slave market now flourishes in the South, where this ancient method is in vogue, with some incidents to show the corrupt and vicious character of many of the southern prison officials and the innumerable crimes and cruelties that are daily perpetrated against thousands of human beings.

The time has come in this country for as great and as sweeping reform in the care and employment of prisoners in all penal institutions as John Howard's epoch-making book, The State of the Prisons in England and Wales, brought about in Great Britain more than a century ago.

Prison officials in every institution in America, where the State or private contractors are allowed to realize profit from the employment of convicts, have entirely lost sight of the original idea of the reform of the prisoner himself and the protection of society.

In at least three States in the South a flourishing convict-slave market has been established, with an aggressive convict-slave trust, and already in control of the entire prison population of one State, now actively engaged in crushing out competing labor contractors in other States as well. This trust, in common with the independent prison contractors throughout the South, does not employ convicts itself, but subleases them, at a large margin of profit, in lots of 25, 50, and 100 men to other employers. Such a system as this, coupled with many other illegal and inhuman practices common in the South to-day, has created a new form of human slavery more cruel and unjust than chattel slavery before the war.

But the need of prison reform is not a bit more pressing in the South, where these abuses exist, than it is in every section of the country where other evils fully as malignant and corrupt still flourish.

Scheming contractors and corrupt politicians, North and South, East and West, have grown rich from the profits of prison labor, while the States themselves, in most cases, have realized but a small fraction of the returns from the employment of their penal class; and the health and the reform of the convicts has usually been eliminated from all consideration.

A QUESTION OF HUMANITY.

All manner of inhuman torture are still employed in nearly every State in the Union to compel convicts to perform the herculean labors that the contractors mark out for them. Solitary confinement in the dark cell, the only humane method of punishment now recognized, has been dispensed with because the State or the contractor is thus robbed of the convict's labor during the period of incarceration, and the more expedient and economical method of the whipping post, the cold-water shower, or the rake have been recalled from the dark ages in order to bring unruly prisoners to speedy subjection. In the South men are tied to the most convenient tree and clubbed unmercifully with the first weapon the infuriated guards can secure. In prisons in other parts of the country more ingenious and fiendish tortures are employed.

Humane punishment is too expensive for practical use in many of our modern penal institutions. And just so long as the State rents, contracts, or leases its convicts to private contractors, inhumane systems of punishment will prevail in order that the unwilling slaves of the law may be forced to work the full quota of hours demanded by their task makers. In part responsible for the extreme cruelty that to-day marks nearly every method of prison punishment is the fact that there is hardly a State in the Union where prison authorities are selected because of any particular fitness they themselves possess for the work or because of any knowledge that they may have of prison methods.

The sole essential requisite for appointment to a position of authority in a penal institution depends, in most cases, on the ability of the candidate to deliver votes on election day.

What influence has he got? How many votes does he control? These are the questions that those who hold the appointive power always ask.

THE MOST VICIOUS EVIL.

But even more vicious than these evils, which affect only individuals of a certain class, is the final one of which I am to write, which affects every industry and every American workingman—open competition

with unpaid, slave-driven, convict labor which has been forced upon wage-earners in nearly every art and trade given to free men to earn a livelihood.

In every city in America these cheaply made products of prison labor are to be found on sale in the stores and shops in competition with the products of free industry. Shirts, collars, shoes, furniture, hollowware, brooms, cigars, baby carriages, and a variety of other products made by prison labor are sold to-day in Boston in the shops of the small retailers and in the big department stores. These self-same products you will find in every city in the country. The public that buys such goods never realizes their prison origin, and the dealers that put them on the market guard the secret of their ability to undersell all competitors as zealously as smugglers who bring over laces from Paris.

PURPOSE OF THE WRITER.

It shall be my purpose in whatever I have to say about the employment of prisoners, not only to show that it is wrong to allow men who have been committed to penal institutions by the laws of the land to be put in tread mills of industry for the profit of influential contractors and dishonest prison officials, but to prove it is a violation of the right of every American citizen to force free and honorable labor to compete in the open market with that of convicts, and to endure loss of work and lower wages because of the prison-made products that now flood our cities. This article and the others that are to follow it have not been inspired by any hope of entirely removing competition of prison labor with that which is free. If prisoners are employed at all they must compete with free labor to the extent of having made an article or performed a task which otherwise would have been performed by a free laborer. The objection that free workingmen raise to prison labor is not because prisoners are employed, but of the present method of their employment. The hope of the free laboring man and of all fair industry is to find a way to employ prisoners with the least possible competition with free labor. If properly administered I believe, and shall endeavor to show, that the New York system approaches most nearly to this ideal. There are five systems of employing convicts in vogue in the United States to-day: The lease, the contract, the piece-price plan, public account, and what is known as the "New York system." I shall discuss each of these systems. Take up the lease system, as I found it in my tour of investigation through the South, in this paper, and reserving the New York system, which I believe should be adopted in every State in the Union, for my last paper.

VISITED TWENTY-EIGHT INSTITUTIONS.

I was appointed a special agent to investigate the operation of penal institutions under the department of labor of the State of Missouri, March 2, 1905. I immediately took up the work and visited and inspected in all twenty-eight institutions in every section of the country. Altogether I encountered very little difficulty in gaining permission from prison authorities to thoroughly inspect their institutions. This was undoubtedly due to the fact that I always presented my credentials from the State of Missouri, and did not volunteer any additional information about my connection with the Boot and Shoe Workers' Union, or my intention to write a series of articles detailing my experiences for general publication. The lease system, which I am to discuss in this paper, I found best exemplified in the State of Georgia. There, as in Alabama, Florida, and Louisiana, where this system is most generally employed, the convicts are hired out to an individual or farm for a special time for a given sum of money. The lessee assumes all control of the convict. He feeds, shelters, and clothes the prisoners he has leased, and is supposed to maintain all discipline. Thus the convict is completely removed from the authority of the State.

Wherever I found the lease system in the South I found convicts in a hopeless state of slavery, more cruel and inhuman than chattel slavery, where the slave owner had a property right in the slave. He was interested in the well-being of his slave. If the slave was underfed, beaten too severely, and mistreated, he could not perform a good day's labor. If his general health was injured, or he was prematurely broken down by ill usage, his price on the market would be cut in two and his master would be out just so many hard dollars.

WORSE THAN SLAVERY.

This is not true in the case of the convict slave. The lessee has no interest in the convict except to secure the largest possible amount of labor in a given time. What matters it to him if the convict's health is broken down? There are plenty more convicts and he can secure another one from the State. Overseers employed by these contractors are, almost without exception, men of brutal natures without a saving touch of kindness in their makeup. When the convict fails to satisfy the exactions of one of these taskmasters the whip, more often a club and sometimes even more direful methods of chastisement, are brought into immediate requisition.

At Montgomery, Ala., ex-Judge J. W. Carmichael, who is now the president of the board of prison inspectors of the State of Alabama, made some most interesting comments to me on this very aspect of the lease system, and the innumerable crimes it has been guilty of in the State.

We were driving out to a convict slave camp and had just crossed the tracks of the Louisville and Nashville Railroad, when the judge turned to me and said:

"This road was built by convict labor under the lease system, and if a tombstone were erected over the grave of every convict who fell during its construction, either by a bullet of the overseer or his guards, it would be one continuous graveyard from one end to the other."

That this statement is true is evidenced in the recent peonage cases in Alabama, one of which is as follows:

"In May, 1903, John W. Pace, ex-sheriff of Tallapoosa County, Ala., was indicted by the United States grand jury of the middle district of Alabama, on the charge of violating section No. 5526 of the Revised Statutes of the United States, commonly known as the peonage statute.

"In July of the same year Pace pleaded guilty in eleven cases against him, and was sentenced by Judge Jones to five years in each case, the sentences to run concurrently. Pace was dissatisfied with the sentence and appealed to the United States court of appeals, and was released on $5,000 bond. The court of appeals handed down its decision in March of this year, which affirmed the decision of the lower court. The special test case decided by the appellate court revealed the fact that Pace's overseer had horribly mutilated a negro named Owen Green, whose breastbone and ribs had been broken while being whipped. And this is but one of the hundred similar cases. There are twenty-two men under indictment for peonage in the State of Alabama at the present time."

CONVICT SLAVE TRAFFIC.

These facts, and many more that I might refer to, show that the lot of the convict slave in the South to-day is not a whit better than that of the black slave before Lincoln issued his emancipation proclamation, in 1863.

The following information which I have gathered will show further that the traffic in convict slaves in Georgia, Alabama, and Florida is almost as great as was the traffic in black slaves before the war, and would seem to indicate that the business is far more profitable.

The Atlanta Constitution of March 28, 1905, contained the following:

"Officials of the prison department are much interested in the fact that Dr. W. B. Hamby, of Waycross, who, with W. M. Toomer, also of the city, now controls the labor of 585 Georgia convicts, is the leading member of a syndicate composed largely of Georgians, which has just secured a four years' lease upon the entire number of Florida's convicts, amounting to between 1,100 and 1,200. Dr. Hamby, who has an office in Atlanta, has gone to Jacksonville and from there will go to Tallahassee to arrange the final details under which the syndicate will take charge of the Florida output.

"For Florida's convicts the syndicate pays $207.70 a year each, including men, women, and boys, and will also guard and care for them. This is said to be the highest price now paid for any State convicts.

"Georgia, under the contracts made last April, receives an average of $225.12 for each able-bodied convict, while the women, boys, and invalids are kept on the State farm at the State's expense. Besides, Georgia has to guard and furnish physicians for her convicts at an expense of about $60 a year each. It is evident, therefore, that Florida will get about $40 a year each more for her convicts than Georgia does. Florida followed Georgia in making a new contract, as Alabama did, and both have profited well by Georgia's experience.

SYNDICATE SUBLETS PRISONERS.

"It is probable that many of Florida's convicts will be sublet by the syndicate; perhaps all of them. They will be used on the turpentine farms and in the phosphate mines, where there is a great demand for them because negro labor is exceedingly scarce in Florida. There is little doubt, therefore, that the syndicate will get a good advance on the price it has agreed to pay.

"As an illustration of this fact it is stated that Messrs. Hamby and Toomer, who now have a lease contract on the labor of 585 convicts in this State, have sublet about 535 of them at a price average of about $30 per month per man, or $360 a year. This is an advance of about $135 per man over the price paid by them to the State, so that it can be readily seen how great a profit there is in the transaction. Messrs. Hamby and Toomer are of course under bond to the State and are responsible for a compliance with the laws.

"*So great is the demand for convict labor at the present time*, according to State officials, that during the coming summer it will bring even higher prices. It is stated that some contracts have already been made for convicts to work on turpentine farms in south Georgia during the coming summer, at $32.50 and $35 per month per man. This means $390 to $420 per man per year, a profit of $165 to $195 over the amount now paid to the State for the services of these men."

CONVICT-SLAVE TRUST.

It will be seen from these facts that a regular convict-slave market has been established in at least three States in the South and that a convict-slave trust is already assuming control of the entire field. The firm of Hamby & Toomer, with headquarters at Atlanta, Ga., already controls the entire prison population of one State and 585 of the 1,500 prison population of another State; and it should be remembered that this company does not employ the convicts, but subleases them indiscriminately to whoever will pay the price, in lots of 25, 50, and 100, all at a large profit. This traffic seems to be sanctioned by the law, as will be seen by the following, which is taken from the last report of prison commissioners of the State of Georgia, page 8. After giving the names of the successful bidders, subsequently and before the contracts and bonds were executed, the following transfers were made:

L. J. McKinnon to Durham Coal and Coke Company.
W. J. James to G. V. Gress Company.
J. B. Holmes to J. W. Callahan.

These transfers, with other orignal bidders, executed contracts and bonds, as required by law.

Complete ownership in the convict in each case is vested in these lessees, who have only to put up their money to secure a slave for the period of time specified. That the first consideration in the hiring out of convicts under this system is the amount of profit to be made is shown by the following from the same report, also on page 8:

The contract so made will bring into the State treasury annually for a period of five years, beginning April 1, 1904, the gross sum of $340,000, and after deducting the necessary expenses of this department, estimated at $115,000, will leave a net amount of $225,000 per annum, which under the law will be divided among those counties not using convict labor upon their public roads, according to population, to be used for school or road purposes, as may be determined by their respective grand juries. The price at which this labor was let, $50.52 per capita per annum over the set price of the legislature, is considered very satisfactory.

PRISONERS' RIGHTS DISREGARDED.

Much satisfaction is expressed in the above report at the financial results, but not a word as to the well-being or reformation of the prisoner nor its effect upon the community at large.

Again I quote, this time from the eighth biennial report of the commissioner of agriculture of the State of Florida, page 308, wherein it is sought to shift responsibility and even up with the financial results:

I wish to state plainly that three-fourths of the reports relative to cruel treatment of prisoners have originated in county convict camps and with county prisoners at State camps, over which this department has no control whatever. Anyone who will go to the trouble to investigate will note the broad difference in the camps, their equipment for comfort, the character of bedding, clothing, and food. The State prison system has suffered much in reputation at the hands of county

prison camps, the newspapers not drawing the distinction when discussing the subject, thus prejudicing the public mind unintentionally against the present system of handling prisoners.

From the best information obtainable, I must again insist that Florida derives more net revenue from the hire of her State prisoners than any State in the South, or in the Union, for that matter, when numbers are considered. The net revenue paid into the State treasury for the last two years is as follows: For 1903, $156,678.78, and for 1904, $158,000.52. Total for the two years, $314,688.30. The first year, 1901, of my term was under the old lease for $21,000 per annum; for the second year, 1902, the first year of the present lease, the State treasurer received $138,588.75, making a total for the three years now past, under the present lease, of $453,277.05. This is the net cash converted into the State treasury. This money is distributed to the different counties according to their assessed valuation of property, which makes it of interest to a county to have its property as something near its real value, as it derives greater revenue from the prison fund and can therefore lower its millage for county expenses.

The people of the State have cause to congratulate themselves on the results.

MODEL FEDERAL PRISONS.

Yet there are model penal institutions even in these four States where the lease system obtains. I found the Federal prison at Atlanta to be a praiseworthy institution in every respect. Its buildings are all new and up to date. The sanitary conditions are the best that modern plumbing can create, and, as the Federal statutes forbid the employment of convicts in the manufacture of articles for sale in the open market in any form, its entire population, consisting of 450 inmates, except those required in the actual operation of the prison, are employed in cutting stone and preparing other materials for the construction of additional buildings and in the building of a huge wall around the entire grounds.

This is the least competition with free labor in this institution that it is possible to have where convicts are employed at all. If all State institutions were operated along similar lines, labor would have little or no complaint to make.

But the Federal prisons contain only a small per cent of the total number of convicts in the South. The great majority of criminals are State and county prisoners and are the slaves of the lease system, which in all my travels and investigations in the South I was unable to find more than one man who was willing to put himself on record as its advocate and defender, and he was himself a prison official in Florida.

So far as competition with free labor is concerned, the lease system is not the most objectionable method of employing prisoners. The convicts in Georgia, Louisiana, Alabama, and Florida are used on the turpentine farms, in brick yards, lumber camps, and in railroad construction. In performing this class of service in the South where good laborers are generally scarce very little injury is done to workingmen as a whole. It is mainly on the score of the dishonesty, the extreme cruelty, and the inhumanity of the southern systems that all fair-minded men oppose it.

THE CONTRACT SYSTEM.

Mr. Lovely describes the extreme barbarity that characterizes this method of employing convicts in more than a dozen States, and shows how impossible it is for manufacturers who employ free laborers to successfully compete with prison contractors who hire convicts to operate machines at from 32 to 40, 50, and 85 cents a day—more than 25,000 pairs of shoes manufactured a day, three hundred and thirteen days a year, in twelve institutions investigated.

While there are differences of opinion about other methods of employing convicts, publicity is all that is needed to unite the manufacturers of America and all classes of citizens in a campaign with the trade unionists against the contract system which, although most generally in use, is manifestly so antiquated, unjust, and cruel. Manufacturers who employ free labor of any sort know fully well the impossibility of competing with prison contractors who are furnished by the State with free motive power, with free factory rent, and all the men they desire to operate machinery for from 32 to 40, 45, 50, and 85 cents a day.

Although our manufacturers and the men and women who work in the shop and factory are the ones most closely affected by this system, every true American citizen, whether he objects to prison-made products or not, will certainly protest against the inhumane cruelty that exists in nearly every institution in this country where the labor of convicts is sold by contract. In conservative New England, for instance, the general public is wholly unaware of the barbarity that characterizes the punishment of prisoners in some of the large State institutions. And this punishment is accorded, not only to the insubordinate, but also to those who fail to keep up the pace set by the prison contractor in the manufacture of shoes, chairs, shirts, and other commodities which are to be found on sale in every city, town, and hamlet in America in competition with similar articles made by free laborers.

"THE CROSS."

Because I intend to describe the methods of employing prisoners and the varieties of torture used in New England in a later article, I shall defer a specific description of some of the atrocities peculiar to that section of the country at this time and take up "the cross," a particularly cruel system of punishment that the contract system is responsible for in the Virginia penitentiary, at Richmond, Va. "The cross" is so named because the convict is pinioned to the floor in much the same manner that he might be fastened to an upright cross. He is laid flat on his back on the hard floor in a cell absolutely bare and dark, with his arms outstretched and his wrists and ankles fastened in a rigid position.

There he is confined from one to six days. He is released for a luncheon of bread and water at mealtimes and is taken out at night that he may sleep enough that he may bear the tedious tortures of the following day. The prison authorities at this same institution have, too, a convenient but none the less cruel custom of throwing a convict over a barrel, stripping off his clothes and laying the flesh on his back and legs open with a long, thick strap. As will be seen from the illustrations, the victim's feet are shackled, and one guard holds him by the wrist while the other applies the lash.

THE WATER CURE.

At the West Virginia penitentiary, Moundsville, W. Va., and at the branch penitentiary, Eddyville, Ky., "the water cure" is another devilish torture that the contract system must stand sponsor for. The prison authorities declare that this method of punishment will take the courage out of the most unruly convict and make him whimper like a child in a very few minutes. The convict is stripped, blindfolded, and placed about 20 or 25 feet in front of a hose. A 2-inch hose is used with water under a pressure of 280 pounds. Beginning with warm water, the temperature is steadily lowered until it is ice cold. This freezing water, thrown with terrific force on the convict's naked body, puts him into such frightful agony that he is speedily willing to do any task the warden or the prison contractor requires. I was told at the West Virginia penitentiary that the dark cell took too much of the convict's time away from his work, and that the paddle and the cold water shower were the only practical and economical methods of forcing a prisoner to buckle down to the work laid out for him. A convict can be taken out and flogged or put through "the water cure" in a very short time, and is then ready to go back to work. In this way neither the State nor the contractor loses more than an hour of the convict slave's labor.

GRAFT AND CRUELTY IN GEORGIA.

The paddle and the whipping post are the two most prevalent forms of punishment that came under my personal observation in the many other prisons East, South, and West that I have visited where the contract system is in use. In the South, Georgia, for example, where the contract system is in vogue, as well as the lease system, which I treated in my first paper, the main responsibility for the excessive cruelty that is to be seen in every prison camp is due the unprincipled character of the wardens and guards. As the State pays a guard but $20 a month and requires him to board himself, none but the most ignorant and dissolute will accept such a position. The only requirement for the position of a guard in Georgia is ability to use a club and shoot straight.

At each of the twenty so-called "prisons" in Georgia the State employs a warden, who receives $50 a month for his services. Such a salary as this for a prison warden implies either one of two things—inefficiency or dishonesty, and perhaps both. Those who know the Georgia system best openly declare that most of the wardens are "grafters" who, while receiving but $50 a month from the State, get from $50 to $200 a month more from the prison contractor. This condition of affairs undoubtedly explains why the interests of the prison contractors are so well cared for in the South.

In the beginning the contract system was only a feeble attempt at an improvement over the ancient lease system. Instead of selling the convict outright to the employer, or the convict jobber, for a period of years, he is hired out at a fixed daily wage for some specified number of months or years. The State, in return for the 30, 40, or 50 cents a day that the contractor pays for the convict's labor, furnishes shop room, water, and light free of charge, and also a number of convicts who are employed as cleaners and janitors.

In addition to all the advantages that the prison contractor enjoys over the manufacturer who employs free labor, many of the States where the contract system is in vogue furnish free motive power also. To show the extent of the prison-contract evil and the extreme limit to which some States have gone in

the way of favoring contractors with everything free except the material with which to manufacture commodities, I will briefly tabulate the results of my personal investigations in three States, giving the names of the contractors and manufacturing concerns so favored, the number of men they employ, and the wages they have to pay.

In each of these States, it should be remembered, free power, free shop room, free light, and free water are furnished the contractor.

KENTUCKY.

At the branch penitentiary, Eddyville, this State supplies the following firms with convicts, at the following rates, in addition to the free power and other items mentioned above:

The Louisville Broom Company, 65 men, at 35 cents a day.

The Kentucky Foundry Company (hollow ware), 65 men, at 50 cents per day.

The Eddyville Collar Company, 150 men, at 40 cents a day.

The Kentucky Shoe Manufacturing Company, 175 men, at 45 cents a day.

At the Kentucky penitentiary, Frankfort, the Frankfort Shoe Company, 400 men, at 50 cents a day.

Mason and Ford Broom Company, 104 men, at 50 cents a day.

The Frankfort Chair Company, 650 men, at 40 cents a day. (The chair company, however, furnishes its own power.)

MARYLAND.

At the Maryland Penitentiary, Baltimore, this State furnishes free shop room, light, water, and power to the following firms:

E. B. Blakesly (marble polishing), 63 men, at 55 cents a day.

Jones Hollow Ware Company, 175 men, at 55 cents a day.

Export Shirt Manufacturing Company, 403 men, at 55 cents a day, and 68 women, at 30 cents a day.

Baltimore Boot and Shoe Manufacturing Company, 235 men, at 45 cents a day.

INDIANA.

At the Indiana reformatory this State furnishes the following firms with employees, thirty days of free labor for each new convict, besides the free power, shop room, and other privileges noted above:

Indiana Manufacturing Company (hollow ware), 250 men, at 40 cents a day.

Union Carriage and Rattan Company (chairs and baby carriages), 200 men, at 32 cents a day.

Indiana Chain Works, 130 men, at 32 cents a day.

I have cited the exact conditions in these three States, because they were the only ones I visited where free power was furnished the contractors. In the other States, where I personally investigated the contract system, free shop room, light, and water were generally furnished, but in most cases the contractors paid a normal amount for power. Lack of space alone prevents me from giving the names of the various manufacturing concerns that profit by the contract system in other States. Prison manufacturing is, in fact, carried on much more extensively in a dozen States other than those mentioned.

STATES USING CONTRACT SYSTEM.

Alabama, Arkansas, Connecticut, Georgia, Indiana, Iowa, Kansas, Kentucky, Nebraska, New Hampshire, North Carolina, Ohio, Oregon, Tennessee, Texas, Vermont, Maryland, Michigan, Mississippi, Missouri, Virginia, West Virginia, Wisconsin.

FREE INDUSTRY HANDICAPPED.

From these facts it will be seen that a large number of States impose a heavy handicap upon all manufacturers who attempt to carry on their business with free labor. A rapidly increasing prison population has led most of those States to adopt the easiest method of securing some return from their convict class without thought of the consequences to free industry and the general welfare of their citizens. The growth of such form of prison industry will continue with rapid strides until the manufacturer and the workingman unite forces and make common cause against all methods against employing convicts that put prison-made commodities on the market in competition with those created by free laborers.

The trades most affected by contract prison labor are the shoe workers, iron molders, garment workers, reed and rattan chair workers, and broom workers. Of the 28 institutions I visited, 12 employed a total of 4,253 convicts in the manufacture of boots and shoes. These 4,253 convict shoe workers are paid an average wage of 48 cents a day, and they are turning out 25,340 pairs of shoes every day, six days a week, fifty-two weeks a year, which are dumped into the shoe market under various names and labels that are devised to conceal from the public their true character.

THE DAVIS SHOE COMPANY.

One of the most impressive examples of the extent that prison labor may be employed by a single firm in the manufacture of boots and shoes is that of the Davis Boot and Shoe Company, which has its headquarters in Boston and makes its shoes under a prison contract with the Virginia Penitentiary, of Richmond, Va. This firm manufactures a medium grade of women's, misses', and children's McKay sewed shoes that are sold in the open market under such names as the Winson, the Violet, Nonesuch, and a number of others.

The Davis company employs 961 male convicts at 42 cents per day and 56 female convicts at 30 cents per day, or a total of 1,017 persons. Of this number, 16 are employed in making cartons and boxes in which to pack the shoes, leaving 1,001 convicts annually employed in the production of shoes, exclusive of foremen. Their average output is 5,000 pairs per day, or an average of five pairs per day per person.

I know of no person employing free labor and making this grade of shoes whose output exceeds five pairs per day per person employed, and surely none who get their labor at 42 cents per day. Shoe manufacturers might well ponder over these figures and see if they are not somewhat interested in this matter. This firm uses no machinery in the lasting department, and the task ranges from 36, 42, and 48 pairs per day, or an average of 42 pairs per day lasted by hand. The task for McKay sewers is 480 pairs per day, and so all along the line.

The above figures will reveal the fact that the total labor cost, exclusive of foremen, to the Davis Shoe Company is eight cents and a fraction per pair.

THE GIESECKE BOOT AND SHOE COMPANY.

To show what sort of favoritism the State of Missouri shows upon prison-contract shoe manufacturers, I will use the Giesecke Boot and Shoe Manufacturing Company, of Jefferson City, for an illustration. This firm made a contract in December, 1898, with the Missouri State Penitentiary at Jefferson City for the convicts of that institution to be employed in the manufacture of footwear. This contract has put thousands of dollars into the coffers of the Giesecke company. The State now, however, exacts 60 cents instead of 50 cents a day. Not only has this firm been furnished with shoe-machine operatives for 50 cents a day, but it has free water, has paid absolutely nothing for rent, and has been furnished power from a 145-horsepower engine, which would cost a manufacturer outside of a prison at least $500 a month, on payment to the State of only $100 a month.

In Missouri the task of a convict is based upon, and usually to, what a free laborer can perform. The penalty for a convict who fails to perform the task set for him is the whipping post. From ten to thirty lashes are usually given, and the strap used is made of heavy harness leather, 2 inches wide and 18 inches long, fastened to a wooden handle 12 inches long.

This strap will bring out the blood with every blow, if the warden so desires. Warden Woolridge, of the Missouri Penitentiary, admitted before a legislative committee but a few months ago that prisoners are punished for not performing the required amount of work. He said: "If Captain Todd finds that a prisoner is lazy, he will talk to him and try to do the best he can by him. If the convict fails then to do his work the captain sends him to the post."

A SAMPLE PRISON-LABOR CONTRACT.

I have before me a copy of one of the eight contracts that have been in force at the Jefferson City Penitentiary for a number of years, and are still in force, except that the per diem has been changed to 60 cents instead of 50 cents per day, as formerly. It reads as follows:

This agreement, made and entered into this 31st day of December, A. D. 1898, by and between J. D. Stark, as warden of the Missouri State Penitentiary, party of the first part, and the Giesecke Boot and Shoe Company, party of the second part.

Witnesseth, first. That the party of the first part agrees to furnish to the said party of the second part 300 able-bodied male convicts for the manufacture of boots and shoes at the Missouri State Penitentiary.

Second. That the said party of the second part shall have the right to work any number of able-bodied male convicts in excess of the 300 contracted for, provided said party of the first part may have them on hand to spare.

Third. The said party of the second part binds itself to pay to the said party of the first part for the labor of convicts by it employed on the 5th day of each and every month during the continuance of this contract for the preceding month at the following rates, to wit: From and after the taking effect of this contract—December 31, 1898—the sum of 50 cents per man per day for 300 men, whether working or not, until the termination of this contract—December 31, 1904.

Fourth. That the said party of the second part agrees and binds itself to pay for all men worked in excess of 300 from December 31, 1898, to December 31, 1904, the sum of 50 cents per man per day for each and every man worked.

Fifth. That the said party of the first part shall furnish as good, able-bodied male convicts as he may have on hand when the said party of the second part shall make application for them.

Sixth. That the said party of the first part reserves the right to

withhold any convict that he may deem necessary to work for the State: *Provided*, That said convict has not already been assigned. The party of the first part shall also furnish to said party of the second part the longest term convicts, provided no other contractor has applied for them.

Seventh. That during the continuance of this contract no convict assigned to said party of the second part shall be taken away without its consent.

Eighth. That convicts either sick or undergoing punishment shall be returned to the said party of the second part when fit for duty and no charge shall be made for the time so lost nor for Sundays or holidays.

Ninth. That if any convict assigned to the said party of the second part shall, from any cause, prove inefficient, the said party of the second part shall have the right to reject such convict within fifteen days from date of his assignment, and in such cases no charge shall be made for the time so worked.

Tenth. That said party of the first part shall furnish a sufficient number of good guards whose duty it shall be to maintain order and discipline in the shop and see that the convicts do good and sufficient work.

Eleventh. That the said party of the first part shall furnish a sufficient number of shop cleaners free of charge.

Twelfth. That any convict that may make his escape or be discharged by pardon or othewwise, having been in the employ of the said party of the second part, provided such convict may have served the major portion of his previous or unexpired term in its employ.

Thirteenth. That said party of the first part shall furnish all steam, steam power, and main shafting for the successful operation of the machinery that the said party of the second part shall use in the manufacture of boots and shoes, and shall furnish all steam for heating the shops, also all the water necessary for their business, for which the party of the second part agrees to pay at the rate of $100 per month until the termination of this contract, December 31, 1904, and at the time and in the manner as provided for in section 3 of this contract.

Fourteenth. That the said party of the second part shall have the right to put up and maintain such machinery and fixtures as may be necessary for the manufacture of boots and shoes in said penitentiary.

Fifteenth. That the said party of the second part reserves the right to suspend work long enough in each year to take an account of stock, which shall not exceed two weeks.

Sixteenth. That the said party of the second part shall have the right to occupy all of the two-story building designated "New No. 1," all of the three-story building designated "New No. 5," and the first floor of the two-story building designated "New No. 2."

Seventeenth. That the said party of the second part shall have the right, by its officers, foreman, and employees, to direct the labor of convicts by it employed, subject, however, to the interference of the warden of the penitentiary where the health of the prisoners or the discipline of the institution may be menaced; and the said officers, foreman, and employees shall at all times conform to the rules and regulations of the penitentiary, and whenever the warden shall deem it for the best interest of the institution to close the doors against any such officers, foreman, or employees, the right is reserved to do so.

Eighteenth. That in case of panic or general business depression, necessitating a reduction of the force employed by said party of the second part, for the reason stated or for any other cause, the warden of said penitentiary, with the approval of the board of inspectors, may in writing agree with said party of the second part that any number of men that he may deem just and right may be temporarily laid off for any stated intervals, but this can only be done by agreement of said parties.

Nineteenth. It is hereby further stipulated and agreed that if at any time during the continuance of this contract the lawmaking power of this State shall enact any laws prohibiting or curtailing the sale or use of any articles manufactured by the said party of the second part with said convict labor, or shall enact any laws, the operation and effect of the agreement to set aside and annul this contract, or to make such changes and alterations herein as will as far as possible preserve and uphold the rights of both parties hereto, and without undue prejudice to either on account of any such legislation.

Twentieth. That the said party of the second part hereby agrees that if there parties hereto by a subsequent writ the right is hereby reserved by the which will materially change the rights of said party of the second part as they now exist under the laws of this State, then and in that event is no renewal contract made on or before the end of said six years, December 31, 1904, then the said party of the second part shall have the first four months of 1905 to close up their business, and accordingly after January 1, 1905, the said party of the second part may lay off without pay any number of men they so desire, and shall only pay for the number of men actually worked at 50 cents per man per day during said four months, and the said party of the second part at the end of said four months shall surrender the shoprooms or buildings belonging to said State and occupied by them, the said party of the second part, provided that if at any time during said four months or before surrendering said shops or buildings the said party of the second part shall again make and enter into a further contract, then the said party of the second part shall pay for the full number of men contracted for for the whole of said four months in like manner as if the contract hereby made had been made for the whole period, including said four months, without any provisions for closing up their business.

Twenty-first. That in case the party of the first part shall at any time have occasion to use the shoproom occupied by the said party of the second part, he reserves the right to direct the said party of the second part to move their machinery and fixtures into such shop or rooms so designated, to be equally as good as the one from which the said party of the second part is required to move. Such move to be made at the expense of the said party of the first part.

THE PIECE-PRICE PLAN AND THE PUBLIC-ACCOUNT SYSTEM.

Employment of the United States prisoners in State institutions a violation of the Federal laws and purely a "graft" for somebody, declares Mr. Lovely. How the desire to make money from the convict's labor is responsible for cruelty and corruption in nearly every State in the Union. What it costs the contractor to make shoes, shirts, and clothing in prisons in Massachusetts, New Hampshire, Rhode Island, Ohio, Indiana, and Minnesota, compared with prices legitimate manufacturers have to pay free labor to create the same commodities.

"For revenue only" seems to have always been the governing purposes in the management and control of convicts in this country. While representing to the public that the reformation of the criminal and the protection of society were the first ends of all forms of restraint and punishment, prison authorities have set their faces in exactly the opposite direction by regulating these just and commendable principles of penology to but an afterthought of some one of the money-getting systems of convict administration.

Convict slavery and peonage in the South, a hundred prison pens of the North grinding out tons of commodities every working day of the year for an already overflooded market, still tell the story of to-day of the inability of a prison board to understand that criminals are not sentenced to labor for other men's profit, but to be punished fairly and justly for their misdeeds, and reformed in every way possible for the future protection of society.

TWO SUPERFICIAL REFORMS.

As I have shown in the two preceding articles that the creation of revenue for the State or for individuals is the dominating purpose of the lease and contract system, so that my readers will find it the goal of the two superficial reform systems which I am to discuss this month. Where public agitation and enlightenment have forced the abandonment of one or the other of these ancient systems in many States, they have been replaced by either the piece-price plan or the public-account system.

Neither of these reformatory methods have proven successful, because they are founded on traditional fallacy, and neither was honestly designed nor intended to improve the condition of the convict nor to remove from the open market the disastrous competition between the products of his enforced industry and those of the free workingman. Both are forced reforms, alike unsatisfactory to the public, the prison authorities, and the prison contract manufacturer. There "isn't as much in it" for the State, and in most cases not so much for the manufacturer, and both systems hamper the authority of the prison wardens. Besides, the public-account system is ranked as a financial failure. Statistics show that the total income from the convicts' labor under this method constitutes but 32 per cent of the running expenses and 18 per cent of the entire expenses where it is employed. The truth of the matter is, therefore, that a majority of the prison authorities and all of the manufacturers that employ convict labor would gladly return to either the lease or the contract system if it were not for the laws in the various States and the public opinion behind them.

WARDENS VIOLATE FEDERAL LAWS.

If these gentlemen are mindful of the laws in their own State, however, the same thing can not be said of their obedience of the United States Statutes. A great many prisoners, some vicious, a large number only ignorant, violate the rules in all penal institutions, and are invariably punished with unrelenting severity; but what excuse can be offered by those in authority in these institutions who are so ready to order barbarous tortures administered to unhappy convicts for violations on their part of plain provisions of the Federal Statutes? Federal prisoners in every State prison in America where either the contract or the piece-price system obtains are employed in direct violation of the United States Statutes. At the Ohio Penitentiary I was told openly that the piece-price plan was vicious and detrimental to the best interest of the State, but it afforded an excellent opportunity to evade the Federal laws.

Because many people do not consider that a prisoner is really hired out under this system, since he is supposed to work directly for the State, it was the intention of the authorities in Ohio to maintain a piece-price contract another year, so as to be able to employ Federal prisoners in the manufacture of cigars.

The fact is that the employment of United States prisoners by any State in the manufacture of commodities for the market is purely a "graft." The United States Government in all cases pays the State for the care and maintenance of its prisoners, and the additional income that the State secures is clear profit for somebody.

THE UNITED STATES STATUTE.

That there may be no doubt about what the laws say on this point, I will quote the United States statute:

Be it enacted, etc., That it shall not be lawful for any officer, agent, or servant of the Government of the United States to contract with any person, corporation, or permit any warden, agent, or official of any State prison, penitentiary, jail, or house of correction where criminals of the United States may be incarcerated to hire or to contract out for the labor of said criminals, or any part of them, who may hereafter be confined in any prison, jail, or other place of incarceration for violation of any laws of the Government of the United States of America. That any person who shall offend against the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned for a term of not less than one year or more than three years, at the discretion of the court, or shall be fined not less than $500 nor more than $1,000 for each offense.

That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed; and this act shall take effect and be in force from and after its passage. (Approved February 23, 1887.)

The strict enforcement of the above law would land many a prison warden in the soup line, lock step among many of his former convict subjects, where he would have an excellent opportunity to study prison administration from the inside.

PIECE-PRICE PLAN ADOPTED.

In spite of this and many other unjust and impracticable features of the piece-price plan, it must be admitted that it was first adopted for the alleged purpose of limiting the quantity of prison-made articles which were being thrown on the market. It was argued that the only way to remedy this evil was to put the State in direct control of the quantity of the work performed by the convict. To this end, a simple modification of the old contract system was adopted, the only difference being that the contractor was no longer asked to assume any risk or responsibility whatever. When the State took charge of the convict in the workshop, it was naturally supposed that some stay would be immediately put upon the amount of work that was being turned out. Such was not the case, however, for the only limit that any of the States have since adopted is the old limit of both the contract and the lease systems—the limit of the convict's endurance.

Thus it will be seen that the adoption of this method has not reformed any abuses, or benefited anyone, unless an exception be made for the contractor. He simply delivers the material at the prison and in return receives the manufactured article on payment of an agreed piece price. The supervision of the work is wholly in the hands of the prison officials, and the States resumes all responsibility for bad work, loss of time, and other incidentals. The prices he pays for the making of commodities are usually so ridiculously low that no manufacturer employing free labor can hope to successfully compete with him.

WESTERN SHOE MANUFACTURING COMPANY.

For example, the Western Shoe Manufacturing Company has a contract for the manufacture of boots and shoes on the piece-price plan at the Minnesota State prison, at Stillwater, Minn. The thirteenth biannual report of that institution, page 15, contains the following under the heading of "Earnings."

Manufacturing 229,958 pairs of unlined shoes	$20,084.56
Manufacturing 84,909 pairs of lined shoes	11,119.84
Manufacturing 63,177 pairs of welt shoes	9,722.13
Manufacturing 17,012 pairs of boots	2,599.22

I will take the third item—men's welt shoes—for comparison, because manufacturers find them the most difficult to place on the market at a profit. I find that by dividing $9,722.13 by 63,177, the number of pairs made, that the total labor cost is 15 cents and a fraction per pair.

COST OF SHOES MADE BY THE FREE LABOR.

Now, let us compare this amount with what it costs to make such a shoe with free labor. American Shoemaking, one of the most reliable authorities on matters of this kind, in its issue of March 19, 1904, reproduced all of the dissected parts of a welt shoe, giving the labor cost of each part. The object was to discover whether a manufacturer could produce a medium-price shoe of this kind and realize any profit. Consequently the figures given at that time must have been as low as it is possible to get them. The labor was placed as follows:

Stock fitting	$0.03½
Cutting and skiving	.05
Stitching or fitting	.09
Bottoming	.16
Finishing	.01½
Treeing and packing	.03
Total labor cost	.38

MORE ADVANTAGES FOR PRISON CONTRACTORS.

It will not be fair, however, to compare the 15 cents per pair that it costs the Western Shoe Manufacturing Company to create shoes with the 38 cents it costs manufacturers employing free labor. The Western Shoe Manufacturing Company enjoys even greater advantages. It is under absolutely no expense whatever for factory rent, power, water, or light. The State magnanimously furnishes these little incidentals free of charge. But manufacturers who employ free workingmen have to rent or build their own factories, buy their own machinery, and furnish their own motive power, and these heavy items of expense must be added to 38 cents before anything like a comparison can be made.

From such figures and conditions one can see what inducements the States employing the piece-price system offer to legitimate manufacturers. But let us not imagine that this system affects only the shoe industry or is confined at all to the State of Minnesota. At the Indiana Penitentiary, Michigan City, Ind., for instance, there are 100 convicts employed in the manufacture of overalls and jackets, also on the piece-price plan. The contractor furnishes material only. The State supplies shop-room, power, light, heat, water, and labor, and receives 33½ cents per dozen pairs for making overalls.

WHAT LEGITIMATE MANUFACTURERS PAY.

I have before me fourteen scales of prices paid by as many manufacturers employing free labor in the manufacture of overalls, and the lowest of these is 60 cents per dozen for running up the seams, or sewing the different parts together. The cutting, making of buttonholes, sewing on buttons, pressing and packing being paid under the head of "extras," and amounting to 18 cents per dozen, this being the total labor cost up to 78 cents per dozen pairs. Now, add to this the cost of rent, power, light, heat, and water, which all manufacturers except those with prison contracts have to pay, and you will have the difference between convict and free labor in the manufacture of overalls.

For a third illustration I point to the New Castle County Workhouse, at Wilmington, Del., where there are 180 convicts employed under the piece-price system in the manufacture of men's, youths', and boys' trousers. The contract price is as follows:

	Per dozen pairs.
For men's trousers, regular	$0.65
For youths' trousers, regular	.55
For boys' knee pants, corduroy	.22
For boys' pants, regular	.18

These prices include cutting, making, pressing, and packing ready for shipment. Can anyone imagine a process by which a firm employing free labor can cut, make, press, and pack a dozen pairs of boys' knee pants at 1½ cents per pair? The question is often asked: "What sort of influence is used with prison officials to induce them to make such contracts?"

HOW SHIRTS ARE MADE IN RHODE ISLAND.

As a final example of the piece-price plan I will take up the beneficent State of Rhode Island, where I found 240 convicts at Howard employed in the manufacture of fine shirts—the kind that usually retail from $1 to $1.50 per shirt. The contractor delivers all material necessary to manufacture the shirts at the prison warehouse, which is furnished by the State, and there his expenses end until he receives the finished product packed and ready for the market. For the cutting, making, starching, ironing, folding, and packing of these shirts, including a pair of cuffs for each garment, he pays the State 50 cents per dozen shirts.

Think of how long it would take one person to cut, make, starch, iron, and pack a dozen shirts, including cuffs, yet 50 cents is all this labor is worth in Rhode Island. Can any firm employing free workers who have to support themselves compete in the open market with one having the advantage of such a contract? The Rhode Island State prison is not free, either, from the cruelties existing elsewhere. The favorite punishment is the strait jacket, an instrument which was intended to be used only in case of a raving and unmanagable maniac. In spite of the State laws, this has become the standard method of punishment in Rhode Island, and has even been approved by the State prison board.

STATES USING PIECE-PRICE PLAN.

If the space was at my disposal, I would write a detail account of the workings of the piece-price plan of every State where it is now in use.

This not being the case, I shall simply give the following list of the States employing this system:

Connecticut, Indiana, Michigan, New Jersey, Rhode Island, Delaware, Maine, Minnesota, Ohio, Tennessee, and Wisconsin.

PUBLIC ACCOUNT SYSTEM.

Although in use in more States than is the piece-price plan, the public are opposed to the State account system of employing convicts. Unanimity of sentiment against this method is undoubtedly due to the fact of its being such a financial failure.

Ostensibly, the public account system was adopted for the purpose of giving the prison officials complete control of the convict, and to lessen competition with free labor. It has since developed that the real reason that led most of the States to adopt the system was not as beneficient as the prison authorities would like to have the public believe.

They thought that if the State went into the manufacturing business on its own account and did not depend on a contractor to furnish material, or to dispose of the finished product after the convict had created it, there would be much more money in the business. Results have shown that this was grievous miscalculation, for the system has failed to pay more than 18 per cent of the entire expenses in the institutions where it has been established.

PRISONERS STARVED IN MASSACHUSETTS.

Every way one looks at it this wretched system is a failure. Judged from the humanitarian standpoint it is an even more outrageous and cruel system in many respects than the lease and contract systems. Starvation is one of its most popular tortures used to force convict slaves to keep up the pace set by the overseer. At the Concord Reformatory, Concord, Mass., where I found 175 of the 900 inmates at work making men's heavy shoes, prisoners are regularly deprived of their food if they fail to perform their full daily stint of work laid out for them.

Every day at noontime in this prison an overseer goes through each department. Wherever he finds a prisoner who is short in his work he fines him his dinner. This same overseer makes the rounds at night, and if the prisoner is still short he is fined his supper; and thus, having worked all day with only a scant breakfast, the half-starved man is expected to perform a full day's work the following day. Surely no more inhuman treatment could be accorded poor unfortunates, who, perhaps in many instances, are absolutely unable to perform the task allotted them.

In the State list below, the public account system, either in all or some of the penal institutions, is in operation: Alabama, Arkansas, Colorado, Kansas, Maine, Minnesota, Pennsylvania, Texas, Winconsin, Arizona, California, Illinois, Kentucky, Massachusetts, New Jersey, Tennessee, West Virginia.

CRIMES BEHIND PRISON WALLS.

The general public is and always has been wholly unaware of the crimes that have been and are still being perpetrated in their penal institutions. The grim prison walls and the devious ways of convict administration give wardens with hearts of flint and servile guards under them too easy an advantage to allow their acts to pass unknown and unchecked. And since the testimony of the convict is always discredited, there is no fear that the victim will ever be able to strike back. This is a general condition common to all systems of punishment. The only thing the State can do to ameliorate such conditions is to see that the most equitable and efficient system of convict administration is adopted.

There are a great many different opinions about this and that method of managing convicts. Some phases of the question seem beyond solution at the present time. But judging by the lamp of experience, by the actual conditions that exist in our prisons to-day, this one thing we do know: Wherever money making is a factor in any scheme of convict administration there is cruelty and torture in one or the other of their various forms. This ancient curse of "man's inhumanity to man" is not peculiar to any one section of our country or to any one system of employing convicts, but exists in every penal institution that seeks to derive profit from the labor of its inmates.

From the illustrations I have given of actual conditions I found in twenty-eight different institutions, anyone who has followed me thus far can see that the above conclusion is true. Even the education, culture, and liberal thinking of New England have been unable to abolish this curse which is linked inseparably with all money-getting convict systems. I have described the conditions in Massachusetts and Rhode Island. Let me give one final picture from New Hampshire.

"THE SLIDE."

At the State prison, Concord, N. H., all the convicts are employed in the manufacture of chairs. The officials of this prison treated me with such courtesy and attention, and seemed so far above what I had found the same class of men in many other institutions that I was astonished later to discover a new and ingenious system of torture in everyday use. It was called "the slide," and is an instrument fashioned after a large window frame. It is fixed in grooves against the wall and can be raised and lowered, as the guards desire. At the top of the frame there is a ring, to which the wrists of the convict are handcuffed. The frame is then raised until the victim's feet swing free from the floor. There the convict is allowed to hang until he cries for mercy. Five minutes is the longest time any prisoner has been able to endure the torture.

Somewhat dubious as to whether the instrument was as painful as the guards described, I allowed my wrists to be fastened to the ring and was lifted off my feet. The guard timed me, and after one minute the pain became so terrible that I could not help crying out and was quickly lowered.

The authorities at the Concord prison seem to be estimable men, yet a money-making system of convict administration has blunted their sensibilities and made them men with two sets of feelings—one for the home, the other for the prison in which they work.

THE NEW YORK SYSTEM.

How the Empire State, after years of vain effort trying to reconcile money making with the reformation of character in the management of convicts, finally adopted a civilized prison system—convicts now employed in more than twenty different industries suited to their natural abilities, and no prison-made commodities sold in the open market—Mr. Lovely points out a marked decrease in the entire prison population and many other reforms that have followed the establishment of the new systems, and shows the way to a sane and humanitarian solution of the convict-labor predicament in every State in the Union.

In former articles I have confined myself to a review of the most flagrant abuses and extreme cruelties of the four prevailing systems of convict administration. Volumes might be written in general condemnation of the defects and abuses of these several methods of employing and caring for prisoners. All fail to attain anything like an ideal system for a civilized country, because they are founded and administered according to the money-making fallacy.

Anyone who has studied penology or who has investigated the prevailing conditions among convicts in this country knows that a prison ought not to be run for the purpose of making money. Although the prevailing notion with many prison boards is that the labor of convicts is always a fit subject for the exploitation of the State and private contractors, there is a better idea of the purpose behind all forms of restraint and punishment. Those who hold this high ideal believe that a prison is a place of detention designed for the protection of society through the reformation and proper punishment of the criminal.

LABOR A DUTY, NOT A PUNISHMENT.

Labor as a punishment and labor as a duty are two different things. In a prison labor should not be used as a punishment, but as a duty that every man owes to himself and to society—as a means of reform, regardless of any profit that the state or any private individual may derive from the products of his toil. In the long run it is of vastly more importance to the state that its criminal class should be reformed and trained into self-respecting citizens than that some immediate profit be realized from their labor. The money-making idea was not a part of the original conception of prison, and it should not be allowed to subserve all other purposes of restraint and punishment to-day.

If one takes a broad view of the convict-labor question the only system that commends itself is that method which effectively protects society in its morals and material interests regardless of any pecuniary profits which may accrue from it. Such a system is now in operation in the State of New York, where it has proven an unqualified success. This system, which is destined to revolutionize the entire prison administration of our country, if only it receives the support it deserves, was adopted in New York after long and continuous agitation by the labor unions and a number of prominent and progressive citizens who were interested in the welfare of the State.

WHY CONTRACT SYSTEM FAILED.

In January, 1884, Charles F. Peck, commissioner of labor of New York, in his first annual report to the legislature, submitted the following conclusions in regard to the unfavorable aspect of the contract system:

In submitting to your honorable body the recommendations as to the future policy of prison management which seem best adapted to the moral training of the convicts and attended with least injury to existing interests, it is proper that the evils to be avoided and which attach to existing systems should be briefly stated.

The contract system as at present administered has been found imperfect for the following reasons:

First. The object of the law is reform for the convicts. The object of the contractor is to make money for his labor, without regard to his reform.

Second. It is destructive of prison discipline necessarily from the fact that the prisoners are for ten hours a day under the control of the contractor and his agents, who are in nowise responsible for their reformation.

Third. It renders impossible a diversity of employment suited to the different capacities of the prisoners and the conditions necessary to their moral training.

Fourth. It is the intention of the law and to the best interest of society that the terms of the best-conducted prisoners be shortened. It is to the best interest of the contractor to keep them in prison.

Fifth. It makes impossible any proper classification and separation of the prisoners, but places in daily contact the comparatively innocent with the most hardened and depraved.

Sixth. The profits of the labor of the convict belong to the State, the laws of which he has transgressed. The contract system gives those profits to parties not representing the State or interested or responsible except for monetary considerations, which are a constant menace to the discipline of the prisoner and the reformation of the convict.

Seventh. Manufacturers engaged in similar industries and employing free labor claim to be injuriously affected in their business by the operation of the contract system.

Eighth. The mechanical and labor interests are opposed to the contract system on the ground that it tends to loss of employment and reduction of wages.

AN ENLIGHTENED SYSTEM ADOPTED.

In other reports of State commissioners of labor in New York the policy of the State in contracting or farming out the labor of convicts was condemned and declared to be highly injurious to free labor because the products of convict industry were sold in the open market at a price so low that, though the contractor reaped large profits, those engaged in the manufacture of similar articles by free labor were unable to compete and pay the wages necessary for a decent subsistence. Under the contract system in New York the labor of convicts was farmed out for such small prices that the State, in effect, got nothing, while the contractors were enabled to undersell other manufacturers and thus decrease the wages of free labor. In some instances competition with these prison contractors destroyed industries that were of great value to the State.

By a provision of the State constitution, through laws that went into effect January 1, 1897, the contract system of employing convicts was abolished in New York, and the State commission of prisons, in commenting on the fact in the annual report for 1898, declared:

WHAT STATE COMMISSION OF PRISONS SAID ABOUT THE OLD SYSTEM IN 1898.

The old system of contracting out the labor of convicts to the highest bidder, which was a species of slavery, passed away when the prison-labor provision of the constitution went into effect, January 1, 1897, and is already being looked upon as a relic of barbarism that the State did well in superseding by a more enlightened and practical system. But few manufacturers were situated so as to compete in the bidding. Those with large plants, permanent locations, and many employees could not do so. The contracts, therefore, were taken by those who were less firmly located and more adapted to speculative ventures; and for a mere pittance, which gave the State very little income after paying the additional expense incurred and the repairs of buildings and machinery, the system was tolerated. The presence of contractors and foremen not officers was not helpful to discipline. The contractors were able to make the price of articles manufactured so low as to cripple the business of the manufacturer producing similar goods by free labor or to lessen the wages of their employees. When we consider the fact that under the contract system shoes were being made in the prisons for 6 and 7 cents a pair, laundered shirts for 30 cents a dozen, trousers for 75 cents per dozen pairs, ulster overcoats for 40 cents each, and umbrellas for 4 cents, while large manufactures of brass, iron, and of furniture were also carried on at similar insignificant prices, the result no longer seems strange. It is no wonder that the industries of free labor languished, and that manufacturers and laborers were joining in annual appeals to the legislature to relieve them from a ruinous and unfair competition by forbidding the manufacture of various classes of goods in the prisons. The State was not getting a fair value for the labor of the prisoners it was compelled to support, and the manufacturers and their employees were suffering by the unfair competition with labor sold out to the contractors, who made great profits without fear of strikes or the chance of loss.

PENITENTIARIES BECOME BOARDING HOUSES.

Another abuse which developed under the contract system as it was practiced in New York was the passage of laws permitting penitentiaries to contract with other counties than those in which they were located for the care of those convicted of misdemeanors and permitting the magistrates to sentence to such penitentiaries instead of to the jails of their own counties. The penitentiaries were paid at the rate of $2 or more a week for each prisoner they took to board and got besides a regular wage from the prison contractor for each inmate. The actual cost of the board was about half the amount received, so that a good profit resulted from the enterprise.

This was the first step toward turning the penitentiaries into boarding houses. Later laws were passed in the interests of the penitentiaries, permitting courts of the State to sentence for terms of five years or less to the penitentiaries those convicted of felonies. The State thus transferred to the penitentiaries the labor of the felons sentenced for five years or less, and it had to pay to the penitentiaries $2.10 for the board of each, though there was ample room for all felons in the State prisons which the State was maintaining, and prisoners too, where it could keep prisoners at about half the price paid. But even greater objection was that such a law broke down the separation between misdemeanants and felons, putting those guilty of the greater crimes in association with those who were, perhaps, more unfortunate than criminal.

DUMPING GROUND FOR CONVICTS.

Finally laws were enacted in the interest of the penitentiaries permitting them to contract for the care and custody of convicts of our States without regard to the length of sentence. At the end of their term this class of convicts was discharged at the penitentiary door, and the State of New York, and its penitentiary towns in particular, became a dumping ground for criminals of other States and Territories.

In 1895 the State commission of prisons found about 900 convicts from other States in New York penal institutions. Many of these prisoners, under sentence for life or long terms, of forty years or more, were in association with misdemeanants and other petty offenders.

The constitution of the State of New York, adopted November 6, 1894, went in force January 1, 1895, and contained the following provisions:

OCCUPATION AND EMPLOYMENT OF CONVICTS (ART. III, SEC. 29).

The legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails, and reformatories in the State; and on and after the 1st day of January, in the year 1897, no person in any such prison, penitentiary, jail, or reformatory shall be required or allowed to work while under sentence thereto at any trade, industry, or occupation, wherein or whereby his work, or the product of his work, shall be farmed out, contracted, given, or sold to any person, firm, association, or corporation. This section shall be construed to prevent the legislature from providing that convicts may work for, and that the products of their labor may be disposed of to the State or any political division thereof, or for or to any public institution owned or managed or controlled by the State or any political division thereof.

SUPERINTENDENT OF PRISONS (ART. V, SEC. 4).

Superintendent of State prisons shall be appointed by the governor, by and with the advice and consent of the senate, and hold his office for five years, unless sooner removed; he shall give security in such amount, and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management, and control of State prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians, and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of same by the superintendent.

The comptroller shall appoint the clerks of the prisons. The superintendent shall have all the powers and perform all the duties not inconsistent herewith, which were formerly had and performed by the inspectors of State prisons. The governor may remove the superintendent at any time, giving to him a copy of the charge against him and an opportunity to be heard in his defense.

STATE COMMISSION OF PRISONS, ARTICLE VII, SECTIONS 11, 12, AND 13.

The legislature shall provide for a State board of charities, which shall visit and inspect all institutions, whether State, county, municipal, incorporated, or not incorporated, which are of a charitable, eleemosynary, correctional, or reformatory character, excepting only such institutions as hereby made subject to the visitation and inspection of the commissions hereinafter mentioned, but including all reformatories except those in which adult males convicted of felony shall be confined; a State commission in lunacy, which shall visit and inspect all institutions, either public or private, used for the care and treatment of the insane (not including institutions of epileptics or idiots); a State commission of prisons, which shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors.

12. The members of the said board and of the said commission shall be appointed by the governor, by and with the advice and consent of the senate; and any member may be removed from office by the governor for cause, an opportunity having been given him to be heard in his defense.

13. Existing laws relating to institutions referred to in the foregoing sections and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of the constitution, shall remain in force until amended or repealed by the legislature. The visitation and inspection herein provided for shall not be exclusive of other visitation and inspection now authorized by law.

CONVICTS EMPLOYED ON STATE WORK.

The New York State legislature subsequently enacted a law providing for the employment of prisoners in productive industries for the benefit of the State or the political division thereof or for the use of public institutions owned and managed by and controlled by the State or political division thereof, the industries to be established by the State commission of prisons. Other laws were amended so as to provide that no manufactured articles should be purchased from any other source for the State or its public institutions, unless the State commission of prisons certified that the same could not be furnished upon requisition at some one of the State prisons, and no claim can be audited or paid in New York State without such certificate.

This new system, with all its sweeping provisions, went into effect January 1, 1897. That it has been highly successful is shown by the fact that more than twenty industries have been established, with a diversity of employment suited to the different capacities of all kinds of prisoners. The annual report of the State commissioner on prisons for 1904 shows that all inmates able to work were employed and that the sales of manufactured articles for the year amounted to $708,828.17, and that not one dollar's worth of prison-made goods was sold in the open market.

REFORMS THAT HAVE FOLLOWED.

But more gratifying results than even these figures show are the reforms which have been inaugurated under the new system. The old, cruel methods of punishment have been discontinued; the lock step has been superseded by the military step; convicts are now classified and separated, the comparatively innocent no longer coming in contact with the most hardened and depraved; the unsightly stripes have been discarded for the first-term prisoners, and a plain, gray uniform has taken its place. In these various ways the prisoner is made to feel that he is detained only because he has transgressed the laws and that he may regain his freedom by good behavior.

PHENOMENAL RESULTS.

Phenomenal results have followed these changes. Reports from three State prisons, Sing Sing, Auburn, and Clinton, reveal the fact that during the ten years beginning with 1885 and ending with December 31, 1894, while the old system was in vogue, the prison population increased 593. On the contrary, during the ten years following December 31, 1894, the prison population decreased 197, notwithstanding the fact that the population of the State increased more rapidly during the latter period than during the former.

No other State has ever made such a showing. The system may not yet be perfect in all its details. These are, no doubt, some defects yet to be rectified. It must be remembered that the system was entirely new when it was adopted in New York, and that it has taken time, study, and persistent effort to find out and put into practical operation the best lawful methods. But that the money expended and the labor put forth has been directed toward a well-defined purpose there can be no doubt. Two ends have been kept constantly in view, one, the use of the convicts' labor for specific and lawful purposes; the other, the subordination of material benefits in the management of prisoners to reformatory agencies.

SUPERINTENDENT OF PRISONERS TESTIFIES.

The superintendent of prisons, in his report for 1904, expresses himself well satisfied with the substantial results which had been gained in the conduct of the prison during the year. He said:

Perhaps in no period of equal length have such tangible and beneficial results, both material and reformatory, attended the efforts of our prison administration.

Thus we see that the State prison officials in New York are enthusiastic over the results obtained by the adoption of the new system, which prison authorities in more than a dozen States where I have shown up corruption and inefficiency, besides ruinous competition with free industry, declare to be impracticable. The laboring interests in New York are united in their support of this civilized and progressive method of employing and reforming prisoners, and the manufacturers of the State speak loud in the praise of a convict administration which has removed all competition between the products of their shops and factories where free workingmen earn their living, and those manufactured by convict slaves.

A REMEDY FOR THE ABUSES OF CONVICT LABOR IN EVERY STATE.

Why, then, should not every State in the Union follow the lead of the Empire State in the management of their convicts? The New York system has produced positive results that can not be disparaged by anyone. It has abolished all the fiendish systems of cruelty, practiced under the guise of punishment, which are so common in institutions in other States. It has removed the corruption of money from the field of prison administration, and has practically made "graft" an impossibility. And last, but of more immediate importance to the material welfare of society and the free workingman, the New York system has abolished competition in open market between free and convict labor.

This much the New York system has accomplished in the Empire State. It offers a logical solution for the evils and abuses of the convict-labor situation in every other State in the Union. Whatever prison officials in the States where either of the four antiquated methods of employing convicts are in use may think, whatever contractors who profit by superannuated methods of prison administration may declare, the burden of proof is on the shoulders of the man who asserts that the New York system is not the most equitable, the most practicable, and the nearest to the highest ideas of progress and civilization.

After reading Mr. Lovely's startling report and wanting to assure myself as to the accuracy of the statement made therein, I addressed a communication to the editor of the Shoe Workers Journal, Boston, Mass., and received the following reply:

[John F. Tobin, general president; Collis Lovely, general vice-president; C. L. Baine, general secretary-treasurer.]

INTERNATIONAL HEADQUARTERS
BOOT AND SHOE WORKERS' UNION,
(AFFILIATED WITH AMERICAN FEDERATION OF LABOR),
246 Sumner Street, Boston Mass., March 12, 1906.

Hon. JOHN T. HUNT, M. C.,
House of Representatives, Washington, D. C.

MY DEAR SIR: In the absence of Secretary C. L. Baine, editor of the Shoe Workers' Journal, to whom your esteemed favor of the 9th instant was addressed, I take the liberty of saying that the articles on convict labor appearing in our Journal, and written by our general vice-president, Mr. Collis Lovely, of 4926 Botanical avenue, St. Louis, Mo., are true in every detail, as far as they go—by which latter statement I mean to convey to you absolutely and without fear of successful contradiction that the statements made are very, very conservative and in no case overdrawn.

Mr. Lovely had a credential which gave him access to the inner workings of the prisons of the United States, and he was able to secure information which is not generally given out to visitors. The penal institutions were visited by Mr. Lovely for the specific purpose of securing information, and he has it to a much greater extent than indicated by his articles.

The warden of the Concord, Mass., reformatory took issue with Mr. Lovely in a shoe-trade journal upon the accuracy of his report concerning that institution, and Mr. Lovely promptly, through the same journal, expressed his willingness to furnish his information and the source of it to an investigation committee. This challenge and acceptance occurred several months ago, since which time nothing has been heard from the warden.

You can rest absolutely certain of your ground when you make any statement on the floor of the House based upon the articles of Mr. Lovely. If you or your committee desire it, I will have Mr. Lovely report in Washington at any date which will not interfere with a previous engagement at Omaha, Nebr., for March 20, and he will then there produce such documentary evidence as he has, together with his notes taken in connection with his visit to each penal institution.

For the information of your committee I am forwarding under separate cover fourteen copies of Mr. Lovely's article in pamphlet form, and if you desire it will be glad to furnish you with a copy for each Member of Congress, or more if you wish.

You can get in direct correspondence with Mr. Lovely by writing to his home address as above, whence his mail will be forwarded, or you can address him through this office, as we are in at least weekly communication with him.

Respectfully, JOHN F. TOBIN, *General President.*

IT IS UP TO MR. LOVELY.

In the issue of American Shoemaking of October 16 we printed the second article from the pen of Collis Lovely dealing with prison labor. As we inferred from the article, Mr. Lovely had personally investigated the different prisons and was absolutely clear and solid on his ground.

American Shoemaking made some comments upon the last article, and specially touched upon the methods of punishment meted out in the shoe shop at the Massachusetts Reformatory at Concord, as reported by Mr. Lovely. This journal did not look upon the methods as reported as just and fair to the men serving time in that institution and showed why all men were not equals as lasters of heavy shoes, such as are produced, or have been produced, at Concord.

The men on the staff of this journal maintain that they have either some superficial or real knowledge of the capacities of men in shoe shops; and to assume that all men are equal as lasters, for instance, and all capable of doing an equal amount of work in a given time would brand our staff either villains or fools. They will not voluntarily admit that they are either.

So, at the time the editor of this journal passed upon the article of Mr. Lovely, he had fully made up his mind that if the facts were as stated by that gentleman, a better judge of human nature was needed at the head of the Concord Reformatory, unless investigation should prove that the task set before the men was based upon what the least physical of the convicts could do.

It would seem sheer folly—yes, even business suicide—for a prison or reform school to deprive men of food when they failed to meet their task and by this deprivation expect them to accomplish it. A starving army may become subservient, but they can never conquer their well-fed foes on the field of battle.

But Mr. Lovely's statements, as far as Concord is concerned, are challenged. Even more than this, they are emphatically disputed. American Shoemaking is glad this is so, if it is the truth. It is not pleased to find Mr. Lovely branded as a liar, for that is the stubborn way of taking the statement made by Superintendent Hart, of the Massachusetts Reformatory. It is now a matter of veracity between Messrs. Hart and Lovely.

And American Shoemaking opens its doors to give room to the final impeachment.

The next witness to be recalled is Mr. Lovely.

MR. LOVELY'S REPLY TO MR. HART—WILL THE LATTER ENCOURAGE THE IDEA OF A LEGISLATIVE INVESTIGATION?

CHICAGO, ILL., *October 7, 1905.*

EDITOR AMERICAN SHOEMAKING: I am in receipt of a clipping from your issue of September 21, 1905, in which Mr. Charles S. Hart, superintendent of the Concord Reformatory, at Concord, Mass., takes decided exceptions to my statement in a recent article published in the Shoe Workers' Journal, and reproduced in your journal, that prisoners are deprived of their food if they fail to perform the stint of work laid out for them.

Permit me to say that that statement, as well as others in my recent articles, were based upon most reliable information and that they are undoubtedly true, Mr. Hart to the contrary notwithstanding. It was to be expected that those responsible for such inhuman treatment would not be above denying the facts, for they well know that if such shameful conduct became generally known they would soon meet their fate at the hands of public opinion.

I visited the Concord Reformatory on April 26, 1905, and after presenting my credentials from the State of Missouri as special agent for the investigation of penal institutions, an officer was assigned to take me through the institution and give me such information as I might desire. After asking many questions as to methods of operation and manner of disposing of goods manufactured, I asked this question: "What is the most effective method of punishment?" to which the officer replied: "We use solitary confinement; and an officer goes through the shops at noon, and if he finds a man short in his work he is fined his dinner; if he is short at night he gets no supper, and we find that method quite satisfactory."

And here let me say that there is not a statement contained in my recent articles on the abuses of convict labor but can be fully substantiated before a legislative committee. Let the committee be appointed with full power to subpœna witnesses and allow those interested to be represented by counsel to bring out the facts and I venture to say that conditions, even more glaring than those I have revealed, will be brought to light.

Will Mr. Hart lend his influence to bring about such an investigation or will he rest content with a simple denial of the facts disclosed by his subordinates?

COLLIS LOVELY.

PRISON-MADE SHOES.

When, in our issue a month ago, we published an article on the abuses of prison labor, from the pen of Collis Lovely, of the Boot and Shoe Workers' Union, the statement was made from certain sources that the articles were biased from the point of view of a labor agitator. Allowing that there was basis for bias on the part of Mr. Lovely, it is probable that the statements given as facts were facts, for no one has come forward to dispute them. Of course, the article printed dealt more largely with prison work as applied to the making of shoes, although some mention was made regarding the system of punishment practiced in the different prisons. But it was not this phase of the question which American Shoemaking was a seeker after, but rather the phases of the question that particularly applied to our own trade. The facts which Mr. Lovely presented were no doubt actual figures and a statement of conditions as they existed at the time he made his rounds among the various prisons.

This week we deal further with another of Mr. Lovely's articles, which touches upon the piece-price plan as practiced by several of the States. The one particular matter which Mr. Lovely takes under consideration is from the thirteenth biennial report of the Minnesota State prison at Stillwater, from which he makes extracts which will certainly be of interest to those engaged in the shoe manufacturing industry. He dwells more largely upon the prison labor cost of the welt shoe, which figure in this particular prison at 15 cents per pair. He compares this shoe with one which this journal dissected more than a year ago, in which the total labor cost was given at 38 cents. There should be added to the cost, however, the expense of power, rent, light, heat, etc., which the free manufacturer has to pay which does not enter into the cost of the prison-made shoes.

Mr. Lovely notes the method of punishment which is practiced at the Concord reformatory in the State of Massachusetts. Here he found that where the prison inmates failed to keep the pace set by the overseer they were denied their dinner, and if during the afternoon they still fell below the pace set they were deprived of their supper. This is hardly equitable punishment. We find in the factories where free labor is employed that all men can not keep an equal pace, and that some are capable of doing much more work than others. Of course in a shop where free labor is employed it is quite possible for the manufacturer to gather around him men who are fitted to keep up the pace which may be set. He can do this by selecting men fitted for the work. In the prisons hand work is largely resorted to, and in lasting heavy shoes, such as are made at Concord, it would be impossible for all the inmates to perform a like amount of work, providing the pace set was more than the weakest of them was capable of doing. For instance, in lasting or pulling over heavy shoes it depends much on the muscle or strength in the arms of the operator or worker, and it would be utterly impossible for some men to perform the full task which another one might perform in a given time. We find this in the factories of Natick and in other places where heavy goods are made, and it must equally follow that the convicts in the penitentiaries are constituted much the same as men outside regarding their physical abilities.

In visiting the prison at Concord, N. H., Mr. Lovely states that he was received with courtesy and was shown very carefully over the institution. Here he discovered a rather ingenious system of punishment for the disobedient prisoners, which was called a "slide," and was an arrangement fashioned after a large window frame fixed in grooves against the wall, which could be raised or lowered as the guards desired. At the top of the frame a ring was arranged in which the wrists of the convicts are handcuffed. The frame is then raised until the victim's feet swing from the floor. It is said that the longest time any person has been able to endure this torture was five minutes. To test the instrument Mr. Lovely allowed his wrists to be fastened to the ring and was lifted off his feet. The guards timed him and in one minute the pain became so intense that he begged to be lowered.

It is probable that American Shoemaking will present in the course of a few weeks an article from the pen of a man who had several years actual experience with convicts, who will tell how they were employed.

I have heard it stated: "Why don't the banks go out of the Government business?" and might it not also be said with equal candor: "Why does the State go into the open market with its felon-factured products to the detriment of the decent dealer and to harm the honest free labor of the country?" In the CONGRESSIONAL RECORD, in the debate upon a similar bill—in fact, with the addition of two or three words the phraseology of the present bill is exactly the same as was placed by amendment in a similar bill known as "House bill 5450," to protect labor from prison competition, introduced by the Hon. Aaron V. S. Cochrane, of New York, on the 8th day of January of the first session of the Fifty-sixth Congress, 1900, referred to the Committee on Labor and reported by them—that great-hearted statesman, the Hon. Amos Cummings, of New York, said:

Mr. Speaker, there are only ten lines in this bill, and it seems to me that any gentlemen with a minimum modicum of common sense can read the ten lines and understand them. In New York the legislature some years ago passed a bill regarding prison-contract labor. The bill practically abolished the system. The matting and other industries in Brooklyn and in New York City were revived. Adjoining States, however, under prison-contract labor, manufactured hundreds of thousands of dollars worth of mats and other goods every year and sent them into New York, where they were sold at a low price in competition with the work of honest men, destroying the matting industry of both Brooklyn and New York City and throwing hundreds of artisans and mechanics out of employment.

Now, in this bill it is proposed to confine the selling of these mats to the States in which they are made, and not to send them to New York to destroy our industrial interests there.

Senator NEWLANDS, at that time having a seat on this end of the Capitol, also said:

It has been the custom of the various States to legislate regarding goods made by convict labor. Such laws, however, have only been operative as to goods made in the State and have not been operative as to goods made by convict labor outside of the State. The control of the Federal Government over interstate commerce has prevented the States from taking action with reference to the invasion of convict-made goods.

The purpose of the pending act is to enable the States to take the same action with reference to convict-made goods produced in outside States as to goods made within their own limits, and compels each State to take care of its own convicts as well as the goods produced by them, and enables sister States to exclude convict-made goods which are sought to be introduced in competition with domestic products of free labor.

The bill introduced by me is not new. In fact it is a copy of bill as amended and passed by the House May 21, 1900, with the addition of several words deemed necessary to meet legal exceptions that might be taken to bill as originally presented.

Mr. Chairman, in reading the debate upon this bill I find little or no objection to this kind of legislation on either side of the Chamber. It was not made a partisan question. In fact, there is not a particle of politics in it. The bill passed by a vote of 111 ayes to 9 noes.

The committee has considered this measure in its commercial aspect only; that this bill can not be called, strictly speaking, a labor measure in the sense that labor bills are generally understood. True, it helps labor. In fact, all legitimate legislation is or ought to be beneficial to labor. We are, in fact, a government of laborers, and the moment we become insensible to this fact that moment marks the grave of freedom's hope, and popular government will pass into oblivion. Many think that if we do not frown down upon organized labor great dangers will grow therefrom, but people of larger minds see in organized labor an auxiliary to better the principles of popular government, and they are those who know that the national lifeblood can be kept more pure by a voluntary desire to sustain it than can be supplied by any forced submission to legislation of a centralized character, which can at best but feebly imitate despotic power and will eventually destroy the object they seek to serve. I do not stand for the bully or his bludgeon; neither does organized labor. The forces of hate and jealousy are at all times at work, and the hope of man is to conquer himself, and at no period of the world's history has this been done better than during the last thirty years.

An epoch that has marked the passing of the old for the new. Trades that have been furnishing a livelihood for centuries have been set aside by the fruitful brains of the times, and the legitimate actor in the old-line trade had to give way to the specialized artisan of the present day. The cooper and the shoemaker of other days are only a memory, and the maker of the tallow dip sees his little luminary discarded and the world made more bright by reason of the advent of electricity, and the old compositor who a few years ago with his stick and rule thought his trade immune now looks with wonder at the Lanston and Mergenthaler. And, Mr. Chairman, the men of those days that bore the brunt of these changes have stood a test that no men of any other time have ever been called upon to make. And right here in America are the men who manfully meet these swift and sudden changes without losing a particle of their patriotism or yielding for an instant in their love for free institutions; they have simply sought to secure by organization benefits denied them by these so-called "captains of industry," who while pretending to protect the people were in reality promoting their own selfish interests and withholding from labor its proper portion, refusing to yield until the unified efforts of the industrial associations dragged from the pockets of these pseudo philanthropists that which by right belonged to them. At best they would but center their influence that the individual might better attain his share by making an ally of his shopmate rather than to combine for the purposes of pelf regardless of all else.

Do not longer withhold Federal permission from the several States that seek to curb the criminal competition of the convict with the free labor of our country.

Mr. WILLIAMS. Mr. Chairman, I now yield forty minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Chairman, the announcement has been made with authority that the prosperity of the country will at least continue until 1908. There can be no possible doubt about it, for statesmen who control the destinies of the country have said so. The statement has been made on this floor by those who know and who speak with authority. There is to be no change whatever in our present tariff schedules—certainly until the year of our Lord 1908—and therefore the prosperity of the people of this Republic will continue until that year. How thankful we should all be for these additional two years of grace! We have been told again the story of our country's prosperity. For every day the country has prospered the Republican party is entitled to the credit; for every day the country has not prospered the Democratic party is entitled to the blame. Gentlemen have repeated this statement so often that they seem really to believe there is some degree of truth in it.

Gentlemen themselves who know better continue on the eve of every approaching campaign to seriously reiterate this statement. Even if I had the capacity I would not be able in the short time allotted to me to answer and disprove the innumerable misstatements recently made on this floor. I shall, therefore, content myself by pointing out a few statements pregnant with absurdity.

Day after day we have been forced to listen to misstatements of fact, and arguments and conclusions based on such misstatements which are a positive insult to the intelligence of the American people. In 1893 we had in this country a panic. At that very time we were living under the operation of laws enacted by the Republican party, which contributed much to our financial troubles. But Republican orators have told us that those financial troubles were caused solely by the success of the Democratic party in 1892. We had not put a line of legislation on our statute books when the panic came. Laws passed by Republican Congresses and signed by Republican Presidents were in full operation, and had been for years, but we alone were responsible for the panic. Even before the people had intrusted us with power, while our political opponents were still in possession of all the departments of the Government, even before the election, the black cloud appeared. Yet the blame was ours. We did it all. [Laughter.]

In 1873 we had a panic which, taking into consideration the population and wealth of our country, was far greater than the panic of 1893. With a population of 44,000,000 we had failures amounting to two hundred and twenty-eight millions, while in 1893, with a population of 66,000,000 we had failures amounting to three hundred and forty-six millions. Our wealth in 1893 was twice as great as it was in 1873; therefore the panic of 1873 was far greater than that of 1893. But the Democratic party was responsible for the panic of 1893, notwithstanding it came upon us as the inevitable result of the financial policy of the Republican party. While the people of this country in 1893 were in the throes of financial disaster the people of Canada, and of other countries as well, were likewise in the throes of financial disaster; and yet the Democratic party did it all.

In 1893 a Democratic President had the courage to demand the repeal of a law passed by a Republican Congress, signed by a Republican President, which was largely responsible for the troubles which came upon us; and, in response to that demand, a Democratic Congress did repeal that law. As soon as our people recovered from the shock of the panic after the repeal of that law conditions commenced to improve, and, with a few brief interruptions, steadily improved until prosperity in its fullness returned. Not a line of financial legislation tending to improve conditions has been put on the statute books since the repeal of that law in November, 1893, by a Democratic Congress and a Democratic President, and yet the gentleman from Pennsylvania and the gentleman from Indiana would have the people believe that the Democratic party is the author of all our woes and the Republican party the author and finisher of all our prosperity.

During the years of Mr. Harrison's Administration there was a steady decline in our gold reserve under the operation of the Sherman silver-purchase act. On the 7th day of March, 1893, when Mr. John G. Carlisle became Mr. Cleveland's Secretary of the Treasury, the gold reserve amounted to only $100,982,410. It had been steadily declining during Mr. Harrison's Administration. At the end of Mr. Cleveland's first Administration he turned over to his successor an enormous surplus—the gold reserve had reached its highest point. Four years later, when Mr. Harrison returned the reins of government, the surplus was practically gone, and the gold reserve was lower than it had been since 1878. Secretary Foster, Mr. Harrison's Secretary of the Treasury, had directed the preparation of plates for the engraving of bonds so that he might buy gold; and yet when Mr. Cleveland was forced, under the operation of Republican legislation, to issue bonds, we are told that no blame whatever attaches to the Republican party, but that the Democratic party had ruined the public credit and plunged the country to the very depth of financial ruin. I have heard it denied on this floor that Mr. Foster directed the preparation of plates to be used for engraving bonds. When we offer proof of the truth of the statement we are met with all sorts of absurd explanations. On pages 132 and 133 of Presidential Problems, a book written by Mr. Cleveland, I find the following statement:

> The retiring Secretary of the Treasury (Mr. Foster), appreciating the importance of preventing the fall of the reserve below this limit had just before his retirement directed the preparation of plates for the engraving of bonds, so that he might by their sale obtain gold to reenforce the fund. I have heard him say within the last few years that he expected before the close of his term to resort to bond sales for the purpose of such reenforcement unless prevented at the last moment by the President's disapproval.

Mr. Cleveland is a man of truth. He scorns falsehood. He despises deceit. This statement settles the controversy.

He was President in a most trying period. Republican legislation had done much to bring disaster upon us. He had the courage to demand its repeal in the face of popular clamor. A Republican President had witnessed the gathering of the storm, but did nothing to break its force. It remained for this great man, this man whose name and fame grow greater as the years go by, to demand the repeal of this vicious legislation. His request was granted by a Democratic House and a Democratic Senate. Mr. Cleveland and the men who stood by him in that trying hour have all been retired to private life, but the American people will some day, if not now, accord to them their full measure of credit for the service they rendered.

Mr. Chairman, let the truth be told. If legislation brought on the disaster of 1893, it was Republican legislation, and no distorting of facts can change the truth of that statement; and that legislation was repealed by a Democratic Congress and a Democratic President. [Applause on the Democratic side.]

The gentleman from Pennsylvania painted this dark picture. I quote from his speech:

> It was a time when the wage-earner instead of hoarding was spending, and the capitalist instead of spending was hoarding. During those disastrous four years the national revenues failed to meet the national expenses by $156,000,000. The National Treasury was empty. The gold reserve was depleted to pay the ordinary current expenses of the Government.

That is a dark picture, indeed; but the everlasting truth is that there was not a line of Democratic legislation then on the statute books, for the Wilson bill did not become a law until August 27, 1894, and the panic, we all know, was in the latter part of 1892 and in 1893. There was a vast improvement in 1894, for the failures in the United States during that year were only half as great as they were the year before.

That condition was the result of Republican legislation, for the Democratic party had not written a line of legislation at that time. The Republican party had provided for the issuing of $450,000,000 of Treasury notes and United States notes, with only $70,000,000 of gold for their redemption, and the man never lived who, when the end comes, can redeem $6 with $1 without loss to somebody.

"The National Treasury was empty." Yes; the Republican party had utterly wasted the surplus which Mr. Cleveland turned over to Mr. Harrison in 1888. It is said that the Republican party abhors a surplus. We have had but little surplus since shortly after Mr. Cleveland went out of office the first time. He left a surplus, but the Republican party spent it; and during Mr. Harrison's Administration they passed laws which made another surplus practically impossible, and there has never been a real surplus since. Even in this hour of boasted prosperity, when the Republican party is in complete control, and when it has been in absolute control for nearly ten years, there is no surplus.

On the 13th of this month we all heard the chairman of the Appropriations Committee admit that there would be a deficit—not a surplus, but a deficit—at the end of the next fiscal year. The National Treasury empty during Cleveland's second Administration, under the operation of Republican legislation! Yes, indeed, it was empty then, because of your extravagance, and it is empty to-day because of your extravagance, even in this hour of national prosperity. Where is your surplus to-day? What has become of the enormous revenues gathered every year? Gone, spent, much of it wasted, some of it stolen! Yes, indeed, gone is your surplus, gone never to return again as long as you are in power. [Applause on the Democratic side.]

But the gentleman from Pennsylvania tells us that the Wilson-Gorman bill was sufficient to impair in a large degree the business interests of the country. Under its operation he tells us that "iron and steel products fell off one-third. And there is no such accurate barometer of prosperity as the production of iron and steel." Then he tells us that these calamitous conditions came to an end in 1896 by the election to the Presidency of the man who was known to the people as the champion of protection, William McKinley. And then he gives us the result of the Dingley law. He tells us how the fires in the furnaces were lighted again, the fires which the Wilson-Gorman bill had extinguished, the fires which the Dingley bill had lighted again, the fires which the free-trade Wilson-Gorman bill had put out, the same fires which the highly protected iron and steel schedules in the Dingley bill had lighted again; and then, in the burst of eloquence worthy of the gentleman from New York, he cries, "God help the man or the party that would put out those fires, still the music of that noise, and send the workman to a foodless and hungry household." Let us apply to this fine rhetoric a little of the cold logic of statistics.

The iron and steel schedules of the Wilson bill were written with a slight reduction—not increase—in the Dingley bill. Under the Wilson bill the ad valorem tariff on the metal schedules was 38.80 per cent, while the tariff on the same schedules in the Dingley bill was 38.20 per cent. My authority for this statement is Mr. E. W. Newman, who uses the nom de plume "Savoyard," a prince among writers and one of the deepest thinkers in America. If the fires in those furnaces were extinguished by the steel and iron schedules in the Wilson bill, Mr. McKinley himself was responsible for it, because he was the author of the bill bearing his name. He approved the metal schedules in that bill, and they were not reduced in the Wilson bill. When Mr. Dingley commenced the preparation of the bill which was to take the place of the Wilson bill, he found the metal schedules high enough to satisfy even his high-protection ideas, for in his report he used these words:

The metal and cotton schedules are in large part the same as in present tariff, the increase above those rates being in the most advanced articles.

Therefore if the fires in those furnaces were put out by the Wilson bill they must have remained extinguished after the Dingley bill became a law, for the ad valorem rate under that bill is less than in the Wilson bill. If anyone by legislation poured water on those fires, it must have been Mr. McKinley himself; and when the gentleman from Pennsylvania voted for the Dingley bill he poured still more water on those fires. "God help the man who would put out those fires," cried this gentleman to whom demagogy is so abhorrent. When he sent up that cry we did not just at the moment realize that he was praying for help for himself! "God help the man who would put out those fires," which simply means, God help Hon. JOHN DALZELL, of the State of Pennsylvania, for he was the guilty man. [Applause on the Democratic side.]

But, Mr. Chairman, the fires in those furnaces were not extinguished, for we manufactured more pig-iron in 1895 by far than in 1894, more in 1896 than we did in 1894. In 1894 we produced 6,657,388 long tons of pig iron, while in 1895 we produced 9,446,308 long tons—an increase of nearly 50 per cent—while the Wilson bill was in full operation. So the truth is more fires were lighted by far in 1895 than in 1894. [Applause on the Democratic side.]

Again, how could the Wilson bill be responsible for putting out those fires when importations of the manufacturers of iron and steel under it were less than they were for the years immediately before, while the McKinley bill was in operation? Yet such was the case. How did the Wilson bill put out those fires when under its operation exportations of iron and steel manufactures steadily increased? And yet such was the case.

Yet, in the face of these statistics, the gentleman from Pennsylvania tells us that the Wilson bill put out the fires, threw men out of employment, sent them hungry to foodless homes. Oh, Mr. Chairman, deliver us from demagogy! [Laughter.] This is a sample of the arguments used by the gentleman in his great speech, the greatest, it is said, ever delivered by him in this Chamber.

The Wilson bill was only in force two years ten months and twenty-seven days, but all the woes we have endured are directly attributable to that measure. It at least had one good feature, which was declared unconstitutional by the Supreme Court. [Applause.] It did provide for taxing the incomes of the men who have made the greatest fortunes the world has ever seen, because under your protective tariffs you have made the American people their prey. You allow them to charge American people far more than they charge foreigners, thereby building up great fortunes. And then you point with pride to the country's prosperity.

Now, Mr. Chairman, I come to a question which has given and is giving our Republican high-tariff friends a vast deal of trouble. Rest assured your sins will find you out. The wrong of high protection, which enables one man to prosper at the expense of another, is at last made so plain that a blind man can see it and an imbecile understand it. Our tariff laws, passed to protect infant American industries, are being used to-day to punish every consumer in the land. These laws have always made goods higher to the consumer, but when our infant manufacturers were demanding this protection nobody supposed that the day would ever come when they would actually discriminate in the prices of their manufactures against the very people who made them powerful and rich. I know our friends on the other side of the Chamber feign to treat this matter lightly, but it has given and is giving you great concern. Well may it. Five years ago I made the charge on this floor that millions of dollars worth of goods were being shipped every year to foreign countries and sold cheaper to the people of those countries than to Americans. During my service in this House I have heard the charge answered in three different ways: First, denied outright; second, denied with qualifications; and, third, admitted. The gentleman from Indiana not only admits it to be true, but glories in its truth. We were told at first there was no truth in the charge. Then we were told that only the surplus is sold cheaper to foreigners than to our own people. Then we were told that only that portion of the surplus which was inferior was sold cheaper.

But to the American consumer the question arises, Mr. Chairman, why should any American-made goods be sold cheaper? You sell farming implements cheaper to the Austrian than you sell the same goods of the same grade to the American. You send those farming implements a third of the way around the globe, and the price which the foreigner pays is less than the price which the American pays. Think you that the people of this country will always submit to that discrimination? If you do, just keep on thinking so until the next election. [Applause on the Democratic side.]

A railroad is built partly in the United States and partly in Canada. The rails used were all bought from the same manufacturer—the steel trust, I believe. The rails delivered on the Canadian side cost $8 per ton less than the rails delivered on the American side. Why? Because on the American side rails could only be bought from the trust, and the trust is protected from all outside competition; but on the Canadian side the man who was building that road could buy either English or American rails; and, inasmuch as the Englishman was offering rails at $8 per ton less than the American trust, why of course the trust was forced to meet that reduction or not sell its product.

Another railroad is built partly in Texas and partly in Mexico, but rails on the Mexican side cost the builder about $8 per ton less than the same rails bought from the same concern on the American side. Why? Because on the American side there can be no competition, and on the Mexican side there may be.

I mentioned these facts to the vice-president of a large railroad system the other day. I asked him if the discrimination did not seriously retard the building of roads in this country. He said it did. I said I wondered that the people who build railroads do not rise up and protest against it. What do you suppose his reply was? Said he, "What difference does it make to us what price we have to pay for rails? In the end the people who ride on our trains and ship freight over our roads pay the difference themselves." [Applause.] And that is the everlasting truth, Mr. Chairman. The people who travel and the people who ship freight pay the difference. The gentleman from Pennsylvania says it is business to do this, and he says we on this side of the Chamber don't know anything about business, if we did know anything about business we would not be finding fault with the practice. If this be business, Mr. Chairman, God help us in the interest of those who foot the bill to get rid of the business. [Applause.] It is business, says the gentleman from Pennsylvania. They all do it, says he. And then our manufacturers do very little of it, says he. If it is a practice to be gloried in, according to the gentleman from Indiana, why defend it? Why try to minimize its extent and importance? If it be a commendable practice why not come out boldly and say "yes, it is right, we are doing it now, we will do more of it in the future?" But the gentleman from Pennsylvania, with the skill of a great lawyer—the skill of a Pittsburg lawyer, which is even greater than that of the proverbial Philadelphia lawyer—defends the practice of selling cheaper to foreigners by showing that the value of the goods thus sold is very small.

Let us examine his argument a little. That no injustice may be done the gentleman, let me quote from the RECORD his exact language:

Mr. UNDERWOOD. Do we need protection to protect us against the market that we can meet cheaper than anybody else?

Mr. DALZELL. I will answer the gentleman's question in due course if he will have the patience.

Do we sell goods cheaper abroad than we do at home? Undoubtedly, sometimes—certain kinds of goods—the kind of goods the sale of which promises us a foothold in a foreign market, and to a limited extent, to wit, to the extent of our surplus. Why? Well, for a number of reasons—all of them patent to business men. The first and foremost, because our home production exceeds our home consumption; and the excess of production must be sold in a foreign market or our factories and our workmen remain idle during a portion of each year.

Having admitted this much, he offers the following defense:

It is a plain business proposition whether or not we shall run the year around and sell all of our goods in any market, or whether we shall run nine months and close up our factories the other three.

And then on the very next page we find the following remarkable statement:

Statistics gathered by a nonpartisan commission show that of the total of our stupendous manufactures 97 per cent are sold in our magnificent home market, leaving only 3 per cent to be sold abroad. These statistics further show that of the 3 per cent sold abroad as much as 90 per cent are sold at as high and sometimes at higher prices than those that are sold at home. So that after all you have

the insignificant sum of 10 per cent of 3 per cent of goods sold abroad at lower prices than they are sold at home. Three tenths of 1 per cent is the sum and substance of the whole of what all this controversy is about.

How far short of an absurdity is this defense? We manufactured in 1900 $13,000,149,159 (Stat. Abs. p. 484), more than $13,000,000,000 worth, and of these goods three-tenths of 1 per cent were sold cheaper abroad than at home. Therefore the sale of three-tenths of 1 per cent of our goods sold cheaper abroad than at home enables our manufacturers to operate their plants three months in the year! [Laughter and applause on the Democratic side.]

And again, a little further on in his speech, the gentleman accepts $4,000,000 as the true value of the goods sold cheaper abroad than at home. I quote from his speech:

Mr. DALZELL. I was going on to say that Senator GALLINGER made a thorough examination of this subject, and in a speech made on the floor of the Senate on the 23d day of April last he placed the value of exports sold at a lower price abroad than at home at $4,000,000, and said:

"I can not find that the substantial corectness of this estimate has ever been questioned by the opposition."

And I want to say that I have never heard the substantial correctness of this statement questioned except by the gentleman from Mississippi [Mr. WILLIAMS], who said that *he did not believe it.*

Therefore the sale of this trifling amount of goods—trifling compared with the vast volume of our manufactured products—enables our manufacturers to run three months in the year. Oh, Mr. Chairman, deliver us from demagogy! [Laughter.]

But let us consider another admission extracted from the gentleman during the debate. The gentleman from Alabama [Mr. UNDERWOOD] propounded to the gentleman these questions:

Can the gentleman from Pennsylvania name me any steel mill in the world that can make steel rails cheaper than they are made in Pittsburg? Can the gentleman from Pennsylvania name me any iron furnace in the world that can make pig iron cheaper than at Birmingham?

The answer of the gentleman was in these words:

I think not. I am coming to that question, if the gentleman will have patience, in a few moments.

Note the questions and answer, if you please. Can the gentleman name any steel mill *in the world?* Can the gentleman name any iron furnace *in the world?* And the gentleman who knows about the prices of iron and steel, if anybody does, replied in the negative. He was compelled to admit that we can manufacture both steel and pig iron here in the United States cheaper than it can be manufactured anywhere else in the world. The gentleman said he would come to a discussion of that question in a few moments if the gentleman from Alabama would wait. But we all waited, Mr. Chairman, listening for him to "come to" that question. We waited for one hour, then an hour and a half, and then the gentleman was given unlimited time to complete his remarks, but he never did "come to" that question. But the people of this country will force his party to "come to" that very question in the very near future. [Applause on the Democratic side.] What is the full meaning of that answer?

We have the admission of the representative of the greatest steel-producing district in the world that the manufacturers of this country can make steel and iron cheaper than any manufacturers on earth. And yet, Mr. Chairman, they are charging their own people more than they charge any people on earth, and gentlemen are so thoroughly partisan they dare to assert that such a practice is right. And their party says it is right. God help a party with such a conscience. If the manufacturers of this country, nearly all of whom are formed into trusts, can make steel and iron cheaper than any other manufacturers, then they can sell it cheaper anywhere, and they do not need protection. [Applause.] But the trusts, protected as they are against competition from abroad, actually have two price lists—one foreign, the other domestic—and the foreign price list is considerably less than the domestic price list. The political party which stands for such injustice and discrimination against our own people ought not to be continued in power one hour.

There is another statement made by the gentleman from Pennsylvania to which I will call attention. He had not reached the point in his speech where he waived aside this whole matter by quoting a statement made in the Senate by the Senator from New Hampshire that $4,000,000 would cover all the goods sold cheaper abroad than at home. It was before he had reached the point in his speech where he proved that the selling of three-tenths of 1 per cent of our goods cheaper abroad than at home enables our manufacturers to run their factories twelve months instead of nine. [Laughter.] Just at this point the gentleman was urging that we only sold our surplus abroad—that we sent our surplus abroad because our manufacturers failed to find a market at home—and during a colloquy with the genleman from Kentucky our distinguished colleague from Pennsylvania made one of the most remarkable statements ever uttered on this floor. In order that I might not do the gentleman an injustice, I will quote the colloquy from the RECORD:

Mr. GILBERT of Kentucky. Would the gentleman be willing to sell to the home consumer at the same price at which he sells that surplus abroad?

Mr. DALZELL. I understand the gentleman's question. It resolves itself into simply what I said a momont ago. After you have got the market fully supplied, supply it over again with the surplus.

Mr. STANLEY. Will the gentleman permit a question?

Mr. DALZELL. Yes.

Mr. STANLEY. Does the gentleman from Pennsylvania mean to contend that you not only supply the wants, but the desires of the people? That they have got all they need, and all they buy, and also all they want?

Mr. DALZELL. I think so. I think that condition of things exists in this country to-day absolutely.

That is to say, every farmer in this country has all the farming implements he can possibly use; every carpenter in the country has every tool he can possibly need; every man, woman, and child, has all the clothing they can possibly need; every mile of railroad using steel rails is already supplied and no additional rails are needed for any purpose. Every housewife in the land has all the household supplies she needs. There is not a lawyer or business man who is not supplied with a typewriter. There is not a hard-worked seamstress who needs a new sewing machine. There is no man in the whole land who has not already supplied his home with a sewing machine. In the cities the people need nothing. There are no poor people anywhere. The gentleman has seriously declared that our manufacturers have not only supplied the wants, but the desires of our people as well, that they have all they need, all they buy, and all they want. If the gentleman from Pennsylvania really meant what he said, then he is more ignorant of the true condition of our people than any educated man in America. [Laughter and applause on the Democratic side.]

Why, Mr. Chairman, we all know hundreds and hundreds of people who can not afford even the necessaries of life. You will find people not five blocks from this Capitol who are so poor that they have not the necessary furniture in their homes, the necessary utilities of humble living. There are to-day thousands of American women who are wearing away their very fingers because they are too poor to buy a machine to do their sewing. And yet the Republican party permits a law to remain in force which allows the manufacturers to sell to foreigners their sewing machines at a lower price than the same machines are sold here.

I would to God that the gentleman from Pennsylvania spoke the truth when he declared that "our people have all they need and all they want." But, Mr. Chairman, unfortunately it is far from true. I dare say the gentleman can find a few people even in the city of Pittsburg who need a few things, if he will take the trouble to inquire.

Now, Mr. Chairman, as a matter of fact, to what extent are goods of American manufacture sold cheaper to foreigners than to Americans? Mr. Charles Schwab was the president of the United States Steel Corporation, which manufactures more than half of the iron and steel products of the United States. He is perhaps as well informed as to the prices of American manufactures as any living man. In May, 1901, Mr. Schwab was examined by the Industrial Commission. I quote the following from his testimony:

It is quite true that export prices are made at a very much lower rate than those at home. I think you can 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. Is it a fact generally true of all exporters of this country that they do sell at lower prices in foreign markets than they do in the home markets? That is true; perfectly true.

If the value of goods sold cheaper abroad than at home was only three-tenths of 1 per cent of our manufactured products, do you not suppose Mr. Schwab would have taken the pains to say so? If the value of goods sold cheaper abroad than at home had been only $4,000,000, do you not suppose Mr. Schwab would have said so? He must have known it if it was true; and if the goods sold cheaper abroad had been of an inferior quality would not Mr. Schwab have called attention to that fact also? An examination of his testimony is quite interesting. He answered clearly and emphatically that it is the practice of our manufacturers to discriminate in favor of foreigners. He declared that all exporters of this country sell cheaper abroad than at home. He made no limitation whatever. He did not qualify his statement. But the gentleman from Pennsylvania evidently differs from Mr. Schwab. The latter was examined under oath; the former was speaking for campaign consumption. Therefore, whose statement should be accepted; that of Mr. Schwab, testifying under oath, or that of Mr. DALZELL, delivering a speech for campaign distribution? I think it may be accepted as a fact that as a rule the manufacturers of this

country discriminate against our own people. They are enabled to do it, why? Because they are protected against outside competition. We must buy from them or else not buy at all; and having us in their power they charge us whatever price they decide we must pay.

Mr. Chairman, we hear a great deal about the oppression of the trusts in this country. The President is having them prosecuted in the courts. Laws are being enacted intended to protect the people against their iniquities. Honest men all over the land are trying to provide some intelligent scheme by which these great organizations may be forced to treat the people fairly. Yet, while all this is taking place, and while the whole country, from the President down, is crying out against them, we allow a scheme of legislation to remain in force which openly and notoriously allows them to treat us worse than they treat foreigners; and gentlemen upon this floor, in their partisan zeal, defend this practice. Yet two facts remained undisputed: First, iron and steel products can be manufactured in America cheaper than anywhere in the world. Second, the manufacturers of these very products are forcing the American people to pay more for their manufactures than they require foreigners to pay. Why? Because there is a tariff duty of about 40 per cent ad valorem on all iron and steel manufactures brought into this country.

Up to this hour absolutely nothing practical has been accomplished in forcing the trusts to deal fairly with the people. Instead of instituting a prosecution here and there in the courts, which merely subjects these violators of the law to a trifling fine, had we not better say to them, "if you can afford to sell your products to a foreigner at a certain price, you can afford to sell the same product to your own people at that price, and we will pass a law reducing the import duty on similar goods manufactured abroad, so that you will be forced to sell to Americans at least as cheaply as you sell to foreigners?" Whenever such a law as this is passed the people will experience instant relief, to a certain extent at least; and if your party will pass such a law, Mr. Chairman, the people will then believe that you are honest and sincere when you declare that something must be done to protect them against the oppression of monopoly. I do not believe there is another country under the sun where such monstrous conditions exist.

Again, the distinguished gentleman from Pennsylvania declared that there is no demand for general tariff revision outside the Democratic party. Where did the gentleman get that information? Probably from the highly protected manufacturer of his own district. Probably from the men who, by reason of the protection they enjoy, are enabled to charge the American people more than they charge foreigners. These men regard the lowering of any tariff schedule as treason. They believe that the man who proposes such a change on this floor is an enemy to society.

Mr. Chairman, where would you go if you wished to ascertain the true sentiment of the American people, of any people, respecting any great question? Where would you expect to get the truth? What class of men make a business of studying and interpreting public sentiment? Are they not the editors of the great newspapers of the countries where there is freedom of speech? This is a day of independence of political thought and action. The newspaper which is the constant and willing slave of any political party has but little influence. Does the gentleman read the independent newspapers of this country? If he does, will he say there is no demand outside the Democratic party for a revision of those schedules in the Dingley tariff law which enable our manufacturers to form themselves into trusts and monopolies and to charge our own people far more for their output than they charge the balance of the world?

Will he say there is no demand from the independent press of this nation for a revision of those schedules which enable our tariff-made trust and monopoly to single out the American people for oppression and extortion? Will he read the independent press of his own State and say that there is no demand for such a revision of tariff schedules as will force the trust which manufactures agricultural implements to sell those implements as cheaply to the resident of Pennsylvania as to the resident of Canada? It is not denied that the manufacture of agricultural implements is largely controlled by a monopoly. It is not denied that this monopoly does charge our own people more for its manufactures than it charges the balance of mankind who buy. It is not denied that it is enabled to perpetrate this injustice by reason of the protective schedules of the Dingley tariff. It is not denied that a slight lowering of those schedules would force the protected trust to sell cheaper to our own people. Nobody can with any show of reason contend that the trusts and monopolies of this country need the protection of the Dingley schedules. At this very moment the President is ordering the institution of prosecutions because our trusts are violating our laws. The Republican party for forty years has been the patron, the promoter of monopoly. What good will a prosecution here and there accomplish so far as the great mass of consumers are concerned? Our Republican friends boast of the prosecutions which the President has ordered to be instituted. Will any gentleman rise here and now in his seat and point out a single one of the necessaries of life which the people are enabled to purchase cheaper because of any prosecution ordered by the President? Certainly the President is to be commended for enforcing the law. Let the prosecutions continue, but would it not be better, far better, more practical, to cut out the root of the evil and remove the protection which tempts these corporations to violate the law?

I beg to submit clippings from more than a dozen great newspapers demanding a revision of the tariff along the lines I have indicated. I trust the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from Indiana [Mr. LANDIS] will read these clippings, for they represent the cause of the American people most strongly, and they may serve to open the eyes of these gentlemen as to the sentiment of their own people. These gentlemen insist that there is nothing wrong in the practices of these protected trusts, but the independent press of their own States declare that these practices are wrong, that it is wrong to force the American people to pay tribute to monopoly, that it is wrong to allow a system of protective schedules to continue which permits monopoly not only to flourish, but to discriminate against our own people. President Roosevelt says it is wrong, for on the 3d day of June, 1900, he declared, in a message to the legislature of the State of New York, referring to the growth of monopoly—

> That the man who by swindling or wrongdoing acquires great wealth for himself at the expense of his fellow stands as low morally as any predatory mediæval nobleman, and is a more dangerous member of society. Any law and any method of construing the law which will enable the community to punish him, either by taking away his wealth or by imprisonment, should be welcomed.

Under the revision of the tariff demanded by the Democratic party and the great independent press of the country we may not be able to return to the people the ill-gotten gain extorted from them, but we will at least put an end to such practice in the future. No demand for revision outside the Democratic party! Have the gentlemen forgotten the last public utterance of President McKinley, the kind, the gentle, the good McKinley, who lit up no fires of hate, who made no schisms; McKinley, who was great enough to demand a revision of the very system which he himself had fabricated?

President McKinley, in that memorable speech, used these words:

> By sensible trade arrangements, which will not interrupt our home production, we shall extend the outlets for our increasing surplus. A system which provides a mutual exchange of commodities, a mutual exchange is manifestly essential to the continued and healthful growth of our export trade. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor. Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established.
>
> The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times, measures of retaliation are not. If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?

I beg, Mr. Chairman, to submit now editorial clippings showing to some extent the sentiment of the independent press of the country:

[Washington Times (independent), Saturday, June 2, 1906.]

AN ARMY AND A MOB.

> The stand-pat Republicans in Congress seem determined to rub it in. They are out looking for trouble. They have ridden down opposition in Congress, from beginning to end of this session, with such ease that they have become intoxicated with confidence. They apparently imagine that they can bullyrag and bluff the millions who want revision as easily as they have intimidated the meek little body of Republican Congressmen who want it, but for the life of them haven't the courage to say so on the floor.
>
> The stand-patters have certainly had things their own way this session. They got the President pledged not to open the question of tariff. Then they proceeded systematically to supress it elsewhere. PAYNE and CANNON issued pronouncements against revision. These called forth no protest. The revision Republicans were hopelessly without leadership. They have not shown the courage of kittens. They have never piped a note in response to the flood of stand-pat oratory. The record of the session would indicate that the Republican party in the House is as solid as Gibraltar on the Dingley schedules.
>
> DAVIDSON, of Wisconsin, introduced a resolution to have the Ways and Means Committee hold tariff hearings this summer. It was only a little sop to the revision sentiment, but it has been denied.
>
> When the country was thrilled with the San Francisco horror the Madden resolution came along, providing for free admission of building materials for that city's rebuilding. Everybody was for it, but it has been suppressed. It was another sop, a sop to the sentiment of com-

mon humanity as well as to the conviction that schedules may possibly perpetuate injustice. But the stand-patters smothered it.

And now they are getting ready to pass the Aldrich resolution, if they can, commanding that all supplies for the canal be bought in the United States. The stand-patters are in the saddle; they propose to ride over everything. They are taking chances of a fall, but taking them with fine audacity.

As has been said the revision sentiment among Republicans is utterly without leadership. Turn loose in the House one man with the convictions and the fighting qualities of LA FOLLETTE or Cummins and this would be changed. The stand-patters are the most perfectly organized political force in the country. They have the leaders and the munitions. The force opposed to them is a mob of volunteers.

[Washington Post, May 1, 1906.]

And it looks as though that other paramount had already arrived, as follows: Shall the tariff be used to shelter trusts in order that they may supply goods to foreigners cheaper than the same articles are sold to our own people? From Hamilton to Clay, from Clay to McKinley we were all assured that protection was to make such competition at home as would flood our markets with cheap goods; but it seems that it is now employed to flood foreign markets with cheap goods and extort enormous profits in the home market.

[Leslie's Weekly, New York, September, 1905.]

Either through the work of a tariff commission or by other means some important modifications must be made in tariff rates, and that soon, or the Republican party will suffer the worst reverse it has had since the civil war.

[Washington Post, May 5, 1906.]

THE REAL PARAMOUNT.

Mr. HAMILTON, of Michigan, is a distinguished Member of Congress, a stand-patter, and an epigram monger. He is also an authority on the tariff and things like that. Some time ago the House Committee on the Merchant Marine and Fisheries gave "hearing" and proved all sorts of things against the steel trust, and the point was that our shipyards could not make as cheap a ship as is made at Glasgow or Belfast because the steel trust sold material for ships cheaper to the foreigner than to the domestic customer.

Of course that satisfied some people that the subsidy was the thing, but impertinent characters asked if it would not serve the purpose as well to revise the tariff, so as to make it impossible for the steel trust to perpetrate such injustice. Well, the committee, having established that the steel monopoly had made the ship subsidy necessary, now went to work and demonstrated that the steel trust had done no such thing, and proved it by the steel trust itself; and so this argument for revision of the steel schedule of the tariff fell to the ground.

The Post made bold to comment on the extraordinary and conflicting things in this economic kettle of fish, and did it from an absolutely nonpartisan standpoint and with fearless independence. The matter afterwards came up in a colloquy in Congress between Mr. JOHN SHARP WILLIAMS and Mr. HAMILTON, and the latter gentleman expressed the belief that Judge Gary's testimony is better than the statement of the Washington Post.

Judge Gary is at present the head man of the steel trust. That his knowledge of the matters in question is greater than ours we readily admit; that he is as anxious for the public to get the true facts as the Post is we much doubt. He is an interested party. The Post is a disinterested party. He says himself that his company can make the cheapest steel rails in the world, and yet he demands a continuance of the prohibitive duties on steel rails.

Why? There is but one answer, but one possible answer—to extort greater profit from the domestic customer. If Judge Gary was perfectly frank, then dozens of other witnesses prevaricated. Either the steel trust sells its goods abroad cheaper than at home, or it does not. If it does sell abroad cheaper than at home, then the stand-patters must revise the tariff or defend the practice. There has been backing and filling enough. Everybody must come to the scratch.

This thing is become the "paramount."

[Washington Post, April 17, 1906.]

"THE SHABBIEST FRAUD."

The Hartford Courant, which was a venerable newspaper long before the Republican party was born and has been a strong and consistent advocate of Republican principles and policies ever since the birth of the party, finds it hard, under present conditions, to put up the defense of protection that the system deserves. "When open and avowed enemies of this beneficent policy show up the trickery and hoggishness of certain protected interests and then denounce protection itself" our contemporary's trouble begins. When, for example, the free traders or "tariff-for-revenue-only" advocates show that some of our principal manufacturers habitually sell their products in foreign countries at prices far below those which their home patrons are compelled to pay, they put a plausible argument into the mouths of antiprotectionists. And the plausibility of that argument is so difficult to expose that it is often accepted as sound logic. Of course, it is a fallacy, for there is not a more thoroughly and overwhelmingly vindicated policy in the arena of American politics than the protection of home industries. It stands so firmly that its enemies can not overthrow it, even with the aid of those false friends of protection who persist in abusing it for their own advantage. Some of the Courant's comments on this subject, recently presented in an editorial entitled "Protection imperiled by hoggishness," are extremely pertinent. We quote a few samples:

"The shabbiest fraud that is played on the United States by managers of protected industries is this trick of misusing the protection that we provide—of making it benefit foreigners to our disadvantage.

"If it were necessary to maintain a certain price in order to maintain protection, then everyone would accept the situation unless he were a free trader of the pronounced stamp who advocates shutting up every factory that can not run without protection. But it is a different proposition when a protected factory makes Americans pay for the protection and then gives foreign countries the benefits of successive cheapening processes. It is all nonsense to talk of the policy as necessary. If the goods can be sold in Paris at 30 per cent less than the price asked for them in New York, then they can also be sold in New York at the lower price; and the difference represents the excess of profit which is extorted from the American people."

"Protection, like every other institution or policy, must justify itself. Protection in America for the benefit of European consumers can not be justified."

There are not many protection newspapers that emulate the candor of the Courant, but a great and growing number show their sympathy with the views of our venerable Hartford contemporary. The American people are too fair to complain of any man or association of men for making money by fair business methods, but they do not believe it is fair for their Congress to legislate millions of money out of the pockets of the consuming masses into the hands of a comparatively few persons. The demand for reform is becoming extremely insistent.

A sense of injury too long endured lends a strong coloring of anger to the call for relief.

[The South Bend, Ind., Tribune, May 26, 1906. Republican.]

CHARLES B. LANDIS has boldly and arrogantly committed himself to the stand-pat theory. He made a speech in the House, in which he openly and strongly declared himself against tariff revision.

Mr. LANDIS may understand his subject well, he may be satisfied in his own mind regarding the tariff, but when he declares there is no sentiment in this State favoring revision he makes a mistake. He thus takes a stand directly opposed to that of other Indiana Congressmen. It is certain that several of these Representatives have not only studied the question thoroughly, but they have familiarized themselves with the conditions. The prevailing opinion, after going into the subject, after a review of the situation in Indiana, has been, and generally is, that sentiment favors revision. Regardless of what others have said and what others have found out, Mr. LANDIS boldly announces that he is against any revision of the tariff and that the State is also opposed. Mr. LANDIS is to be congratulated for his boldness, but something seems to be wrong with his system of investigation.

[Chicago Record-Herald, May 16, 1906. Independent.]

Congressman LANDIS, of Indiana, made a tariff speech in the House the other day and received an old-fashioned ovation when he concluded. It was a defiant, aggressive, stand-patter speech.

Now, Mr. LANDIS has every right to his Bourbon opinion, but if he undertakes to quote authorities he should quote to the end of the chapter or to the end of the paragraph. It was somewhat rash to appeal to the authority of McKinley and stop with the signing in the Dingley law. Certain things happened after that, things which a good many Americans remember.

Mr. McKinley went to Buffalo in 1901 and made a speech. That speech is called the "Buffalo platform," and it is calculated to make stand-patters and pile-of-brick theorists squirm.

[Chicago Journal, May 26, 1906. Republican.]

Republicans in Congress are making a terrible mistake in shutting their eyes to the facts. The tariff is going to be revised; if not by its friends, then by its enemies—the Democrats. It would be much better for the country to have the tariff revised by its friends; but, so intolerable is the oppression of the tariff-protected trusts, the people will intrust the duty to the tariff's enemies rather than allow these abuses to continue.

[Indianapolis Star, May 17, 1906. Republican.]

The prosperity of Canada and the United States both would be promoted by reciprocal commercial agreements which would permit freer trade in products which each country largely consumes, but does not largely manufacture, something on the lines of President McKinley's suggestions in his celebrated Buffalo speech.

[Springfield (Mass.) Republican, May, 1906. Independent.]

We say to all men of Massachusetts who wish for tariff reform that the best lesson they can give the party in power is for the next three elections to vote the wicked Democratic ticket.

[Detroit Free Press, May 25. Independent.]

Mr. LANDIS, in his studied reply to Mr. RAINEY'S speech, making a virtue of necessity, admitted the truth of the assertions that goods were sold abroad more cheaply than at home, and undertook to justify the practice. Hereafter we must assume that it is an essential part of the stand-pat creed that it is right and proper that the people of the United States—the beneficiaries of the system of protection—should pay for their prosperity with their watches, their typewriters, their sewing machines, their steel rails, and the thousand commodities whose prices have been raised by the tariff. When an American buys a watch for $100 he can satisfy himself that it is $90 for the watch and $10 for the prosperity he enjoys. The price of rails is $22 a ton for them and $6 for the prosperity. Typewriters will be quoted at $85, and $15 for prosperity. If the tariff is the cause of our prosperity, which is the stand-patter's fundamental premise, then we should suffer the consequence of it without complaining. * * * Dumping may be justified as a commercial habit; it may keep the mills running night as well as day, but it presents an unanswerable argument for a revision of the tariff, and the more the stand-patters try to explain it the stronger the tide will set in against them. If they will cling to the policy of justifying dumping they will have the whole country converted to tariff revision before the next national election.

[Grand Rapids Press, May 26. Independent.]

The stand-patters in Congress are getting ready to go before the people this fall on a stand-pat platform. The New Englanders desire more than anything else free hides, and Representative BANNON, of Ohio, has made a speech against free hides. * * * The shoe manufacturers are willing to surrender the tariff on shoes if Congress will give them free hides. The beneficiary of the tariff is the beef trust, and all the rest of the country is taxed for its benefit. Mr. BANNON will have some difficulty in gaining the support of well-posted and thinking farmers for a continuance of such a condition.

[Washington Post, May 22, 1906.]

THE NEW PLAN OF CAMPAIGN.

As the Post stated a few days ago, the stand-patters have at last been compelled to abandon their chronic habit of indignant denial as to the practice of selling American manufactures abroad at prices far below the rates which domestic consumers are compelled to pay. In lieu

of their old and no longer practicable plan of campaign, they are preparing to go into this year's canvass confessing that their bold discrimination against the people of the United States and in favor of foreign consumers has been going on for a good many years. Despite the old saw that "a lie well stuck to is as good as the truth," the standpatters, the dominating faction of the Republican party, have discovered that the "stick to" may be carried too far; that while the light of truth may be obscured for a time and even for a long time, it will eventually shine forth, to the confusion of its enemies.

A number of the free-trade or "tariff-for-revenue-only" organs and politicians had a similar experience not many years ago with their reckless denial of the rise and progress of the tin-plate industry that was built up by a schedule of the McKinley tariff. They held out with a courage that was worthy of a much better cause, but the facts finally overcame them and they climbed down, just as the standpatters are doing to-day. And it is worth recalling that the Democratic tariff of 1894 did not attempt to murder the new industry, but gave it a chance to continue growing.

It may be somewhat awkward for the organs and spellbinders who, in past campaigns have branded reports of these discriminations against domestic consumers as "Democratic campaign lies" to face about and tell the truth. We can imagine that the limber-tongued statesman from the West who, in 1904, told a Boston audience that the American rails that had been sold in Canada at $10 a ton less than the home price were old, shop-worn goods will be slightly embarrassed by the compulsory change in programme. But even he and the most obdurate of his brethern will soon get their second wind and be cheerfully piping, as one of them is already doing, the delectable chunk of flapdoodle that "if the home protection afforded the manufacturer, which enables him to fight for a place in the world's markets, is taken from him, it can only be done by changing the economic policy of the nation from protection to free trade, as that is the only way the American manufacturer can be stopped from selling his surplus products cheaper abroad than at home for the benefit of home labor.

Either free trade or the Dingley schedules as they stand? Has it come to that? No intermediate degrees between schedules that no Republican in Congress has dared to defend and the wiping out of protection? As well say that there are no penalties for crime between hanging and thirty days in jail.

That alleged argument will not win. It will not hold the Republican factions together. The free-trade bugaboo, like the free-coinage hoodoo, has lost its potency. * * *

Is there any successful defense for such abuse of protection as taxing the consuming masses to pay, in addition to good wages and good dividends on all capital actually invested, equally large dividends on hundreds of millions of fictitious capitalization? Must the thoroughly vindicated policy of protection be made to carry the odium not only of promoting monopolistic combinations in the interest of watered stocks, but of bringing in a million of immigrants annually—many of whom are not fit for conversion into American citizens by any process—by depriving them of labor at home and offering them wages at the American standard? How long will the country continue to prosper on a basis so contemptuous of the rights of the many, so anxiously thoughtful of the interests of the few?

[New York Journal of Commerce and Commercial Bulletin, July 30, 1904. Independent.]

MANUFACTURERS FAVOR FREE HIDES AND FREE SHOES.

But in the case of the boot and shoe workers, even the manufacturers do not claim that protection makes more work at higher wages. On the contrary, they argue that free trade, in their industry at least, would reduce the cost and increase the output of goods. This would give more work to employees and probably lead to higher wages. Only last February, in response to the Boston Commercial Bulletin, 311 out of 375 boot and shoe manufacturers of New England declared in favor of giving up the tariff on shoes if hides were free. Of the New England tanners, 29 likewise declared in favor of relinquishing the duty on leather if hides were free, while only 11 opposed such action.

[Washington Post. Independent.]

A BOLD CHAMPION.

Since the death of Nelson Dingley Mr. JOHN DALZELL has been the ablest champion of the dogma of protection in the House of Representatives, and his speech of last week is one of the strongest even he has ever made on the subject. Mr. DALZELL believes in protection for protection's sake. He would demand a high tariff if the Government needed not one cent of revenues, and he would lay ten thousand taxes that he never intended to collect.

Mr. DALZELL has no doubts. He defends the custom of selling American manufactures abroad cheaper than they are sold to domestic consumers, but in his discussion of that proposition he somewhat lurches and hedges, as Sir John Falstaff called it—he confesses, avoids, and denies, all in the same speech.

But the great protectionist, on whose shoulders is the mantle of "Pig Iron" Kelley, does not adequately meet the question. Why is not the surplus of our manufactories offered to American customers at as low prices as it is sold abroad? Mr. DALZELL says it is because the American market is already fully supplied. That is true—fully supplied at the bigger price; but everybody, unless it is Mr. DALZELL, knows very well that cheapness encourages and causes consumption. He says that the surplus is shipped abroad and dumped in order to keep our mills running. Grant it. Why not dump the surplus here? It would be snatched up. Besides, there would be no surplus to dump anywhere if the trusts would practice a little moderation. "Why, oh, why, will they not put up with a reasonable profit!" used to exclaim Nelson Dingley, as he wrung his hands in despair.

It is quite plain why they will not. Theirs is the opportunity to extort. Given the opportunity to extort, and man that is born of woman will extort. That is why protectionists are separated into stand patters and revisionists. The fight between them is on, and it is a fight to a finish.

We can not but think that Mr. DALZELL was too severe on the Wilson bill, the metal schedule of which was pretty stiff. For instance, under the Wilson bill imported iron and steel, and manufactures thereof, paid a duty of 38.80 per cent. Under the Dingley law they pay a duty of 38.20 per cent. So that it was not Democratic free trade in the Wilson tariff of August, 1894, that made the financial panic of June, 1893, after all.

[Pittsburg Gazette, September, 1905, a red-hot stand-pat paper.]

There are many schedules that may be reduced without exposing American industries to foreign competition. And since there must be a tariff revision there is no reason why the revision should not be made now.

[Brooklyn Citizen, May 28, 1906.]

STAND-PAT MISTAKES.

Mr. LANDIS's speech was evidently appreciated by his audience as a specimen of rhetoric vivified by sentiment; but fine words butter no parsnips, as common-sense folks remarked long ago. And the facts presented by Secretary Taft, in asking to be permitted to buy goods for the Panama Canal abroad, show clearly that the tariff to which LANDIS attributed all the prosperity of the country has not been the protection of the consumers—and they are the people—but of the trusts, which are victimizing the people day after day.

[Evening Post, New York (independent), May 25.]

Chasing the devil around a stump is profitable exercise compared with running down a stand-patter.

In May, 1901, Mr. Charles M. Schwab, in his testimony before the Industrial Commission, said:

"It is quite true that export prices are made at a very much lower rate than those here. * * * I think you can 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."

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 home market?"—A. "That is true; perfectly true."

PROTECTION TO AMERICAN LABOR.

Now, Mr. Chairman, just a few words in conclusion. For long years the Republican party has deceived the American workingman with many fair promises. The men who have had in charge the destiny of that party have solemnly sworn to protect forever the men who toil. Protection to American labor. That was your motto. Do you even pretend that you have been true to it?

If opening wide the portals of this fair land to the most dangerous immigration on earth—so wide that more than a million, to be exact, 1,095,395, landed on our shores during one year prior to the 31st of last May—if that be protection to American labor, then to you he is indebted for such protection as it is. If forcing our toilers to buy from the protected trust while forced to work for that trust for a daily wage fixed by competition with pauper labor from abroad, if that be protection to the American laborer, then he is indebted to you for such protection as it is.

The price of what he buys is not fixed by the law of supply and demand, but by the inexorable, pitiless, conscienceless decree of this protected trust; but the dollars the workingman pays for what he buys must be worked out in competition with the very man against whom you have promised to protect him—the pauper from abroad. This American laborer whom you have deceived must buy from your tariff-protected trust at prices made higher by your revenue system; but he must work for the selfsame trust at a wage made lower by the competition to which you expose him. That is the kind of protection you are giving to the workingmen of America. [Applause on the Democratic side.]

Sir, the discrimination, injustice, and wrong of the Republican system of protection has lasted long, but it will not last forever. That party, drunk with power, looks with disdain upon all protest, but at last your own people are being forced to eat of the bitter fruits of your vicious system. The return to a policy of justice and fair treatment may be slow, but return surely the people of this fair land will, sooner, perhaps, than some of you basking in the sunshine of repeated victory, dream. [Loud applause on the Democratic side.]

Mr. WILLIAMS. I now yield the remainder of my time to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, a short time ago, when the post-office appropriation bill was under consideration in this House, I discussed the tariff question, insisting that upon this side of the tariff wall one price was made to American consumers, and that on the other side, where competition was free, another and a lower price was made to foreign consumers for American-made goods.

In my argument I had occasion to refer to the question of American-made watches, not because American-made watches furnish any exception to the general rule, but because at that time, on account of the business being conducted by a New York retail dealer in watches, it was possible to make an object lesson of watches. My speech upon that occasion has been formally answered by at least two gentlemen on the floor of this House, each of them carefully avoiding the facts upon which I built my argument. In my speech I called attention to the fact that recently Michael & Keene brought suit in an English court against the Keystone Watch Case Company on

account of failure to deliver to them 2,000 American-made watches, and I produced here a certified copy of the plea filed in that suit in England by the Keystone Watch Case Company, in which the defense was made that Michael & Keene purchased these watches upon the promise that they proposed to export them to France, whereas in truth and in fact they intended to export them to the United States of America, and I charged that the records in that case showed that the Keystone Watch Case Company, in settlement of that suit, paid £500 rather than keep this contract, and that statement has been denied by no gentleman upon this floor.

In my speech I said that about 2,400 American-made watches were then held up in the custom-house at New York City by the agents of the Waltham company upon the theory that they had been improved upon while abroad by the addition of a Swiss dial worth 3 or 4 cents; that so anxious were the American watch trust to keep their goods from coming back to the United States that they stood there at the gateway of our greatest port and upon this miserable subterfuge stopped the shipment of 2,000 watches into the United States; and no gentleman has denied that statement upon this floor.

In my speech I gave a list of wholesale jewelers all over the world—in Asia, in Africa, in Europe, in South America—and I charged that to those wholesale dealers the American watch trust were selling watches at a mere fraction of the price at which they were selling in this country to wholesale dealers; and no gentleman has denied that statement upon this floor. I called attention to the fact that in the export catalogue issued by the companies composing the watch trust—and I am still using that term advisedly—they sometimes use different names from the names used in the catalogues in this country; that they did not quote discounts in their foreign catalogues, and for this reason it was more satisfactory to produce here the watches themselves than to produce the export catalogues, in order to show price differences; and so I produced upon this floor six watches, three Elgins and three Walthams, and I charged that each one of these six watches was shipped abroad and was purchased abroad and brought back to this country by an American dealer and sold here at a less price than American wholesalers were able to buy them; and that statement remains undenied and unanswered upon this floor.

There was really nothing else in my speech. Upon these facts I based my argument, and these facts remain unanswered, undenied, and they can not be denied. Notwithstanding a month elapsed before my distinguished colleague made his speech in reply to mine, and during that time he had opportunities, according to his own statement, to interview these watch trust presidents here in Washington, they came here and saw him and brought here their employees—he said so upon this floor—notwithstanding he had a month to prepare, he did not deny any of these facts upon which my argument was based, and he could not deny any of them.

I made the statement that all the watches embraced in Mr. Keene's so-called "protection sale" were reimported American watches, and this statement was absolutely true. Along toward the close of the argument I inadvertently made the statement that all the watches in Mr. Keene's store were reimported watches, and that is the statement my colleague from Illinois answered so extensively upon the floor of this House.

Mr. BOUTELL. Will my colleague yield?

Mr. RAINEY. For a question.

Mr. BOUTELL. The statement that I alluded to was not in the latter part of the gentleman's speech; it was in the early part of his speech.

Mr. RAINEY. I do not care where it was; I will admit it if the gentleman will allow me to proceed. I can not deny what is in the RECORD and I do not want to deny it. I said that all the watches in Mr. Keene's store had been reimported. Does that satisfy the gentleman?

Mr. BOUTELL. That was the statement.

Mr. RAINEY. That is the statement I made, and I inadvertently made it. I didn't know I had made it until my colleague called my attention to it so strenously in his argument. My speech appeared unrevised the next day in the RECORD. If I had held it out for a week, as my colleague did with his speech, I would have stricken out that statement. I knew then, and I know now, that Keene has been in the retail watch business for twenty-five years in Boston and New York, and the gentlemen who furnished my colleague with information upon this question knew it. No trust president ever has called upon me during my short term in Congress and asked me to speak for him on this floor. They knew it. They knew that for twenty-five years Keene had been buying their watches, and they knew that for the last two years he had not been able to buy from them any of their watches. They knew that he had watches in his store bought years and years ago from them, and that is the statement my colleague denied most elaborately on the floor.

This statement I inadvertently made, and my remarks went to the printer without revision. I did not hold them back for a week, as my colleague did his, or I would have stricken out that statement. Mr. Keene never made any such statement to me, I did not intend to make such a statement upon this floor, and I did not know that I had done so until my attention was so emphatically called to it by my colleague. The fact is, Mr. Keene has been in the watch business for twenty-five years, handling during all that time both Elgin and Waltham watches, until, perhaps, two years ago, when the watch trust refused to supply him, or permit jobbers to supply him, with any more goods. He has in his store, as I now know from personal observation, a complete line of watches, including watches made by all the independent watch companies of the United States, and including, also, watches made in Switzerland; in fact, a purchaser can get in his store on Broadway a watch of almost any make. His principal stock, however, at the present time is composed of American-made watches purchased abroad. He satisfied me prior to the time I made my first speech that he had reimported an enormous number of American-made watches. It was known to the companies that he had many watches that were not reimported. It was an easy matter for the watch trust to purchase in Mr. Keene's store three or four American-made watches which has never been sent abroad. On account of this fact, the agents of these companies were easily able to pick out watches that had never been abroad for the use of my colleague in this discussion.

The long list of watches published in the appendix to my colleague's speech cuts not the slightest figure in this case. It was evidently a list submitted by Mr. Keene to the Waltham company for rebates. Occasionally it happens that the watch companies reduce the price on some grades which have become a sort of a drug upon the market. When they do this, they give the dealers having in their possession these watches a rebate of the amount of the reduction on each movement. This was a list sent in by Mr. Keene for rebates; an examination of the list will disclose that there are embraced in it only three or four grades of watches. The showing made in the affidavit furnished upon this question is that only 20 per cent of these watches upon which a rebate was asked had been exported. This perhaps was true. It is also true that upon this 20 per cent the Waltham company refused to pay a rebate to Mr. Keene. The grades of watches shipped abroad are better sellers than the grades retained in this country for sale; upon these latter grades the rebate is given in order to get rid of them. When they offered this rebate, only a few of the watches to which the rebate applied were in that portion of Mr. Keene's stock, which had been reimported by him from abroad. In the discussion of this question, this fact is absolutely unimportant.

Now, it doesn't make any difference whether all the watches in the store were reimported watches or not. The question in this case, and the only question, is, Do they make such a price difference, standing back of the tariff wall, that it becomes possible for American dealers to reimport American watches into this country and sell them cheaper than American wholesalers can buy them? That is the question in this case, and that is the question upon which I presented these facts, and that is the question which the gentleman did not answer, and he could not answer it without answering it in the affirmative.

The gentleman spent nearly all his time here defining the word "sucker," and alluded to the various methods of spelling the word, and referred to the fact that both of us came from the "Sucker State."

Mr. BOUTELL. The best State in the Union.

Mr. RAINEY. Well, we agree upon that point exactly if we do not agree upon others [laughter]—the idea, I presume, being to indicate that "the gentleman from Illinois," meaning myself, had paid a visit to New York City and had been taken in and worked for a "sucker." I am willing when I have put my speech in the RECORD for the people of the State of Illinois to determine who is the "sucker" in this case, the man who went to New York and investigated for himself this great question or the gentleman who remained here in Washington and received the visits of these watch-trust presidents and their hirelings and took them at their word. [Applause on the Democratic side.] I have the highest respect for my colleague from Illinois. I have the friendliest feeling for him. He is a cultured, educated gentleman. He is a truthful gentleman, when he is able to find out what the truth is. But I am afraid his days have been spent among the delights of the lighter literature. His speech upon this occasion shows that he knows nothing about the drudgery connected with the examination of a

question like this. The gentleman refers at considerable length to Keene, of Broadway, who furnished me, he thinks, with the information upon which I base my argument, and he refers to that gentleman as "Keene, of lower Broadway," as if his place of business affected in some way his credibility.

Well, there are only a few of us who live upon the upper Broadways of life. All the rest of us live on the lower Broadways. If you visit the city of New York now and go to the upper Broadway section of that city, to the street which faces Central Park, where the millionaires of that city live, you will find them boarding up their houses and preparing to cross the seas—in this, the pleasantest time of all the year—preparing to go 3,000 miles away to spend the summer among the mountains of Scotland, in the lake regions of England, in the valleys of Switzerland, and in castles along the Rhine. These are some of the men who live on the upper Broadways of life. There are a few of them scattered all through the country. They are able to go to Europe; they are able to go there and buy American-made watches—all they want—and to buy them in the cheapest market. They are not very much interested in tariff schedules, these fellows who contribute so largely to Republican campaign funds; they are able to go over there and buy American-made goods as cheaply as anybody living in any foreign country can buy them, and for that reason they are not much interested. Mr. Keene locates his place of business in that section of the city of New York where the people live and where the people go who are compelled to buy American-made goods in the United States.

On a recent visit I made to New York I found that just half a block above the place of Mr. Keene is located the distributing depot for Elgin watches, not only for the city of New York, but for all that district. Half a block below his place of business, and lower down, on lower Broadway, is located the distributing bureau of the Waltham Watch Company for all the district of New York. Within 50 feet of his place of business commences Maiden Lane, where nearly all the jewelers of that great city have their places of business. Four blocks away is Trinity Church and Wall street. So, according to the position taken by my colleague [Mr. BOUTELL], Mr. Keene's place of business, "he of Broadway, of lower Broadway," is located in an entirely respectable portion of the city of New York.

Whenever you attack a trust, you will always find a lot of gentlemen on the other side rushing to its rescue, and the more atrocious the trust the more there are who come to its rescue. Why, I did not get through with my argument before the gentleman from Massachusetts [Mr. GARDNER] interrupted me, and proclaimed to this House that there was no such thing as an American watch trust. He said he knew all about it, because he owned stock in the Waltham company. I supposed that these watch-trust presidents, when they came here to find some Republican Member of Congress to defend them upon this floor, would select my friend from Massachusetts. I supposed on account of his familiarity with the subject he would be prepared to present their defense upon the floor. Nearly two months have passed since then and we have heard nothing from the gentleman from Massachusetts. He probably came to the conclusion that in his case discretion would be the better part of valor. To use the language of a distinguished Democratic editor out in my district, upon this question the gentleman from Massachusetts has "fit, fired, and fell back." [Applause and laughter on the Democratic side.]

Then there came into the arena another gentleman from Massachusetts, Mr. TIRRELL, and this young Lochinvar came in here riding upon the statement of the president of the Waltham Watch Company, and he proudly proclaimed his steed was the best, and insisted that there was no watch trust because the president of the Waltham Watch Company said there was not. [Laughter on the Democratic side.]

Mr. TIRRELL rose.

Mr. RAINEY. I can not yield now.

Mr. TIRRELL. I would like to ask the gentleman a question.

Mr. RAINEY. Oh, certainly.

Mr. TIRRELL. Now, the gentleman has repeated many times that there was a watch trust with which the Waltham Watch Company was connected.

Mr. RAINEY. Yes; I have.

Mr. TIRRELL. Will the gentleman state where it is, when it was formed, and all the particulars?

Mr. RAINEY. I will. I am going to do that, if the gentleman will keep still. I am going to give him more particulars than he wants, and more particulars than the president of the Waltham Watch Company wants. I have started in this fight for business, and I have got the evidence against that gentleman, and against the rest of them, and I want to call the attention of the gentleman from Massachusetts [Mr. TIRRELL], and I want also to call the attention of the president of the Waltham Watch Company, to the fact that the temper of the American people is changing, and that when a conviction is secured against the next combination, which has violated the antitrust laws, the doors of the penitentiary are opening for the officers of that combination; and I propose to keep up this fight until these watch-trust presidents, every one of them, land there, or until at least I give a court and a jury the opportunity to send them there. [Applause on the Democratic side.] I understood the gentleman from Massachusetts [Mr. TIRRELL] to say that he was connected in some way with the American wood-pulp combination, and I understood him to say that that combination was responsible for the fact that some of its products were sold cheaper abroad than at home, and for that reason he argued that the American watch trust ought to have the same privilege. That sort of logic may satisfy him, and it may satisfy his friend, the president of this watch company, but it is not going to satisfy the people of the United States.

Mr. TIRRELL. Mr. Chairman——

Mr. RAINEY. I can not yield any more.

Mr. TIRRELL. But I would like to call the gentleman's attention to a misstatement of facts. Surely he does not desire a misstatement to stand in the RECORD.

Mr. RAINEY. I have not the time to yield to listen to the gentleman. The gentleman can get time and make a speech, if he wants to speak. Then they brought into the discussion the gentleman from Iowa [Mr. HEPBURN], he who is always produced when the storm clouds are gathering, for the purpose of defying the lightning. To his demand for proof the lightning came with such frequency from this side of the House that he was compelled to climb a tree [laughter on the Democratic side], and from that undignified position this Ajax of the other side completed his speech. I had made the statement in my speech that to an American railroad the price of $27 per ton for steel rails had been made, while to a competing Canadian railroad the price of $22 per ton had been made and made by the same American company.

My authority for that statement was the testimony of James J. Hill before the special Merchant Marine Commission, and it can be found on page 180 of volume 1 of the report of that Commission. I made a misstatement in that respect, however, and I am perfectly willing to confess all of these things. I said that the price difference was $5 per ton. James J. Hill in his testimony says that the price difference was $10 per ton in favor of the foreign competing railroad company. But the principal reply to my speech was made by my genial colleague from Illinois [Mr. BOUTELL], and this was about what he said, leaving out everything about "suckers" and all that stuff that does not answer anything. This was his argument. I quote from page 6108 of the CONGRESSIONAL RECORD:

> Mr. BOUTELL. I have no full information on this subject, but my impression in reference to this whole business of exporting watches is simply this, that the watch manufacturers of this country are endeavoring to build up, and succeeding to a certain extent in building up, an export business in a class of very low-grade watches for which there is no market in this country.

And, again, on the same page:

> At any rate, they tell me that the cheap watches, for which they are opening up a trade, are what they call "gilt plate watches," and these "gilt watches," so called, if there was any market for them in this country, would be sold just as cheap or cheaper in this country than abroad.

And again, on page 6109 of the CONGRESSIONAL RECORD:

> No one wishes to deny the fact that these companies are attempting to build up an export trade in cheaper watches, and if anybody wishes to reimport those cheaper watches for their own advertising purposes, or for any other purpose, it does not affect the issue we have before us here to-day.

And again, on page 6108:

> I understand that American watches of the better class have little market abroad, and if the gentleman from Mississippi will allow me to finish this paragraph, it may throw some light on the question. In one of these advertisements we find these words—

And then he quotes an advertisement which I never saw, but I am willing to assume it is one of Keene's advertisements and appeared in some New York paper—

> And then Keene enumerates "Elgin Veritas, twenty-three jewels; Elgin B. W. Raymond, nineteen jewels."

And then he goes ahead and enumerates these various kinds of watches, and then my colleague says:

> Now, the Elgin people say from their records that since 1901, five years ago, not one Elgin Veritas, twenty-three jewels, and not one B. W. Raymond, nineteen jewels, has been exported to Europe by or for the Elgin Company, and only thirty-seven Elgin Veritas and Elgin Father Time movements, collectively.

Now, this is a rather broad statement, and this absolutely demolishes, apparently, my argument upon this question, and I believe that my colleague thought these statements were true when

he made them. My colleague has only one fault, which perhaps is not a fault considered from his view point. He will stand in respectful attention while in the presence of any man who is worth a million dollars; and if he made his money as a result of this system of tariff spoliation and outrage, he will stand in his presence with open mouth and uncovered head and believe every word he says. [Applause on the Democratic side.]

Now, I am prepared to prove from their own evidence that these statements are absolutely and unqualifiedly false. I believe they made these statements to my colleague. I know that these watch-trust presidents are not only violating the law of this country, but I propose now to prove that they are personally dishonest. Now, bearing in mind that practically none of these Veritas movements have been, directly or indirectly, shipped abroad, according to the statement of my colleague, not according to his statement, but according to the statement of this president of the Elgin Company that he puts here in the RECORD, let me read from the Watchmaker, Jeweler, Silversmith, and Optician of July 1, 1903, a part of the advertisement of the Keystone Watch Case Company, which maintains an office at 45 Holborn viaduct, London, E. C., and which exports in Keystone cases the Elgin movements. I am reading now from the advertisement:

We are informed that the retail trade occasionally finds difficulty in obtaining the higher grades of Keystone-Elgin watches from factors, and are sent substitutes instead. In such case return the substitute and write direct to our office for the wanted watches. We will furnish them to you promptly. There is no reason why any factor should ever disappoint you when you order Keystone-Elgin watches, for we carry a complete stock in every grade from the highest to the lowest at our London office at all times. We will see to it that you get what you want if you will tell us your troubles.

Now, here, on page 986 of the same English trade journal, in the issue for August 1, 1903, occurs another advertisement, and there appears here at the top of the page—and I will not ask to insert this picture in the RECORD for fear it may offend some of my friends on the other side—is an enlarged picture of the parts of an Elgin Veritas watch, with this statement under it:

This is an enlarged drawing of the movement, Veritas model, of the Keystone Elgin watch.

I will not now call attention to the other references I have to that matter, but I have here many of their advertisements, and also advertisements of the Waltham company in English and in German newspapers. I have here the export price list of both these companies, and I propose now to insert in the RECORD references to the book and the pages of their advertisements, which show conclusively that they do not export any grade of gilded movement except the seven-jewel grade, and which also shows conclusively that the kind of watch movements they advertise in foreign countries are the nickel movements, and are the higher grades, in spite of the statement they have put here into this RECORD.

I am disposed to personally resent the fact that a gentleman representing upon the floor of this House a great Congressional district, located in my own State, and in the heart of the metropolis of the West, has been pursuaded to make upon this floor statements so utterly devoid of truth as these statements. If my colleague were not so credulous, and did not have such childlike faith in the protestations of millionaire trust magnates he could never have been induced to occupy the unenviable position he will soon occupy in this connection. I do not reflect in any way upon the veracity of my colleague. I know he believed everything he said; the authority upon which he made these statements, however, was absolutely insufficient.

No millionaire trust magnate has ever done me the honor to visit me during my short career in Congress, or to ask me to speak for him upon this floor. Since my colleague has been duped in this outrageous way by these men, I have no hesitancy in openly, here upon this floor, making the statement that no millionaire trust magnate, whose fortune has come to him as a result of this system of protection spoliation can induce me to believe anything he says unless what he says is corroborated by credible evidence. This is not a new position for me to occupy, and if my colleague had adopted in the earlier part of his Congressional career a similar rule he could not have been induced to make these declarations upon this floor. I am prepared to prove that this statement can not be true, and is not true. I have examined the foreign trade journals on file in the Congressional Library, and I have here the bound volume of the Watchmaker, Jeweler, Silversmith, and Optician, the leading English trade journal upon this subject, to which I have just called attention.

On September 1, 1903 (p. 1118, bound vol. 29, Cong. Library), of the same journal there appears an enlarged picture of the Veritas watch movement with the statement under it that it is made from the Veritas model; and there is marked on the picture the words "23 jewels." Both these advertisements appeared in the year 1903, and my colleague, in his speech, says:

Now, the Elgin people say, from their records, that since 1901, five years ago, not one Elgin Veritas has been exported to Europe by the Elgin company, and that only thirty-seven Elgin Veritas and Elgin Father Time, collectively, have ever been exported.

Again, on May 2, 1904, there is advertised on page 554 (bound vol. 30, Cong. Library) another list of Keystone-Elgin watches, with the picture of a watch movement, and under the picture is a statement to this effect:

This is the list of Keystone-Elgin watches, which embraces every sort of movement from 23-jeweled, with finest adjustment, to the 7-jeweled, etc.

On August 1, 1903, in this same trade journal, on page 986, is another advertisement (bound vol. 29, Cong. Library), and at the top is displayed a picture of an Elgin Veritas, with the principal parts enlarged, and under it is this statement:

This is an enlarged drawing of the parts of the Veritas model of the Keystone-Elgin watch, etc.

On October 1, 1904, there appears in this same trade journal this advertisement on page 59 (bound vol. 30, Cong. Library). On top of the page appears a picture made from photographs of the several Elgin movements, and under the picture is this statement:

Made in five sizes and in many grades, each the best in its grade.

In view of these advertisements, which I have produced—and I have found hundreds of advertisements in foreign trade journals to the same effect—can anyone believe the statement put in the RECORD on the authority of the president of the Elgin Watch Company and his subordinates "that not one Elgin Veritas, 23 jewel, movement has ever been exported, and that only thirty-seven Elgin Veritas and Father Time movements collectively have ever been exported?" In view of these numerous advertisements this statement is absolutely unworthy of belief.

As to the statement generally of my colleague that the higher grades of the Waltham watches are not exported, I have here the Horological Journal for January, 1906. This is an English trade journal of recognized standing, and in the advertising pages at the back of this issue there is an advertisement of Waltham watches, in which G. R. Baldock & Co., of 31 Holburn Viaduct, London, E. C., advertise "every grade of movement of the Waltham watches." I have here the "Jeweler and Metalworker," another paper published in London, of the issue of February 15, 1906, and on page 239 of this issue there appears the advertisement of Henry Harris & Co., 45 Hallen Garden, London. The advertisement here contains pictures of the best grades—of the Riverside Maximus and other grades, and the advertisement states that his stock includes all grades of Waltham watches.

I have here a very recent issue of the Jeweler and Metalworker, a trade paper published in London. This is the issue for April 1, 1906, and on page 484 appears an advertisement of Grimshaw & Baxter, 29 to 37 Goswell road, London, advertising Waltham watches, and the advertisement contains these words: "We will supply from stock all grades of Waltham movements." At the bottom of the page appears a picture of a Riverside Maximus watch. I have here the Jeweler and Metalworker for June 1, 1905. On page 787 appears the advertisement of G. B. Baldock & Co., of London, England, advertising for sale Waltham watches in solid gold American-made cases. Does anyone believe the cheaper grades of Waltham movements are being placed in solid gold American-made cases?

Therefore I say that this statement, seriously made in this Chamber by my colleague, upon the authority of the men he mentions, is absolutely and without qualification untrue. May I quote from the speech of my distinguished colleague on page 6103 of the CONGRESSIONAL RECORD? In this connection he says:

I must say, in the first place, that my principal interest is simply that of pure truth. No matter what the artist of the comic papers may say, no matter what humorous paragraphers may hint, the word of a Member of this House, seriously stated, is taken for truth throughout the country, and I think in our discussions here, when we come down to the actual argument which influences men in and out of this House, we should be governed solely by a regard for truth. As there is no proper way of cross-examination here except such as may be embarrassing to the Speaker, who otherwise would make a valuable contribution to our sum of intelligence, we ought, so far as we can, voluntarily to observe the laws of evidence.

In view of this evidence which I have just presented, and which I have obtained without the assistance of the watch-trust presidents and without the assistance of any person familiar with the watch business, can anyone now believe the statements made by these watch-trust presidents, and which I have so overwhelmingly refuted? And I desire to say that I have presented only a few of the trade papers advertising ex-

tensively in England the goods they claim they have not exported either directly or indirectly. There are other advertisements that extend over a series of years, and in Germany, and perhaps in Switzerland, the trade papers will show the same advertisements. In fact, I believe they can be found in trade journals all over the world. The Congressional Library does not pay much attention to the collection of this kind of literature. The attendants over there told me that there is only one library in the United States which makes a specialty of foreign trade papers; that library is the John Crerar Library, and is located in the great city of Chicago, where my colleague lives. If, in the preparation of his speech delivered upon the floor of this House, he had paid more attention to this class of literature and less attention to the lighter and more frivolous kind he would not have so readily believed the statements made to him by the watch-trust presidents.

We are now entering upon another Congressional campaign, and we go from this House, all of us, to answer to our constituents for our conduct here. On account of the evidence I have produced, it devolves upon my colleague here in this House to repudiate here and now this infamous trust, which has so grossly misrepresented things to him, or go from this House to his constituents a party to the untruthful statements they have caused him to place in the RECORD, and explain if he can to the men of Illinois the unenviable position in which he has placed himself by his adherence to and his championship of this trust, built up under the present protective tariff system.

And it is insisted that the only movements exported are the gilt or gilded movements; that they are cheaper than the nickel movements; that nickel movements are made for home consumption, and that the gilt or gilded movements are made for foreign consumption. After having discredited so thoroughly the other material statements of the watch-trust presidents, I hesitate to proceed further in my denials. In order, however, to give the facts with reference to the cost of gilded movements and nickel movements, I wrote to the W. J. Johnston Company, of Pittsburg, Pa., and received a reply from Mr. Johnston. Mr. Johnston is the largest wholesale jeweler in this country who is not connected with the watch trust. He repudiated them and their methods; they had no opportunity to drop him. I have here his letter, in which he says:

The Waltham Company has never discontinued the making of the 18-size, seven jewel, gilded movement for the American market, but they did discontinue advertising them in this country for a number of years prior to January, 1905. The Elgin Company also discontinued for a time the making of the gilded movements for the American trade, but resumed their manufacture again in January, 1905. Mr. Johnston says: "There is absolutely no difference whatever between the seven-jewel, 18-size, gilded movement made by the Elgin and Waltham companies and the nickel movements of the same grade made by these two companies. * * * As to there being any superiority in the nickel movements, we should say that, in our estimation, the brass plates gilded make the best and most desirable plates for these cheap watches, and we can see no reason why they should cost any less than nickel plates, but, on the contrary, we believe that they cost slightly more. * * * It is an indisputable fact that the foreign trade prefers the gilded movements to the nickel movements, and that is the reason why the cheap movements they are exporting are largely gilt finish."

Bearing in mind the contention that only the cheap gilt movements are sent abroad, I desire to call attention to an export price list of Keystone-Elgin watches which I have here on my desk and which is open to the inspection of any gentleman in this House on either side. They advertise in here a complete line of Elgin movements, illustrated by over fourteen photographs of Elgin movements, and every movement advertised in this export price list is made of nickel, every one except the seven-jewel grade. They are all nickel in this list except this one grade to which I have called attention, and in their advertisements and in their export price list it is the higher-grade movements and the nickel movements that are advertised. Scarcely any mention is made of the gilt or gilded seven-jewel movement.

I have here the export price list of the Waltham watches, and every movement advertised in this catalogue is a nickel movement except the seven-jewel grade, which alone appears to be gilt or gilded. It is the higher grades of the Waltham watches and the nickel movements to which especial attention is called in this catalogue and in all the trade journals to which I have access.

But the John Crerar Library, in Chicago, where my colleague lives, will furnish a bountiful field for him in this connection. He can find there, I am informed, trade journals from all over the world in which he will find, I think, in every one of them, special cuts of those Waltham and Elgin movements which these watch-trust presidents say they do not export, and he will find the nickel movements that they say are never exported.

In view of the evidence I have produced here, which completely refutes and brands as false the statements made by these men, is there any man in this House who believes that upon this question a jury of twelve men anywhere in this country, under the rules of evidence or common sense, would believe anything these watch-trust presidents have said about watches?

The gentleman from Minnesota [Mr. MCCLEARY] just now referred to the watch question, and used the argument which is appearing in the papers throughout the country—the papers that are friendly to the watch trust—that Mr. Keene's scheme is only a scheme adopted by him to sell watch cases, and that he makes his profit on the watch cases because he refuses to sell a watch movement without a case.

Now, I want to show why he refuses to sell a movement without a case. He imports both American-made movements and American-made cases from abroad. Here is an extract from a letter written by the London agent of Robbins & Appleton to a London wholesale dealer, and I have the extract verified here by an affidavit, and I propose to put it in the RECORD. This is the way it reads:

The writer found in New York the whole lot of sixteen size, nineteen-jeweled Vanguard movements that were sold to you were for sale in Keene's stock, and we had to buy them back, as the nineteen-jeweled Vanguard movement was not listed; and then, again, we had to go to work issuing a special circular, listing that movement, in order to show that we were not making Vanguards for this market different from those for the States. Your action in this matter has certainly put us to more trouble than anything else we have had for a long time.

The above is verified by the following affidavit:

COUNTY OF NEW YORK, SS.

William P. Talbot, being duly sworn, states he resides at No. 101 Sixth avenue, in the borough of Brooklyn, State of New York; that he is now, and for the past fifteen years has been, in the employ of Charles A. Keene, jeweler, of No. 180 Broadway, New York.

The deponent further states that the attached paper headed "Harmon's letter to Roberts" yesterday, is a correct copy of a letter addressed to and received by *Mr. Evan Roberts*, 30 St. Georges square, Regents Park, London, from *Mr. Harmon, manager of Robbins & Appleton*, general selling agents (wholesale only) for the American Waltham Watch Company, Waltham, Mass., United States of America, 125 High Holborn, London, W. C., England.

He further states that this copy was made on or about February 2, 1906, from the original letter handed him by the said Evan Roberts in London.

W. P. TALBOT.

Sworn to before me May 14, 1906.
[SEAL.] ARTHUR KNOX,
Notary Public, New York County, N. Y.

Why, if Mr. Keene sold these movements without cases, these watch-trust presidents would come into his place of business and buy them up. In order to keep them from doing that he sells the movements and the cases together.

Tell me that the cheaper kind of watches go abroad! Did any of you ever see a demihunting-case watch? You never did, unless you saw it abroad, or one that came from abroad, and yet there are more demihunting-case watches made in this country than in all of England. A demihunting-case watch is the most beautiful and the most expensive watch made. It is made with a small opening here in the center. It is half an open case and half a hunting case. They do not advertise them here, but the Keystone Watch Case Company makes more of them every year than all the factories in England make in the same length of time, and they send them all abroad, and they sell them cheaper there than any American wholesale dealer can buy them.

Did you ever see a watch case with the garter stamp on the back? It is the most beautiful stamp that appears upon any watch case. They make more of them in this country than they make in all of England, and they ship every one of them abroad. It costs a little more money to make them, and for that reason they sell them all abroad.

Tell me that the gilt watches are a cheaper kind of watch than the nickel watch! I have the proof here, and I am going to put it into the RECORD, that about eight or ten years ago the cheapest watch ever made by any one of these trust companies was made by the Elgin company—a seven-jewel, eighteen size watch. They made over 100,000 of them, and they sold every one of them to Louis Manheimer, of Chicago, for a dollar and a quarter apiece. And every one of them was made of nickel.

And now, in passing, as my time is limited, I desire to ask permission to extend my remarks in the RECORD, and to include in my remarks references to these trade papers, certain letters I have collected upon this subject, and to publish as an appendix to my remarks some data and letters I have collected upon the subject of the American watch trust.

The CHAIRMAN. Is there objection to the request of the gentleman?

Mr. TIRRELL. Mr. Chairman, I would like to inquire of the gentleman whether that will be done before the close of the present session?

Mr. RAINEY. Yes, sir; I am going to do it the day after to-morrow. It is too late now to do it to-morrow, it is now nearly 11 o'clock; I can not sit up to read proof all night. Then you

can have a chance to communicate with your friend, the watch-trust president, before he goes to the penitentiary.

Mr. BOUTELL. Will my colleague yield?

Mr. RAINEY. Yes; for a question.

Mr. BOUTELL. With the permission of the House I expect to present a few observations before I see anybody connected with any watch industry, and I would like to ask, as a part of your remarks, what these letters are which you are going to print, which will be after my reply?

Mr. RAINEY. I will furnish you copies of them.

Mr. BOUTELL. Can you tell me now what they refer to?

Mr. RAINEY. They refer to the question of the American watch trust.

Mr. BOUTELL. From whom?

Mr. RAINEY. They are from retail dealers.

Mr. BOUTELL. How many?

Mr. RAINEY. I do not know how many. Some of them are from jobbers who have been dropped off the list for the reason that they sell independent goods.

Mr. BOUTELL. My colleague will understand that there will be no time to say anything to-night, but if there is an opportunity to-morrow I shall have something to say.

Mr. RAINEY. I will take care of you, and give you the copies in plenty of time; you can not answer the case they make.

Mr. BOUTELL. I have no objection to the documents being inserted in the RECORD; but I want to have an opportunity to look at them.

Mr. RAINEY. I have letters from W. J. Johnston, of Pittsburg. I have merely met Mr. Johnston; he is not an agent of the watch trust; not a member; and therefore I intend to put in the RECORD what he says about the question of gilded movements and about other things.

Mr. BOUTELL. Will my colleague yield to me? What did you say was his name?

Mr. RAINEY. Mr. W. J. Johnston.

Mr. BOUTELL. Does he spell it with or without a "t?"

Mr. RAINEY. He spells it with a "t."

Now, I have here the evidence, and I am going to put it into the RECORD, which will prove conclusively and to the satisfaction of any jury in the land that the American watch trust compels foreign wholesalers purchasing their goods to enter into a contract in the nature of a bond, agreeing that they will not permit reimportation of these watches to the United States; and I will give you a chance at that, too.

Mr. BOUTELL. Will my colleague yield to another question?

Mr. RAINEY. No; I can not now. You can not ask me any more questions to-night.

Mr. BOUTELL. I will meet my colleague before we convene to-morrow.

Mr. RAINEY. I am at your service all to-morrow morning and all day to-morrow, if you want me.

Now, upon the question of the watch trust, I regret that I will be compelled to extend my remarks upon that question in the RECORD, and I believe I will not refer to it now.

Mr. BOUTELL. Right on that point——

Mr. RAINEY. I will attend to you to-morrow.

Mr. BOUTELL. It will not take thirty seconds.

Mr. RAINEY. It does not make any difference whether it takes thirty seconds or not, I have not thirty seconds to give you now.

IS THERE A WATCH TRUST?

I may not be able to get the watch trust investigated at this time. There are trusts the investigation of which does not challenge directly the present tariff schedules. An investigation of the watch trust made now would show that this combination which robs the American people in such an outrageous and high-handed manner exists on account of the fact that the Dingley tariff schedules have made possible its formation and its successful career. I intend, however, to present the large mass of evidence I have accumulated to the Department of Justice and to insist that these watch-trust presidents be prosecuted now under the Sherman law.

My colleague states that in an interview he had with the president of the Elgin company that gentleman expressed himself as being shocked at the newspaper statements made wtih reference to my recent speech. I dislike very much to cause any of these gentlemen any uneasiness. I do not want to shock them too much at the present time. I simply, however, in passing, desire to call attention to the fact that the temper of the American people in the last few years has changed materially, and if a court and jury should now consider the case against these gentlemen, and should be in full possession of all the facts, they might impose the severest penalty possible under the law. These watch-trust presidents may console themselves with the reflection that at the present time they may be starting on their road to the penitentiary.

I intend to keep up this fight until these gentlemen land there, or at least until an opportunity is given to impose that penalty, if the evidence warrants it. I am in possession, I think, of sufficient evidence to convict them all of a violation of the Sherman antitrust law. If the Department of Justice, as at present organized, declines to prosecute them, there will be a department of justice in the near future differently organized that will prosecute them. The statement I am making now should be worth something to the Republican campaign fund this fall. In order to get liberal contributions from these watch-movement companies and these watch-case companies it will only be necessary for Republican campaign managers to sumbit this statement, together with the evidence I propose to put in the appendix to my speech, and which I assure this House is only a part of the evidence I will be able to produce against these companies.

EVIDENCE OF THE EXISTENCE OF A WATCH TRUST.

Until February, 1905, the A. N. Senior price list contained lists of prices of all movements and cases. There are over 22,000 jewelers in the country who handle watches. They had for many years learned to depend upon the Senior list. Suddenly and without warning, in February, 1905, all watch cases and all watch movements made by companies who were formidable competitors, or competitors to any degree, of the Keystone Watch Case Company; the Crescent Watch Case Company and their allied companies, owned and controlled by them; the Waltham Watch Company, and the Elgin Watch Company and the allied watch companies owned and controlled by them were dropped from the Senior list, and dealers throughout the country were at once deprived of information as to other watch movements and watch cases, how to buy them, where to buy them, and prices. The publishers of this list were persuaded to do this by the companies alleged by me to be in this trust.

The Keystone is the leading watch-trade journal of the United States. It is the largest publication that goes through our mails except the Iron Age. It weighs 18 ounces. This publication several years ago instructed its agents to solicit no advertising for any watch-case company or any watch-movement company except the companies comprising this combination, which I charge to be a trust. Efforts are now being made to prevent its admission to the mail as second-class mail matter. It goes now through the mail to the majority of the 22,000 jewelers in the United States at an expense to the Keystone Company of 1⅝ cents for each copy. If it were compelled to pay the postage it ought to pay, it would cost 14 cents per copy. In other words, the watch trust is receiving on this publication alone a subsidy from the Government of the United States of $20,000 per month. The publication clearly should be excluded from the mails for the reason I have given. It amounts simply to an advertising sheet for the watch trust alone. The case was presented a month ago by ex-Governor Stone, of Pennsylvania, to the Department, and argued by him and defended by attorneys for the watch trust. The matter is now before the Department and is under consideration. It is to be hoped that this publication will be excluded from the mails as second-class matter. I do not desire to comment upon the construction that ought to be given to a refusal of the Department to exclude it. It is to be hoped the decision of the Department will be upon the merits and that this publication will be excluded.

When the watch trust was formed it was their policy to place on their lists all the jobbers in the country, about 200 in all. Jobbers are being gradually dropped from the list for the reason that they handle the independent lines of watches and watch cases. I propose to put in the RECORD as an appendix to my speech letters from a number of jobbers who have been dropped for this reason alone.

When the watch trust was formed, John C. Dueber, of Canton, Ohio, was its first victim. He was one of the largest manufacturers of watch cases in the country. Without warning to him, all watch jobbers were notified to sell no Elgin or Waltham movements in Dueber cases. Mr. Dueber found himself at once with a plant on his hands that cost a million dollars, employing 600 men, without a market for his products, and with an immense number of cases in stock, from filled cases to solid gold cases, which were absolutely worthless. He, however, purchased a small watch-movement factory in Springfield, Mass., moved it to Canton, Ohio, and commenced also to manufacture watch movements, and to-day the Dueber-Hampden Company is the strongest opponent of the watch trust.

Jobbers who refuse to discontinue the handling of independent movements are threatened with a refusal to furnish them

with further repair material. Each jobber has among his customers from 300 to 600 retailers who have learned to depend upon him for repairs. Each of these retailers has been selling Waltham and Elgin movements for many years. The Waltham and Elgin companies sell now, and have sold for many years, 90 per cent of all the watch movements sold in this country. A purchaser of a watch from a local jeweler expects him to keep it in repair. If a wheel or a pinion is broken, he brings it to him for repairs. A local jeweler can make a wheel to take the place of the broken one, but he would be compelled to charge five or six dollars, or perhaps as much as the movement is worth, for his services. He can, however, purchase, through his jobber, the broken part for 10 or 15 cents and insert it quickly and cheaply in the watch so brought to him for repairs.

If, however, he is unable to purchase repairs from his jobber, he must transfer his business to some other jobber from whom he can purchase repairs. These two makes of watches constitute perhaps 70 per cent of all the watch sales any retail dealer has made since he has been in the retail business. Therefore it becomes absolutely necessary for the jobber to be able to furnish his customers with repairs. If he can not do so, he loses his customers and his business is destroyed. Therefore, on account of the item of repairs alone, if there were nothing else in the restrictions placed by the watch trust, it becomes possible for the watch trust to control the watch trade of the country.

In my former speech I gave the names of the companies comprising the watch trust. T. Zurbrugg is president of the New York Standard Watch Company, of Jersey City. He is also president of the Philadelphia Watch Case Company and of the Keystone Watch Case Company. He is president of the E. Howard Watch Company and vice-president of the Crescent Watch Case Company. He owns large blocks of stock in the Elgin company. C. M. Fogg is secretary and treasurer of all the above companies. The Keystone Watch Case Company owns the stock of the E. Howard Watch Company, and the officers and directors are the same. The Keystone and Elgin companies have an exporting agreement, but the E. Howard watches were until recently made in the Waltham factory, and certain parts are still made there. The Keystone company two years ago bought up the stock of the Crescent company. All the above companies belong to the watch trust.

On the 28th day of May of this year T. Zurbrugg, testifying in New York City in a case in which one of his companies was interested, admitted that he was the president of the Philadelphia and the Keystone companies. He refused, under the advice of counsel, to say whether or not he was president of the E. Howard Company, and he also refused to state whether he owned stock in the Crescent Company. He declined to answer any questions relating to the watch trust, under advice of counsel. If the charges I am making against his companies were not true, he would not have hesitated to give all the facts in his possession with reference to these companies.

It is not only true that the companies in the watch trust attempt to control jobbers and to dictate to them what goods they can handle, but it is also true that they attempt to control prices and the methods of doing business of retailers. I have in my possession a letter written by the Elgin Watch Company, directing Sigler Brothers Company, of Cleveland, Ohio, to refuse to sell goods to a retailer in Grand Rapids, Mich. I propose to put this original letter in the appendix to my speech.

I have already put in the RECORD the minimum price contracts retailers are required to sign. Jobbers are required to execute similar contracts. I have in my possession copies of the contract jobbers are required to enter into by which they agree to charge not less than a certain definite minimum price for certain movements.

There is a suit now pending in New York against the companies which I allege to be a trust by William Rosenfeld, of New York City, who was dropped as a jobber for the reason that he sold goods to Charles A. Keene, of New York City. I propose to insert in the appendix to my speech extracts from an article appearing in the Jewelers' Weekly, which gives the facts in this case.

Under the above evidence, and I will be able to produce much more at the proper time, if the companies in question are not a trust, what are they?

There is a section of the antitrust law (section 3) which has not been construed. It makes it unlawful for any American citizen, company, or corporation to enter into a contract in restraint of trade between any of the States or Territories or the District of Columbia and any foreign nation. The penalty fixed for the violation of this section is a fine not to exceed $5,000 or imprisonment not to exceed one year, or both, in the discretion of the court. I am in possession of the proof which shows that the companies comprising the trust require foreign dealers to whom they sell to enter into a contract, in the nature of a bond, by which they agree not to permit the reimportation of the watches to the United States and by which they agree not to sell them, under certain penalties, for such a purpose. If this is true, I submit that it is a violation of section 3 of the antitrust law. If a consignment of American watches is sold to an English dealer, they become his property.

An Englishman can buy one or all of them, but an American citizen is not permitted to purchase any of them for reimportation to the United States. An American citizen is not permitted to exchange 1,000 American dollars for 100 watch movements so purchased by an English dealer. Neither is he permitted to exchange 1,000 bushels of wheat grown on an American farm for the same movements. Any citizen of England or any foreign nation can purchase the goods in question. Under these circumstances can any court hold that these companies are not entering into contracts in restraint of trade between the United States and a foreign country? In this connection I expect to print a letter from the London manager of the Keystone Watch Case Company to Long & Co., English wholesale watch dealers, in which the statement is made that in order to get any Keystone or Elgin watch there must be a written contract entered into by the English wholesaler not to permit their reshipment to places outside of England. Other evidence on these lines is accessible.

In the Northern Securities case the Supreme Court held that "combinations, even among private manufacturers or dealers, whereby interstate or international commerce is restrained are equally embraced by this act."

The gentleman from Minnesota [Mr. MCCLEARY] was able to obtain information from the Secretary of the Treasury. I have not been able to obtain anything from him. I recommend him as the proper candidate for the Presidency of the nonprogressive, stand-pat element of the Republican party. [Laughter on the Democratic side.] It would be easier to beat him than anybody I know of. I had reason to believe that the American watch trust was standing guard at every one of our 125 ports of entry to prevent the reimportation of these watches that they say nobody wants to reimport. I wrote to him and asked him if it was not true that the Waltham company had written to him asking him to become a party to this subterfuge—this Swiss-dial business—and he declined to give me that information. But I wrote to every one of the 125 collectors of our ports, and I finally obtained from one of them in far-off California a copy of this letter, which I propose to put into the RECORD, and which shows that the American watch trust stands guard at the gate of every one of our ports to prevent the reimportation of American-made watches.

DIFFICULTIES IN OBTAINING INFORMATION FROM THE TREASURY DEPARTMENT.

I have been investigating the watch trust for some time now, and have been greatly hindered by the unwillingness of one Department of this Government to furnish me with the information to which I consider I am entitled as a Member of Congress. A statement was made in my presence in the office of Assistant Secretary of the Treasury Reynolds, by one of his subordinates, that the Waltham Watch Company had filed a protest, supported by affidavits, against the admission of a large consignment of American-made watches through the port of New York. I wrote to the collector of the port asking for copies of the protest so filed and for copies of the affidavits in support thereof, offering to pay the usual fees in advance for the service, if fees were required. It was important, in connection with this investigation, on account of the position taken by the watch trust, to find out whether it was profitable for American dealers to reimport American watches, and whether they were actually doing it. The speech of my colleague amounted to a denial of this.

Mr. Stranahan, the collector of the port of New York, advised me that he had written to the Secretary of the Treasury for instructions. I waited a week and received no reply to my letter. I wrote to him again on April 30, calling attention to the matter and I waited another week before receiving a reply from New York. After waiting for two weeks for this information I was advised by the collector of the port of New York that they were unable to give me the information, for the reason that the Department did not feel that they could with propriety authorize the officials at New York to supply the same. I expect to put this correspondence in the appendix to my speech. I have been studying the methods of the watch trust so long that I felt sure they had advised in some way the collectors to be on the lookout for American-made watches "improved upon while abroad." If, as stated by my colleague, Mr. BOUTELL, the watches sent abroad are of a kind for which

there is no demand in the United States on account of their cheapness, and if the Waltham Watch Company were using extraordinary measures to prevent the reimportation of the watches purchased at the cheap prices they make abroad for these goods, this fact appeared to me to be most important in connection with this case.

On the second day of May, of this year, I wrote the Secretary of the Treasury, asking him to advise me upon this point. I waited a week for a reply, and finally on the 8th day of May I received from Secretary Shaw a letter signed by himself in person, which reads as follows:

In reply to your letter of the 2d in which you request to be furnished with copies of letters received from certain American watch companies relative to the importation of watches made by them and sold abroad, I have the honor to state that information of the character referred to is considered as confidential by the Department and can not therefore be disclosed.

I attribute the long delay in answering to the fact that this Department of our Government was unwilling to give me this important information in connection with this investigation, for the reason that if such letters had been received from the watch companies it would seriously reflect upon our present tariff schedules and make immediately apparent the necessity for revision. On the other hand, the refusal to give me the information required might subject the Department to some criticism. It was, however, decided finally to adopt the latter course. I had anticipated a refusal. I was confident such information had been lodged with the Department by the watch companies. I preferred, however, to get a copy of their letters direct from the Secretary of the Treasury. I was determined to get this most important information in some way, and on the 24th of April I addressed a letter to about twenty of the collectors of our ports and received answers from nearly all of them. I propose to put some of the answers I have received from these collectors in the appendix to my speech.

The collector of customs at Los Angeles sent me the information I desired, and sent me a copy of the letter of Robbins & Appleton, who are the agents for the American Waltham Watch Company, and who also, together with Mr. Fitch, president of the company, own a majority of the stock in that company. This is the letter received from the collector at Los Angeles, together with the copy of the letter of Robbins & Appleton, which they sent to me:

UNITED STATES CUSTOMS SERVICE,
PORT OF LOS ANGELES, CAL.,
April 30, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, United States, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter dated April 24, 1906, requesting me to advise you whether or not it is true that the Waltham Watch Company, or any other American watch company, has notified this office to be on the lookout for Waltham watches exported and again imported by Keene, of New York, advanced in value.

In reply, I have to state that such notice has been received from Messrs. Robbins & Appleton, agents of the American Waltham Watch Company, Waltham, Mass., and I herewith inclose a copy of the said notice.

Very respectfully,

CHAS. W. SPOBERG,
Special Deputy Collector.

ROBBINS & APPLETON,
AGENTS AMERICAN WALTHAM WATCH COMPANY,
WALTHAM, MASS.,
New York, April 2, 1906.

SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: On or about March 15, 1906, about 1,300 Waltham watch movements, made by the American Waltham Watch Company, of Waltham, Mass., and consigned to Charles A. Keene, arrived at the port of New York. Upon examination by the appraisers it was found that some 1,218 of these movements bore foreign-made dials, which were attached to the watches so as to form an integral part thereof. Also, that 88 of the said watch movements bore American-made dials. Reference to the books of the American Waltham Watch Company showed that 1,210 of those bearing foreign-made dials, and 6 of those bearing American-made dials, had been shipped from the factory of the said company to London, England, without any dials, and that while said watch movements were in a foreign country they had been provided with dials and had been timed and regulated and subjected to final inspection, after which they were imported into this country as first above stated. The said two lots of watch movements, namely, 1,210 bearing foreign-made dials and 6 bearing American-made dials, attached in a foreign country, were classified as dutiable at the usual rates applicable to imported watches.

We have received information, which is believed to be reliable, that other shipments of Waltham watches or watch movements may arrive in the future at one or more of the ports of entry on the Canadian border, and not impossibly at some other port of entry along the Atlantic or Pacific seaboard, which watches or watch movements will be dutiable, because of a similar state of facts to that above referred to. In order that the Government may be able to collect the proper duties in the event of any such future shipment, we suggest that the proper officers at each port of entry of the United States, and particularly at each port of entry on the Canadian border, be notified to hold all consignments of Waltham watches or watch movements upon their arrival until an opportunity be given to show whether such watches or watch movements went abroad without dials and were furnished with dials or other parts and had work done upon them in foreign countries, and that for that purpose, and immediately upon such arrival, the American Waltham Watch Company be notified at its office at Waltham, Mass., in which event the proper evidence will be immediately furnished by such company.

Respectfully,

ROBBINS & APPLETON.

I call particular attention to the latter part of this letter. The Waltham Watch Company agrees, if they are "immediately" notified of the arrival of Waltham watches, they will "immediately" furnish evidence showing the watches have been improved upon while abroad. The question arises, How can the Waltham Company "immediately" furnish such information? It can only be answered in one way: The Swiss dials are put upon the watches, or the other alleged improvements are put upon the watches while abroad, by the Waltham Watch Company themselves, or the alleged improvements are made here in the factory of the Waltham Company in Massachusetts and a careful record of the same kept, so as to prevent their reimportation.

How this miserable subterfuge enables the company to further impose upon the American people while protected by a tariff wall does not require any additional comment from me. One of the great Departments of this Government is being made a party to this miserable scheme, and the collectors of all the ports of the United States have been requested by the Secretary of the Treasury to assist in effectually carrying it out. I regret that it has become necessary for me to produce the letters written to me by the collectors of our ports. I wrote to them before they could be notified not to furnish me with proof. I waited until I was sure the proof was on its way to me and then requested the Secretary of the Treasury to furnish me the evidence to which, as a Member of Congress, I am clearly entitled.

I again recommend the Secretary of the Treasury as a proper candidate for the Presidency, if the stand-pat element is to control in the Republican party. His conduct in this particular demonstrates that he represents, as no other man does whose name has been mentioned in connection with this high office, the nonprogressive, stand-pat element in the Republican party. As a Democrat, anxious for the success, nationally and locally, of the Democratic party, I sincerely hope the Secretary of the Treasury will receive the Republican nomination for the Presidency. It ought to be particularly easy to defeat him.

Now, as to the question of the inflation of stock. Now, the Waltham Company are engaged in inflating their stock $7,000,000.

Mr. TIRRELL. Prove it.

Mr. RAINEY. I will if the House will give me two minutes more. I will prove it absolutely; and they are doing it dishonestly, and by the same methods that all trusts practice back of this tariff wall.

Mr. TIRRELL. I deny it.

Mr. RAINEY. I know you do; but I will prove it for you.

Mr. TIRRELL. You can not do it.

Mr. RAINEY. I will show you whether I can or not.

I have here certified copies—I come into court always with my case well prepared. [Laughter.] I have here certified copies of the statement required to be filed in Massachusetts by a corporation doing business in Massachusetts thirty days after the day fixed for their annual meeting. I have here their statements for the last two years, in which these trust presidents—Fitch, Appleton, Robbins, and the rest of them—in 1895 swear that their patent rights were worth $180,000; and they swore, on the 15th day of May of this year, that their patent rights were worth one hundred and sixty-seven and some odd thousand dollars. I will put the evidence of it in the RECORD; and on the 15th day of May of this year they swore, every one of them, to the statement which I have here, and which I will be glad to show my friend, on that very day they met to reorganize their company on a basis of $12,000,000 worth of stock, and they put in their patent rights at $4,500,000. [Loud applause on the Democratic side.] I have here the statement they sent out to the stockholders——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. Therefore I say that these men either committed perjury on these two occasions, or they are engaged in watering their stock.

I said nothing in my speech with reference to either of these watch companies being a $10,000,000 corporation. I inserted in the RECORD, however, some extracts from the Chicago Tribune in which that statement was made. I inserted the extracts for another purpose, however. It makes no difference, so far as this argument is concerned, what the capital stock of either of these corporations is. The Chicago Tribune is one of the leading Republican papers of the country. My colleague takes most vigorous issue with this publication on this question, and devotes a considerable portion of his time toward an attempt to show that the Elgin Company is a $5,000,000 corporation and the Waltham Company is only a $4,000,000 corporation.

It makes no difference to me what either of these corpora-

tions is rated at or what is the amount of their capital stock. Inasmuch, however, as my colleague has gone into the subject, I might with perfect propriety call attention to the fact that the American Waltham Watch Company is now engaged in the business of watering its stock, and that on the 15th day of last month the directors of the company met at its home office in Waltham, Mass., for the purpose of reorganizing the company, giving it a new name, and issuing $12,000,000 worth of stock, an inflation of $7,000,000 with no perceptible increase in their visible holdings. Under the laws of the State of Massachusetts a corporation is required to file every year a statement of its assets and the actual value thereof. On the 31st day of March, 1905, the officials of the Waltham Watch Company, under oath, filed a statement of all the assets of that company with the secretary of the Commonwealth of Massachusetts. In this statement they showed the value of all the patents owned by the company to be $180,125, a decrease in value of $5,141 from the statement made by the company in 1904. I have had the records examined here and find that the American Waltham Watch Company since that time have acquired no additional patent rights of any importance. They, however, in their notice to stockholders in the matter of the formation of this new company put the value of their patent rights at $4,500,000.

In order to obtain the exact truth about this matter I obtained from the secretary of the Commonwealth of Massachusetts a certified copy of the certificate filed in his office on the 29th day of May, 1905, by the Waltham Watch Company, wherein they fix the value of the patent rights at $180,125.56. This statement was subscribed and sworn to by Ezra C. Fitch, Royal Robbins, Benjamin F. Brown, Francis R. Appleton, and Reginald C. Robbins before John F. Park, a notary public. On May 29 is attached the certificate of the auditor of the State of Massachusetts certifying that he has examined the books of the company, and that the statement executed by the officers of the company represents the true condition of the affairs of said corporation. I also obtained a certified copy of the statement filed by the Waltham Watch Company on the 15th day of May of this year, and in that statement they fix the value of their patent rights at $167,832.13.

This certificate was sworn to by E. C. Fitch, Royal Robbins, Francis R. Appleton, Benjamin F. Brown, and Harry T. Robbins before E. A. Marsh, a justice of the peace. To this statement is also attached the certificate of the auditor. It is interesting to note that on this same day, to wit, the 15th day of May, they reorganized the Waltham company upon the theory that their patent rights were worth $4,500,000. They seek to evade the penalties provided for perjury by adding to the statement of condition filed last month the following clause: "The above statement includes a portion only of the value of the company's patents and patent rights, and does not include the value of the company's trade-mark, good will, and business." This clause was never contained in any of their former statements. In fact, in last year's statement opposite the words "Trade-mark" and "Good will" they wrote in three ciphers to indicate they placed no value upon these items. In the statement last filed they leave the columns blank after "Trade-mark" and "Good will." Their own method of computation, however, fixes the value of their trade-marks and good will at $12,292.43.

The conclusion, therefore, is irresistible. Either the officers of the Waltham Watch Company perjured themselves on the 31st day of March, 1905, and in other years when in their statements they placed the value of their patent rights at these figures, or they are now deliberately deceiving the public when they say their patent rights are now worth $4,500,000. I am inclined to think that these officials did not take any chances in the matter, and did not incur the penalties of perjury. I believe the statements they made for these last two years as to the value of these patent rights is about correct, and I believe they are now deliberately deceiving the public in an effort to water their stock and place it on the market, holding themselves the controlling interest. Robbins & Appleton and Fitch have always held the controlling interest, and eventually the effort will be, and it may be successful, to squeeze out the persons who are now foolish enough to buy any of this stock, thus compelling in this manner the public to contribute perhaps $5,000,000 to their ill-gotten gains.

The statement sent out to the stockholders of the Waltham company has been printed in full in several papers, including the Boston Herald, and I have clippings from several of these papers. I also saw the original statement. It was sent to me by one of the smaller stockholders, and I have compared it with the statements published in the papers. The certificate of incorporation, filed in the statehouse in Boston on Tuesday, May 1, of this year, shows the value placed on these patent rights as I have stated above. In the same place can also be found the sworn statements, under oath, of the officers of the company, to which I have called attention, in which the value of these same patent rights is placed at the figures I have given. The statement I have made in this connection can be verified by any person who cares to do so. I presume the Elgin company will follow suit in a short time and will also incorporate for $12,000,000. These companies move along always together and do the same things at about the same time.

RAILROAD INSPECTION.

My colleague has inserted in the RECORD the protest of the labor union composed of employees in the Elgin Company's works. I have nothing to say in reply to this, except that, in my opinion, it would be better for the railroad employees of the country to raise a fund and pension every watch-trust employee, paying them as much for doing nothing as they now receive from the watch trust, than submit longer to the outrageous system of watch inspection made possible by the watch trust in this country. Any railroad employee knows what the term "watch inspection" means. It is unnecessary for me to dwell on this point. I might, however, call attention to the infamous scheme of the watch trust a short time ago to compel the purchase of 5,000 watches by the employees of the Erie system, which fell through on account of the violent protest of the several brotherhoods of railroad employees.

In most cases where watch inspection is ordered there is some graft in it somewhere. The watch inspector—really selected by the watch trust, nominally selected by the general superintendent—is always on hand when the order for inspection is made, and dictates the conditions of the order. If this order is made, no matter how good a watch may run, it is sure to be condemned if it does not comply with the order. Train men are familiar with the scheme by which a low-grade watch is purchased, nearly always from the Waltham and Elgin companies, and by changing the bridges or the dials the marking of the watch is also changed, so that it reads, "Locomotive firemen's standard," "Locomotive engineers' standard," "Locomotive trainmen's standard," or something of that kind; and the price of this watch, which has been improved in no way, except by the addition of the above name or a similar name, is increased from $10 to $15, and the train man is compelled to submit and purchase one of the low-grade watches so fictitiously increased in value or lose his job. This is only one of the many schemes resorted to by the watch trust in their successful efforts to compel train men throughout the country to pay an additional tribute to this most nefarious of all the trusts. In this connection I expect to put in the RECORD, as an appendix to my speech, a certain letter written to the Brotherhood of Locomotive Firemen, and a letter from P. M. Arthur, of the Brotherhood of Locomotive Engineers, and certain other data upon this subject.

EVIDENCE OF IMPORTATION BY KEENE.

When I made my former speech on this subject I called attention to a number of express receipts in my possession showing that large amounts of money had been sent abroad by Mr. Keene for the purchase of American-made watches; I also tendered other evidence upon this important subject and stated I would keep the same in my desk for a reasonable length of time, subject to the examination of any stand-pat Republican in this House or anyone else who cared to examine the evidence. Since that, this part of the Chamber has been practically deserted by Republicans. I am unable to get any of them near my desk. In all these speeches that have gone into the RECORD the effort has been made to convince the country that American-made goods, and particularly American-made watches, are not reimported. I now have here in my possession extracts from the records of the port of New York, certified to by the collector of that port, showing that in a comparatively short time, through that port alone, $80,000 or $90,000 worth of American-made watches were reimported by Mr. Keene.

I am not going to ask any of you gentlemen to examine this evidence. I know you will decline to do so. If you desire, however, to see these certified copies I have they are here at your service. I propose to put some of them in the RECORD here. If you decline to examine them your constituents will then have an opportunity of knowing that this most important evidence exists. The certified copies I have here show the value of these goods at the price Mr. Keene was able to get them in England. The American selling price for the same goods would be 40 or 50 per cent more than this amount. The evidence I have here comprises only a part of the shipments through this one port. According to the letter of the president of the Waltham Watch Company to the Secretary of the Treasury, which I have inserted in the RECORD, it is evident that shipments have been made through other ports; and it is evident, at any rate, that

shipments of American-made watches are expected by the Waltham Watch Company at any of our Atlantic or Pacific ports or through the custom-houses along the Canadian border at any time.

These certified statements and this letter of the American Waltham Watch Company show how profitable it is to reimport American-made goods, and also show the tremendous number of American-made watches reimported into this country in a comparatively short time by this one dealer. I understand that there are other dealers who propose to go into the same business. I sincerely hope energetic Americans may be found, now that the road has been pointed out by this New York jeweler, who will be willing to engage in the reimportation of American-made tools, American-made typewriters, American-made sewing machines, in fact, American-made goods of all kinds, so that the absurdities of the present tariff schedules may be completely exposed, and so that Americans may be able to get American-made goods at something near the prices foreigners are required to pay for the same articles. The fact that the disposition of the majority on the Republican side is to stand pat and permit no changes in these tariff schedules ought to indicate now to any person desiring to go into business of this kind that his business will not be seriously interfered with during the life of the present Congress at least. After that time, if the Democrats get control, these schedules will be revised, as they ought to be, and the business of reimporting American-made goods will not be profitable.

The following are some of the certified copies referred to:

C. A. KEENE,
Importer, Port of New York:
S. S. *Philadelphia*, March 12th 1906. 2 cases American watches, £2,000.
This paper has been carefully compared with the original and found to be a true extract and copy thereof.
JOHN E. DOWSING,
Chief Clerk Board U. S. Genl. Apprs.
Compared by E. S.

CHAS. A. KEENE,
Importer, Port of New York:
S. S. *Baltic*, Jan. 30th, 1905. 1 case American watches and watch cases, £800.
Free.
COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 7, 1906.
I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

CHAS. A. KEENE,
Importer, Port of New York:
S. S. *New York*, Feb. 15th, 1905. 1 case American watches, £150.
Free.
COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 7, 1906.
I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

CHAS. A. KEENE,
Importer, Port of New York:
S. S. *Teutonic*, March 31, 1905. 1 case American watches and watch cases, £1,200.
Free.
COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 7, 1906.
I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

C. A. KEENE,
Importer, Port of New York:
S. S. *New York*, Mar. 14, 1905. 7 cases American watches and watch cases, £2,700.
Free.
COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 7, 1906.
I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

CHARLES A. KEENE,
Importer, Port of New York:
S. S. *Oceanic*, Oct. 12th, 1904. 1 case American watches, £1,375.
Free.
CUSTOM-HOUSE, COLLECTOR'S OFFICE,
New York, May 7, 1906.
I certify this to be a true extract from the original invoice presented to me on entry and now on file in this office.
[SEAL.] D. O. PALMER,
Acting Collector.
May certify.

C. A. KEENE,
Importer, Port of New York:
S. S. *New York*, Nov. 14th, 1904. 1 case American watches, £1,500.
Free.
CUSTOM HOUSE, COLLECTOR'S OFFICE,
New York, May 7, 1906.
I certify this to be a true extract from the original invoice presented to me on entry and now on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

CHAS. A. KEENE,
Importer, Port of New York:
S. S. *Philadelphia*, Nov. 28, 1904. 1 case American watches and movements, £1,500.
Free.
CUSTOM HOUSE, COLLECTOR'S OFFICE,
New York, May 7, 1906.
I certify this to be a true extract from the original invoice presented to me on entry and now on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

C. A. KEENE,
Importer, Port of New York:
S. S. *New York*, Aug. 24th, 1903. 1 package American watches, £305 11s. 5d.
Free.
COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 8, 1906.
I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

C. A. KEENE, *Importer, Port of New York:*
S. S. *Majestic*, Oct. 8, 1903. 1 case American watches, £718 4s. 10d.
Free.
COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 8, 1906.
I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

C. A. KEENE, *Importer, Port of New York:*
S. S. *Germanic*, Oct. 2d, 1903. 1 case American watches, £723 17s. 2d.
Free.
COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 11, 1906.
I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

COUNTY OF NEW YORK, *ss:*
William P. Talbot, being duly sworn, states he resides at No. 101 Sixth avenue, in the Borough of Brooklyn, State of New York; that he is now and for the past fifteen years has been in the employ of Charles A. Keene, jeweler, of 180 Broadway, New York.
The deponent further says that the watch movements and watch cases set forth in the four schedule invoices hereto annexed, in the name of W. P. Talbot, importer, and invoiced under the name of A. Judson Hyatt, importer, represents watch movements and cases purchased in London and going through the port of New York, are now the property of Charles A. Keene, and were purchased for him and on his account by the deponent in London, England.
This deponent has no interest in any of the said movements or cases or complete watches represented in said schedules.
WM. P. TALBOT.
Sworn to before me on this 11th day of May, 1906.
[SEAL.] DAVID HAHN,
Notary Public No. 8, New York County.

W. P. TALBOT,
Importer, Port of New York:
S. S. *Campania*, Aug. 22, 1905. 1 case American watches, £901 18s. 5d.
Free.
CUSTOM-HOUSE, COLLECTOR'S OFFICE,
New York, May 11, 1906.
I certify this to be a true extract from the original invoice presented to me on entry and now on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

W. P. TALBOT,
Importer, Port of New York:
S. S. *Philadelphia*, Aug. 8th, 1903. 2 boxes American watches, £842 16s. 2d.
Free.
COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 11, 1906.
I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

W. P. TALBOT,
Importer, Port of New York:

S. S. *Oceanic*, July 21, 1904:	£.	s.	d.
1 package American watches	960	17	0
1 package American watches	753	11	0
1 package American watches	149	16	10
	1,964	4	10

Free.

COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 7, 1906.

I hereby certify the above to be a true extract from the original on file in this office.

[SEAL.] D. O. PALMER,
Acting Deputy Collector.

May certify.

A. JUDSON HYATT,
Importer, Port of New York:

S. S. *Minneapolis*, March 19, 1904. 1 package American watches, £95.

Free.

COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 7, 1906.

I hereby certify the above to be a true extract from the original on file in this office.

[SEAL.] D. O. PALMER,
Acting Deputy Collector.

May certify.

For the purpose of showing that the companies comprising the watch trust now require foreign wholesalers who purchase from them to agree that said watches shall not be reimported, and for the purpose of showing the strenuous efforts on the part of the watch trust to prevent the watches they sell abroad from being reimported to the United States, I print here copies of original letters in my possession.

The letters are as follows:

THE KEYSTONE WATCH CASE COMPANY,
London, E. C., March 24, 1906.

Messrs. LONG & Co.,
Bradninch, Devon.

DEAR SIRS: We have your letter of the 23d instant, and fail to see in our correspondence with you that we have brought up anything new regarding the sale of Keystone-Elgin watches, inasmuch that you were told here we did not allow them to be sold at a greater discount than 2½ per cent for cash, and that the sale must be limited to legitimate retailers, also that they were not to be sold by you for reshipment places outside of England. On this you verbally agreed, and in order to places outside of England. On this you verbally agreed, and in order the lines as explained, we desired to have on file your written assurance with regard to this.

It may be that you have disposed of some of the watches which we have sent you to channels about which you are not sure of, and we would suggest, no less in our interest than in your own, that you look very carefully into the firms which may desire to procure our watches from you, in order to satisfy yourself beyond all reasonable doubt that the goods do not get into channels other than those indicated to you in our conversation here and in this letter.

We shall be very pleased, indeed, to see you when you next come to this city and talk the matter over with you.

Very truly, yours,

THE KEYSTONE WATCH CASE Co.,
C. S. SUMNER, *Manager London Office.*

[Memorandum.]

MICHAEL BROTHERS, WATCH MANUFACTURERS,
London, E. C., October 7, 1903.

Mr. CHARLES A. KEENE, *New York.*

DEAR SIR: We thank you for your letter just to hand. Re the Waltham, we only sent you what you did order.

We are having some difficulty just now, as the companies suspect where they are going to.

However, next month we hope to have £400 or £500 of Walthams to send you.

Yours, faithfully, MICHAEL BROTHERS.

MICHAEL BROTHERS, WATCH MANUFACTURERS,
London, E. C., October 25, 1903.

Mr. CHARLES A. KEENE, *New York.*

DEAR SIR: In reply to your favor, we regret to state that both companies, Elgin and Waltham, have by some means found out where the watches are going.

There is nothing to do, therefore, but try and get as many watches as possible through other wholesale firms. This we are trying to do, but, of course, deliveries will be smaller.

You may rest assured we are doing our utmost for you in the matter.

Yours, truly, MICHAEL & BROS.

ABEL & KATZ, 79 PICCADILLY,
Manchester, June 15, 1904.

Messrs. BERNARD FRERES, *London, E. C.*

DEAR MR. CHATELAIN: We are in receipt of yours of yesterday, and thank you just the same for introducing us to Mr. Adams, your friend, who wants the Elgin watches, but at present the Elgin Watch Company know all about this game, and we would not like to get ourselves into trouble with them, as Mr. Williams, from the Elgin company, makes it a distinct understanding that the goods must not be sold below the stipulated prices, and that they must not be sold to any person or persons who intend, direct or indirect, to ship these goods to the United States.

Yours, faithfully, ABEL & KATZ.

[Memorandum.]

MICHAEL BROTHERS, WATCH MANUFACTURERS,
95 Hatton Garden, London, E. C., October 19, 1905.

Mr. C. A. KEENE.

DEAR SIR: In reply to your favor of 9th instant, we beg to confirm our cable in which we inform you that the contract is off with the Elgin Watch Company. This owing to their wanting to insert a clause that these goods must not go to America.

We are very much afraid that we can only rely on the Walthams, who are quite willing to supply us with the quantity of watches you ask for, only will not be bound by any contract.

We hold at the present moment the first 100 of your contract with the Elgin, and expect about 500 Walthams. As soon as we receive, shall forward.

Re the Swiss movement we sent you at a cost of an extra shilling, you can have these fully jeweled, i. e., 15 jewels, and as the duty is 10 per cent, surely you could sell.

We think we now know the kinds of goods you like, and up to the end of November will try and get you as many as we possibly can.

We hear that one of the largest wholesale houses of New York in your trade was in London lately, and feel that he must have whispered something to the Elgin company, for they are quite off, and doing their best to wriggle out of the contract.

The 100 watches we now have in mind have been delivered in dribs and drabs, and we feel sure that we shall have to hold these goods quite a month before the consignment will be important enough to send you.

According to agreement, we have to pay cost on delivery, consequently we may be obliged to pay out for £500 before we can send you a shipment.

We should esteem it a favor if you would instruct your American shipping company to hand us over £500, wanted for this month, and next month the £1,000 required, and so on, because under no circumstances should we like them to have the slightest chance of wriggling out of the contract.

Yours, faithfully, MICHAEL BROS.

NIXON & SHAW, WHOLESALE JEWELERS
AND HARDWARE MERCHANTS,
50 to 56 Paradise street,
Liverpool, July 29, 1905.

Mr. KEENE.

DEAR SIR: In reply to your letter, we beg to say that we sent an order for some watches on the off chance of getting them, but they refused to execute them. They evidently know all about your movements and are determined you shall not get these watches. We could not get them for you, we are quite sure, unless by methods that we don't care to adopt; therefore it will be useless troubling further in the matter.

NIXON & SHAW.

[Memorandum.]

MICHAEL BROTHERS, WATCH MANUFACTURERS,
London, E. C., November 14, 1903.

DEAR MR. KEENE, *New York:*

We beg to confirm our cable, in which we tried to make you understand that we could not obtain consular invoices. However, by bringing pressure to bear we have succeeded, and parcel will leave on the 18th instant by the *Cedric*, addressed to T. Talbot, of your address. You will find that we have got you all the Waltham company have in stock, and are very much afraid this will be the last shipment this year, so if you find one or two lines not ordered you will know the reason.

To get these goods we had to employ other firms, and the cost to us has been very high.

The Elgin company have broken contract after delivering 100 Beehives, 0 size, which we thought better not to send to you owing to impending action.

We have tried hard to get these goods, but all firms are asked to sign a letter stating that this merchandise is not going to America, etc., and if they make a false declaration would render themselves liable. However, we have a Swiss firm at work and probably will get some through them. We inclose statement of your account, in which the 100 Beehives, 0 size, are charged to you, also cables and 2½ per cent extra commission. Now, if you should think this excessive, will have to give way over the matter, but, as you know, we have had to pay this to get the goods, and when our Mr. Chatlain arranged prices, alterations, etc., it was stipulated that we should get over 5 per cent clear.

Please forward all instructions concerning the broken contract, etc.

We remain, yours, faithfully,

MICHAEL BROS.

J. SATCHWELL & CO. (LIMITED), IMPORTERS,
Birmingham, August 19, 1904.

DEAR SIR: We have waited before replying to your letter until we heard from Illinois. We inclose a copy of letter we have this day received from them, which speaks for itself. I have by same mail written to Illinois saying we will take delivery in England of this 1,000 watches, so please send us what instructions you wish made under this fresh difficulty. Will your representative be here then, or shall we send them to London office or ship direct to you?

Waiting your esteemed reply, yours, very truly,

JOHN SATCHWELL & CO. (LIMITED).
T. BURNETT.

CHAS. A. KEENE,
Broadway, New York.

[Copy of letter from Illinois Watch Case Company, August 6, 1904.]

GENTLEMEN: We carefully note the contents of your letter dated July 25.

In reply we desire to emphasize that it is absolutely impossible to deliver export Waltham Watches to any person or company within the limits of the United States. Prices quoted you were simply for export, based upon the fact that the goods were to be shipped out of the United States and not returned. You are, of course, aware that American quotations for these same watches are considerably in excess of the prices we are permitted to quote for the English market. We are under agreement with the Waltham Watch Company that all their movements intended for export shall, under no consideration, be sold or delivered in this country. You realize we are in honor bound to respect

this agreement, and in consequence your order can only be shipped direct to England. Otherwise it must be considered canceled.

Awaiting your immediate reply, accompanied with foreign shipping instructions, we remain,

Yours, very truly, ILLINOIS WATCH CASE COMPANY,

From John Satchwell & Co. (Limited).

LANCASHIRE WATCH COMPANY, LIMITED,
Prescot, May 12, 1906.

DEAR SIR: I have received your letter dated the 27th ultimo, asking me for information re the purchases by Mr. Keene of American watches from firms in this country.

I can assure you that all the specific instances you mention in your letter are true, but as the firms named that sold these watches to Mr. Keene are regularly doing business with the Waltham and Elgin people, I could not, on my own authority, allow you to use their names, as requested by you.

For that reason I must ask you to treat that portion of this letter in the strictest confidence.

Assuring you of my desire to assist you whenever I can be of use,

I am, sir, yours, faithfully,

THOMAS P. HARRITY.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, U. S. A.

MANUFACTURE D'HORLOGERIE SOIGNÉE,
London Office, May 22, 1906.

Mr. HENRY T. RAINEY,
Hotel Driscoll, Washington, U. S. A.

DEAR SIR: I have just received a letter from Mr. Keene, who wishes me to give you a few particulars of the different transactions we have had with the Keystone-Elgin Watch Company and the Waltham Watch Company. This affords me great pleasure as your very able speech in Congress proved to me without doubt the iniquitous proceedings of these trusts.

A few years back, while I was the manager of Messrs. Michael Brothers, in Hatton Garden, I made the acquaintance of Mr. Keene, and with whom I purchased from the Elgin and Waltham Watch companies up to the present day at least twenty-five to thirty thousand pounds' worth of goods. At the beginning of my purchases I had no difficulty whatever in obtaining everything I wanted, but immediately the company received information as what these goods were returning to America our supplies were at once cut off, and both the companies refused to supply us with any more goods. Ever since this we have had to employ different wholesale factors to whom we have always given a commission of 5 per cent to obtain these goods for us, and sometimes, in fact very often, the company soon discovered that these people were purchasing on our behalf and cut off their supplies. I could give you a long list of good English wholesale houses who now are unable to obtain any of these goods.

The Waltham and the Elgin companies' two managers have acted hand in hand throughout the whole of this campaign, and have helped one another in every possible way. I was on the verge of signing a contract with the Waltham Watch Company for 1,000 watches. Everything was ready, contracts prepared to sign, etc., and when I arrived at the appointed hour I found the manager of the Waltham company in serious confab with the manager of the Elgin. It is needless to add that they had been putting their heads together and then refused to sign the contract, although the matter had gone so far.

Trusting that the little information contained in this letter may be of some use to you,

Believe me, dear sir, yours, faithfully,

C. G. CHATELAIN.

I am glad to know that there is at least one Republican Member in this House who does not sympathize with the watch trust. The following dispatch appeared in the Washington Times within the last few days:

An interesting section of the tariff debate that has been going spasmodically in the House all session was transferred out to Salem, Ohio, yesterday, and used to enliven a centennial celebration in that thriving little city. Thereby appends an interesting story.

When Congressman RAINEY, of Illinois, attacked the watch trust some weeks ago, Mr. BOUTELL and other Republicans replied, taking the general ground that, in fact, there was no watch trust. Mr. KENNEDY is a Republican, and, representing a district in which there is a big industry of this kind, he has special opportunities for knowing something about the matter. He insists that there is a watch trust.

ATTACKS TRUST IN SALEM SPEECH.

But Mr. KENNEDY didn't get a chance to tell the House what he thought and what he knew about it. There was small disposition on the part of the House managers to give rein and floor privileges to a Republican with such heretical ideas. So he didn't get opportunity to speak in the House. Being full of speech, Mr. KENNEDY went out to Salem and told his constituents about it. He used the Dueber Watch Case Company, of Canton, in his district, as an example. The Dueber Company has been fighting the trust, and has made a telling fight at that.

"A few years ago, in the neighboring city of Canton," said Mr. KENNEDY, "was started an industrial enterprise with glowing prospects, the Dueber Watch Case Company. It sailed out upon the sea of industries, to carry honest commerce to every market. Prosperity attended, and its goods were gladly received, until it was ruthlessly attacked by the American Watch Company.

"Every market was suddenly closed to it. It was scuttled and dismantled and left helplessly adrift, while master and crew were compelled to walk the plank, and in thousands of homes of labor in Canton dwelt terror and dismay. As master and crew went down, apparently never to rise again, with a despairing cry and a drowning gurgle, in the sight of this civilization, some lawyers would say of the piratical attack, "Oh, it is only business competition." But the lawyer with red blood in his veins, whose heart and soul ring true, would deny this. It was not competition. It was an unlawful assault, planned in dark conspiracy by cunning and duplicity, to murder competition.

CONSUMMATE AVARICE AND GREED.

"The methods of that attack were the most consummate achievement of avarice and greed to conquer a monopoly of domestic commerce and exploit both the market that purchases and the labor that produces.

"Every true man who loves an open fight and a fair field rejoices to-day that John C. Dueber and his heroic crew did not surrender. They climbed back and repaired the vessel, sought new markets, and struggled on, and when the story of this episode is written the escape of that industrial craft will be as thrilling as the adventures of any surviving merchantman upon the Spanish Main."

Is the country prosperous? Is there honest work at honest wages for every honest man? In a burst of oratory the other day the gentleman from Indiana [Mr. LANDIS] proved there was, to the entire satisfaction of the Republican side of this House—by holding up here the original red, green, and blue signs which were displayed in front of the places of business of employment agencies in the city of Cincinnati—and which the proprietors kindly loaned to him for that purpose. The exhibition was vigorously applauded by every Republican in this Chamber. Is that the evidence upon which you rely? Follow a laboring man into one of these places—attracted by one of these "Spider-to-the-fly" advertisements; and then follow him to the filthy, unhealthy camp in which he is compelled to work. The sanitary laws of our cities and villages stop always at the boundaries of one of these camps. Watch him when he applies for his wages, at the end of a long, dreary week's labor, and is told that nearly all of it goes to the employment agency that got him the job. At the end of two or three weeks his work is done and he goes reluctantly, sullenly back to the slums of our great cities conscious only of the fact that he has given up half of his wages in payment for the opportunity to labor with his hands.

The Republican party is responsible for that kind of an opportunity to labor, is it? I am glad you are willing to assume it. Is that the evidence that laboring men are permitted to work eight hours, to sleep eight hours, and to have eight hours for recreation and mental improvement! The signs in front of these scab-labor agencies in all our great cities evidence of prosperity! They are evidence only of the graft which permeates the entire country under Republican rule. The scab employment agency, which filches the wages of the man who is attracted by these signs, divides up with the contractor who furnishes the work—and the labor organizations of the country know this if you don't.

Perhaps if you follow the laborer as he leaves one of these places, you will find him disappearing behind great stockades to work under the protection of armed men—perhaps under the protection of the citizen soldiery of our States. You may find him on a street car escorted through the streets of our cities by platoons of special policemen. This may all be evidence to you that there is "all kinds of work for all kinds of men," as your advertisements state, and it may satisfy you that the country is prosperous; but there are some men who do not believe it.

Follow, if you have the courage, the man whose place is taken at a lower wage and at longer hours as he goes sadly back to his home to meet the wife and little children who depend upon him for bread; gaze, if you can, at the look of agony on the face of his wife as she learns the truth, and then proclaim that these scab-labor advertisements are evidences of prosperous times for the men who work. You applaud a display of these signs in this Chamber! For shame! The applause with which every Republican here greeted this kind of display ought to be and will be ringing in the ears of every labor-union man in this land when he goes to the polls this fall. You strike down the eight-hour day on the Isthmus; you appropriate $300,000 to pay the expenses of negro laborers from the islands of the seas to Panama, and not a cent to pay the expenses of a laboring man who may want to go from here, and now, as a crowning insult, you flaunt in the face of the labor organizations of the country and greet with tremendous applause these atrocious advertisements, and then proclaim that you are responsible for present opportunities for work and ask the support of the great body of intelligent organized laborers of the country. We accept the challenge. Circulate these kind of speeches if you dare. We are ready to meet you upon this issue, and we say to you that if you don't circulate this speech of the gentleman from Indiana, we will.

What has become of the eight-hour law? It happened during the course of the long, tedious hearings with which you attempted to smother it that on the 29th day of May of this year there were present in the room of the Committee on Labor four Democrats and three Republicans, and the bill was ordered reported out with the recommendation "that it do pass." What has become of the bill? The committee made the order nearly four weeks ago. The chairman of the committee is not a Democrat—the Democrats are in the minority on the committee and the bill has been smothered. You could expect nothing else from the party whose representatives here greet with applause the lurid advertisements of these scab-labor agencies.

The country has been prosperous for ten years. You say the Republican party has been in control of national affairs for ten

years, therefore the Republican party, you argue, is responsible for the prosperity we have enjoyed during that time. Every argument you make begins and ends with this proposition. The people are beginning to understand that you have nothing to do with the kind of prosperity we have enjoyed.

Do you also assume the responsibility for the graft which so thoroughly saturates all the special interests you have stood for so consistently during the last ten years? The people are disposed to hold you responsible for that.

Do you assume responsibility for the graft which prevails in our insurance companies? The people are beginning to understand that Republican managers have been in corrupt partnership with the managers of these insurance companies for the last ten years. Every Republican national campaign during that period has been controlled by these insurance managers; the Republican party managers have accepted their enormous contributions and have been parties to the robbing of policy holders throughout the country; and the people know it.

Do you assume the responsibility for the stench which arises from our great slaughterhouses? The people are beginning to understand that back of it all is the graft which permeates the country under Republican rule. There was law enough, but it was not honestly enforced. Honest inspectors, who could not be corrupted, were continually being moved from the larger to the smaller packing houses. Who wanted them changed around in this manner? Why was it done? Who ordered the changes? The people are beginning to understand that the packing-house scandals are due in large degree to the graft and corruption for which the Republican party is responsible.

I have enumerated some of the things which have prevailed in the last ten years for which the Republican party is directly responsible.

You are not responsible for the changing seasons, for the fact that for ten years the sun has been shining through the long summer months, and that the rains have come at the proper time. The Republican party is not responsible for the fact that this broad land has been blessed with abundant harvests. Gentlemen on the other side of this Chamber most loudly argue that you must not change the tariff schedules—you must not talk about changing them or make it possible to change them. If you do so much as make it possible to relieve the country in the slightest degree from the present system of tariff spoliation, they insist that all manner of dire calamities will follow in the immediate future.

When the merchant begins to look about him to see whether the country will be prosperous for the next twelve months or not, what does he look at; protective tariff changes? That does not have anything to do with it, and he knows it—and you know it. Future prosperous times are indicated by the fact that on 50,000,000 fertile acres the ripening wheat is waving in the breezes of summer; that across parallels of latitude the northward march of the self-binder has commenced; that on 100,000,000 acres in the Middle West the golden corn is rustling in the breezes of autumn; that in the pleasant southland 30,000,000 acres are white with cotton. These are some of the conditions that foretell future prosperous times. And for these things we are not indebted to the Republican party—nor to a protective tariff—but to the God above, Who doeth all things well.

I understood the gentleman from Pennsylvania [Mr. DALZELL], in his address a few days ago, to intimate that there was not honesty enough in the Democratic party to revise the tariff. This is the cry to which the country has been listening for the last ten years. You commenced it when you charged that silver was dishonest money in 1896. You proved your honesty in the campaign of 1896 by collecting a $16,000,000 corruption fund from corporations and individuals, who were even then breaking and defying the laws of the country, and with that enormous fund you bought the Presidency. We have heard the charge before; it is not new.

It came from Andrews, the Detroit banker, who in 1896 charged that the Democratic candidate was a dishonest leader of dishonest men. We know now that at that very time this Detroit banker was an embezzler for $1,600,000.

In 1900 Bigelow, the Milwaukee banker, pleaded for the election of the Republican national ticket in the interest of honesty and to save the business interests of the country from the dishonest methods of the Democratic party. We know now that at that very time he was a defaulter for $3,000,000.

In 1896 Henry Wulf was the State treasurer of the State of Illinois, elected as a Republican. For twenty years he has been a Republican leader in that great State. During the last three national campaigns he widely proclaimed that Republicans were honest and that business interests must be protected against the dishonest methods proposed to be adopted by the Democratic party. He is charging no one with dishonesty now. He is serving at the present time a term in the bridewell of Chicago, a self-convicted swindler.

The whole protective theory is founded upon graft. The men who are benefited by it are receiving money they did not earn. It appears to have had a baneful influence upon men who have observed its operations and who have advocated its theories. It may be profitable to continue for a while this very interesting call of the roll.

Over in the State of Indiana David E. Sherrick for a number of years has been putting in his time denouncing Democrats and charging dishonesty against Democratic leaders and Democratic theories. He was the State treasurer of Indiana, elected upon a Republican ticket. He, too, fell a victim to the corrupting influences of protective graft. He was taken from the office of secretary of state to the Indiana penitentiary. He is serving a term there now, a self-confessed thief. His usefulness to the Republican party, for a time at least, is at an end.

Newton C. Dougherty, of Peoria, Ill., was another distinguished Republican, active in Republican politics in his State; a man of national reputation and standing; president of two banks. He commenced in 1896 to denounce the dishonesty of the Democratic platform and the dishonesty of Democratic candidates. He was always ready to be interviewed upon this subject. He was the treasurer of the National Educational Association and numerous other educational organizations. His career of usefulness has been very recently brought to a sudden termination. Upon his own confession of guilt he is serving now a sentence in the great prison at Joliet, Ill., an embezzler for more than a million dollars. We know now that long before the campaign of 1896 he was stealing the funds committed to his charge.

John A. Cook, of Chicago, Ill., was another distinguished Republican leader who spent his time during the campaign of 1896 talking for widows and orphans, denouncing dishonest money and the dishonesty of Democrats generally. On account of his zeal in the matter the Republicans of Cook County elected him circuit clerk of that county, one of the most important offices in the State of Illinois. He also fell a victim to the contaminating influences of protection graft.

John Linn, of Cook County, was elected by the Republicans of that county as circuit clerk to succeed Mr. Cook. For many years he has been a prominent Republican leader in the State of Illinois, denouncing the dishonesty of Democrats. We know now that he is a defaulter for more than $100,000. One of the last two gentlemen is now in the penitentiary at Joliet, Ill., and the other will be there in a few days to keep him company.

In the State of Illinois an interesting contest for the United States Senate is being waged by two distinguished Republicans. One of them in order to give standing to his campaign selected as his campaign manager in that great State a distinguished Republican leader—Simmons, of Peoria, a preacher and a banker who had spent his time for years preaching from the pulpit the doctrines of the Republican party. He missed no opportunity in 1896 to talk about the dishonesty of the Democratic platform. This gentleman was the president also of two banks and was prominently active in the interest of widows and orphans. He is not serving a term in the penitentiary, but he only escaped it by committing suicide when confronted with the evidence of his embezzlement and other crimes.

The failure of the Enterprise National Bank, of Allegheny, Pa., is fresh in the minds of all of us; the men who embezzled its funds were leaders of the Republican party in that State. T. Lee Clarke, its cashier, was an elder in the church. He is not serving a term in the Pennsylvania State prison; he escaped it by committing suicide. The men who were responsible for the failure of this bank and assisted in stealing its funds were all of them men who have spent ten years of their life in denouncing the Democratic platform of 1896 as advocating dishonest doctrines; they were all of them champions, and ardent champions, of the system of protective graft, and all of them fell victims to its contaminating influences.

I might mention, in passing, the fact that John R. Walsh, of Chicago, while masquerading as a Democrat and denouncing at the same time the platform of 1896, and all other Democratic platforms since then, was engaged in the business of violating the law and misappropriating the funds of his bank. He finally threw off the mask and proclaimed that he was, and always had been, a Republican, and soon afterwards the evidence of his violation of the law became apparent, and the Republican party are now arranging to protect him from the penalties prescribed by the laws he has violated.

This call of the roll might be prolonged indefinitely. I call attention to the fact that all the great criminals who have em-

bezzled trust funds, and whose crimes have found them out, have been Republicans high in the councils of the party—vigorous in their denunciation of Democratic dishonesty. I challenge any man to produce in all the decades of Democratic rule in this country a list of prominent Democrats who have become defaulters half as long as the list I have just given.

I might also call attention to the fact that the recent Cuban postal frauds can not be charged to the Democratic party. The frauds and thefts and embezzlements of the last year in the Post-Office, and in the other Departments of this Government, can not be laid at the doors of the Demorcatic party. The star-route frauds of twenty years ago and the whisky-ring scandals of three decades ago can not be charged to the Democratic party.

The two Cleveland terms were honest. Mr. Cleveland finds his most severe critics in the Democratic party, but his eight years of Administration were unclouded by frauds and unstained by scandals.

I can not refer to recent events affecting members of the Senate without violating the rules of this House, but, without violating any rule, I can say that the finger of scorn points at no Democratic Senator; that the doors of our penitentiaries are swinging open to receive no man who sits on the Democratic side of that Chamber.

I do not charge that the rank and file of the Republican party are dishonest; the safety of the Republic rests in the fact that the people are honest, no matter to what party they belong. But I do charge, and the evidence sustains me, that the prevailing system of protection spoliation and graft has had this blighting effect upon many men who are leaders in the Republican party and who have been honored with high positions in that party. It is on account of this fact that a spirit of discontent prevails in the Republican party from ocean to ocean. An inclination is manifesting itself to break away from the system and the leaders who have made these things possible.

The edifice you have built will soon be tumbling about your ears, and you are running away from the insurance companies whose support has made your campaigns possible, away from the Standard Oil and all its corruption, away from the McCurdys and the McCalls and the Hamiltons, with whom association is now dangerous because they have committed the unpardonable sin of being discovered. You have built your house upon the sands, and the tide of public condemnation and disapproval—the high tide of an awakened public conscience—is coming; it has already reached the foundations, and they are beginning to crumble. Make the most of your opportunities during the remaining sessions of this Congress. [Loud applause.]

Mr. GRAHAM. Mr. Chairman, while I do not agree with the gentleman from Illinois [Mr. RAINEY] in his contention that the tariff is the "mother of trusts," or that the tariff is responsible for the formation of trusts, and I regret that he has based his argument so much along those lines, yet I firmly believe that he is right in his statement that there exists to-day a powerful and iniquitous watch trust, and I hope that the lime light of publicity will be turned on and it will be shown up in its true light.

The firm to which the gentleman from Illinois refers, the W. J. Johnston Company, having headquarters in my section of the country, is not only the largest wholesale jewelry firm in Pennsylvania, but, I believe, is the largest in the United States, doing business in almost every State in the Union. Their annual business runs into many millions and their financial and commercial standing is the very highest. The personnel of this corporation includes some of the foremost men in Pennsylvania.

They were agents for the Elgin and Waltham watch companies for many years, and voluntarily resigned those agencies when the actions and dictations of those companies became such that the self-respect of the firm could not be retained if it acceded to the demands of the said companies.

I have no hesitation in declaring that every statement made by the W. J. Johnston Company and the retail jewelers of Pittsburg can be implicitly relied upon, and if an investigation be had, the proof of their allegations can be triumphantly sustained.

APPENDIX.

IS THERE A WATCH TRUST?—THE OPINION OF RETAIL DEALERS ON THE SUBJECT.

In my investigation of this subject I sent the following letter to about 200 retail watch dealers throughout the United States. In sending out this letter no attention was paid to the financial standing of the dealer, and there was no reason at all why this letter should have been sent to these particular dealers. Any other 200 names would have answered my purpose as well. I received replies from only 16 dealers who said they knew nothing about any watch trust. Up to the present time I have received replies from 105 dealers who answered that according to the best of their information there was a watch trust or combination to control the price of watches and watch cases. I herewith publish a part of the replies received. The originals are all in my possession, and I hold them subject to order of the Department of Justice, or of any official who may be selected to investigate this question with a view to obtaining evidence upon which to base a prosecution against the companies and persons responsible for this illegal combination:

Copy of letter sent to retail watch dealers.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 30, 1906.

DEAR SIR: I am examining the watch question and am writing to a number of retail dealers for information. Please advise me whether there is any trust or combination in the watch trade, and what manufacturers are regarded by retailers as belonging to said trust or combination. Is there an organization known to the trade as the "Big 4?" What companies make up this organization, according to the information of the retailers in the watch trade generally throughout the country? This is a matter in which you are vitally interested; it affects your business, and I hope it will be possible for you to reply to me briefly by return mail.

Yours, truly, HENRY T. RAINEY.

The following letters are a part of the replies in my possession received from 105 dealers who answered that, in their judgment, there was a watch combination, and who all gave correctly the companies composing it:

THE BARTON-PARKER MANUFACTURING COMPANY,
WHOLESALE AND MANUFACTURING JEWELERS,
Cedar Rapids, Iowa, May 3, 1906.

Mr. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Your letter of April 30 is at hand. In reply will say that there is such a situation as renders it unadvisable for anyone requiring Elgin and Waltham movements in his business to make any comments, and we therefore neither affirm nor deny that there is any trust or combination in the watch trade, and must decline to use any names in connection with our answer to your letter.

Sincerely, yours,

J. M. PARKER,
Secretary and Treasurer.

J. A. BUCKMASTER,
DIAMONDS, WATCHES, JEWELRY, CUT GLASS,
BRIC-A-BRAC, CARD ENGRAVING,
Madison, Wis., May 15, 1906.

H. T. RAINEY.

DEAR SIR: Responding to your inquiry of recent date in regard to the watch trust, will say: This trust, known to the jewelry firms as the "Big Four," are the Elgin, Waltham, and Boss, and Crescent Case companies, and have been in combine against the other companies for years, and at the present time control the watch market, even dictating as to the cash discount and time dating.

Their goods, as you know, can be bought in foreign countries cheaper than in this country, and still they want high duty on foreign makes.

I am in touch now with a firm of wholesale jobbers, whose representative stated: "If you do not handle these goods exclusively we will not let you carry any of them."

Hoping this will be of some interest to you, I remain,

Yours, respectfully,

J. A. BUCKMASTER.

Z. K. STRAIGHT,
DIAMONDS, WATCHES, AND FINE JEWELRY,
119 Main Street, Walla Walla, Wash., May 10 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Your letter of April 30 came to hand some days ago, and I will say in reply that the proof you are looking for will be hard to find, for the proof that lawyers and lawmakers want is proof that is good in law; but we, as business men, have a business proof that is good with us. We are very certain that there is a combination or understanding between the Waltham and Elgin watch companies, by which there is no competition between the two companies, and all of the watch companies are setting their price and the price that the dealer shall sell the higher grades of their movements for, and if anyone is found doing different he is put in a position where he can not get any more of their movements.

I do not know any combination that is known as the "Big 4."

Yours, very respectfully,

Z. K. STRAIGHT.

"THE WATCH HOUSE,"
RETTIG, HESS & MADSEN,
72 Madison Street, corner State, Chicago, May 12, 1906.

Hon. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: In answer to yours of recent date, beg to say that we started in business just one year ago. The fact that there is a combination of movement and case manufacturers to destroy smaller competition made it possible for us to start in business at that time.

This combination, or whatever you wish to term it, is composed of the Elgin and Waltham companies, movement manufacturers, and the Keystone Watch Case Company, Crescent Watch Case Company, and the Philadelphia Watch Company, case manufacturers. While we don't believe there is any financial interest between either of the movement companies, the case companies are all under one head.

We have never made any effort to purchase lines manufactured by what is known as the "Big 4," so we could not truthfully state whether they would discriminate against us in that event. Still we know the independent manufacturers' lines have been forced out of all jobbers' stocks, with one or two exceptions, in our city.

Trusting this information will be of some value, we remain,

Yours, truly,

RETTIG, HESS & MADSEN.

I. S. KAHN, JEWELER,
Hagerstown, Md., May 5, 1906.

Mr. H. T. RAINEY.

DEAR SIR: Your letter to hand, and in reply to same I wish to state that it is known to the jewelry trade that a trust does exist, and is composed of the Elgin and Waltham movement manufacturers and the Keystone and Crescent case manufacturers. Of course these, like all

other trusts, are acting so that it is hard to get proof against them; however, it is sufficient that the prices for the two different cases are alike, and the grades and prices of the two movements are also the same. A few months ago the Illinois Watch Company announced that they will soon put on a new 12-size movement, a size they have not made before; and right after this announcement I received notice from the two movement concerns that they have reduced 12-size movements $2 apiece, and have given me credit on all the movements in stock. Of course the jobbers, who come closer in contact with the manufacturers, can furnish you better information. The way so many jobbers are cut off the list on account of handling antitrust goods will best illustrate the workings of the trust, and, if you should desire, I can furnish a few of the wholesale dealers that have been cut off the list for no other reason than above stated. I want to thank you for your undertaking. We are living in an age when a man must be thanked for doing his duty, because there are so few who are doing it; and it is a pleasure to know that there are still a few men with courage to tackle the trusts. Again thanking you.

I remain yours, respectfully,

I. S. KAHN.

T. J. DALE, JEWELER AND OPTICIAN,
Kenosha, Wis., May 5, 1906.

Mr. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: In answer to yours of recent date, beg to state that I understand from information given me by agents of watch jobbers that there is a trust, comprising Elgin, Waltham, E. Howard & Co., Keystone Watch Case Company, Crescent Watch Company, Philadelphia Watch Case Company.

Some years ago, when I was visiting my brother in Canada, I was surprised to learn that he was buying Elgin and Waltham watches at a lower figure than I could procure same in this country.

I also understand if certain jobbers sell "trust goods," they dare not handle Dueber-Hampden goods. Any jobber selling Dueber-Hampden goods can not buy trust goods.

Yours, truly,

T. J. DALE.

G. W. LOAR & CO., JEWELERS,
Grafton, W. Va., May 7, 1906.

Mr. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: We are in receipt of your favor of April 30, and in reply beg to advise that it is commonly known among the jewelry trade that there exists a combination known as the "Big 4." This, as we understand, consists of the Elgin and Waltham watch companies and the Keystone and Crescent watch case companies.

We are glad the matter is being investigated, and if we can be of any further service to you, kindly let us know.

Very respectfully,

G. W. LOAR & CO.

ASHFORK, ARIZ., *May 5, 1906.*

Mr. HENRY T. RAINEY, *M. C.*

DEAR SIR: Referring to your letter of April 30, in regard to a trust or combination among watch manufacturers, would say that it is generally understood that there is a combination. Both the Elgin and Waltham watch companies will not allow a wholesaler to handle any but trust goods under pain of being refused movements made by these companies. It is also understood that the Crescent and Keystone case companies are also in the combination. There is also a combination among the watch-glass manufacturers, they having advanced their prices from 20 to 35 cents a dozen during the past year. There may be more manufacturers in combination in watch cases. I believe Fahy is, and perhaps others. There may be other watch-movement manufacturers in also. It is hard to get at the true inwardness in this part of the country.

Respectfully,

W. E. PEIRCE.

HENRY L. LANG, JEWELER AND OPTICIAN,
Staunton, Va., May 7, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: The watch manufacturers who are regarded by retailers as belonging to the watch trust are Waltham Watch Company and Eligin National Watch Company. I do not know of any others that belong to it.

I understand that some dealers buy products of the above firms in Europe and reship to this country cheaper than they can be bought direct.

Yours, truly,

H. L. LANG.

MAX H. ELBE, JEWELER AND OPTICIAN,
Niagara Falls, N. Y., May 5, 1906.

Hon. H. T. RAINEY.

DEAR SIR: In reply to your favor would say that there is no positive knowledge of the existence of a "trust," so far as I know, but it is generally understood that the "Big 4," consisting of the manufacturers of Elgin and Waltham watch movements and Keystone and Crescent cases, do control the prices of their products, and changes of price by these manufacturers are usually made at the same time and are uniform in amount.

I should be glad to learn of your proposed plan as it affects us and the manufacturers. Kindly advise, and oblige,

Very truly, yours,

M. H. ELBE.

GEO. S. HANES, JEWELER AND OPTICIAN,
Jackson, Ga., May 3, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Replying to yours of April 30, will say that I can not say from my own knowledge that a watch trust or combination exists, but it is generally understood among the trade that there is a combination of some kind between the two leading manufacturers of watch movements and the two leading manufacturers of watch cases. We hear them spoken of sometimes as the "Big 4." These four leading manufacturers are understood to be the American Waltham Watch Company, the Elgin National Watch Company, the Keystone Watch Case Company, and the Crescent Watch Case Company. The biggest evidence to me that there is a trust or combination between them is the fact that a revision of prices, discontinuance of the manufacturing of certain grades of movements, or the adding of a new-grade movement, etc., are all simultaneously done by these companies.

Yours, very truly,

GEO. S. HANES.

JAMES H. BELL, DIAMONDS, WATCHES, JEWELRY, ETC.,
Tarboro, N. C., May 3, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Yours of April 30 to hand. I am sorry that can not give you the information you ask for, but I believe it is known among the "trade" that a combination exists amongst the watch manufacturers. Wishing you any success that may accrue to the retailer, I am,

Respectfully,

JAS. H. BELL.

W. L. JONES, JEWELER, OPTICIAN, AND ENGRAVER,
Martinsburg, W. Va., May 3, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Your letter of April 30 to hand this a. m. I note your inquiry as to the fact of what might be called a "watch trust."

In reply will say that, while I know nothing of the facts from my own personal knowledge, it is currently reported that there is such a trust or combination between the Waltham, Elgin, Keystone, and Philadelphia watch case companies. (The last two are watch-case makers.) They are what appear to be known as the "Big 4." I do know that there seems to be such a good understanding between the Elgin and Waltham companies that there is no difference in their grades and prices, and as soon as one company gets out something new the other offers the same thing on the same day.

Yours, very truly,

W. L. JONES.

J. C. DERBY, DIAMONDS, WATCHES, JEWELRY,
Concord, N. H., May 3, 1906.

Mr. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: In reply to your esteemed favor of April 30, I will say that there is a watch combination, or, trust, whereby they establish the prices to the retailers, of the different makes of watches, especially the Waltham and Elgin. It is a known fact that we can buy Waltham and Elgin watches much cheaper in England than we can in this country.

I handle mostly foreign watches, as they give much better satisfaction than the American goods.

Very truly,

J. C. DERBY.

D. V. POUND, WATCHES AND DIAMONDS,
Durant, Miss., May 4, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: I have been led to regard the Elgin National Watch Company, the American Waltham Watch Company, the Keystone Watch Case Company, and the Philadelphia Watch Case Company as a trust, or combination. When they pull the string, the entire line of jobbers answer in double-quick time. Hoping you may be successful in your efforts in the matter, I am,

Yours, truly,

D. V. POUND.

C. L. GLINES, JEWELER AND OPTICIAN,
Harrison, Ark., May 12, 1906.

HENRY T. RAINEY, *Washington, D. C.:*

In replying to attached, would say that we have no positive proof, yet it is well understood that the Elgin and Waltham Watch companies and the Keystone Watch Case Company, the Philadelphia Watch Case Company, and subsidiary companies are in the trust, and that they dictate to the jobbing trade as to the makes of watches they shall carry or sell. I have been told this confidentially by jobbers.

Very truly,

C. L. GLINES.

GEO. M. BUTLER,
MANUFACTURER OF BLACK HILLS GOLD JEWELRY,
Deadwood, S. Dak., May 6, 1906.

Mr. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Your letter of April 30, 1906, received, and I understand that the Elgin Watch Company and Waltham Watch Company, the Boss Case Company, and the Crescent Case Company have combined and are called the "Big Four;" also that they compel jobbers that handle their cases and movements not to handle any others, and that it is a great detriment to such jobbers not to be able to handle any class of goods they desire; but the Big Four can not dictate to the retailers, as they are independent to deal with anyone they please. It seems to be a fight between the jobbers and the Big Four.

Yours, respectfully,

GEO. M. BUTLER.

W. J. HEADRICK, WATCHES, CLOCKS, JEWELRY,
Sterling, Colo., May 5, 1906.

H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Yours regarding the watch trust (or Big 4), namely, as follows: Elgin National Watch Company, Waltham Watch Company, Keystone Watch Case Company, Crescent Watch Case Company—Big 4. The above controls New York Standard Watch Company, Wadsworth Watch Case Company, Howard Watch Company, Crown Watch Case Company, Bates & Bacon Watch Case Company, and we can not buy of a jobber of the Big Four goods of other makes—Dueber, Rockford, and South Bend watches. We have to buy direct or of some independent jobber not handling the Big Four goods.

Very respectfully,

W. J. HEADRICK.

P. S.—Thanks for writing me.

J. R. MERCER, DIAMONDS,
Kansas City, Mo., May 8, 1906.

Mr. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: In reply to yours of April 30, the "Big Four" you mentioned are: The Elgin National Watch Company, the Waltham Watch Company, the Keystone Watch Case Company, and the Crescent Watch Case Company. They are like the Standard Oil Company—they dictate prices. I am,

Yours, very truly,

J. R. MERCER.

WICHITA, KANS., *April 9, 1906.*

Mr. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Replying to your letter of inquiry in reference to the watch trust, will say it is commonly understood that the Elgin and Waltham watch companies and the Keystone and Crescent watch case

companies form what is known as the "Big Four." The Illinois Watch Company is largely controlled by the Elgin Company. The Howard, and about every watch and case-company that amounts to anything except the Dueber, perhaps, is connected with the trust, and have common lists and prices on grades. Regretting I was unable to give you an earlier reply,

I am, very truly, F. N. DE LA MATER.

J. F. DECKER, OPTICIAN AND JEWELER,
Elizabeth, N. J. May 2, 1906.

Mr. H. T. RAINEY.

DEAR SIR: I can not say that there is a watch trust; but it seems very strange that most of the case makers sell their different grades of goods at just the same price, and the same with both the Waltham and Elgin watch companies.

I have never signed an agreement or contract, nor have I been asked to do so by any of the case or movement manufacturers to sell their goods at a specified price, but the Waltham people sent me a circular requesting me not to sell certain movements for less than a certain price; but I must be honest and say that the price they mentioned was only but a fair and honest profit, and positively nothing like the prices that Charles Keene, of New York City, says in his ad. If I remember rightly, a movement netting about $26, they wanted me to sell for $31, which you must admit is not a dishonest profit.

Respectfully, yours, J. F. DECKER.

S. KRONHOLTZ, JEWELER AND GRADUATE OPTICIAN,
Stamford, Conn., May 3, 1906.

Hon. HENRY T. RAINEY, *Washington, D. C.*

DEAR SIR: In reply to yours of April 30, will say that the so-called "Big Four" in the watch trust is understood to be the following manufacturers: Elgin National Watch Company, Waltham Watch Company, Keystone Case and Cresent Case Company, but could not furnish any proof that they are in a trust. All we jewelers know is that we have to pay the list price to jobbers and they tell us that they are restricted and no further discount to the value of anything is allowed to be given, the penalty of which is cutting off the supply to those who dare to cut prices.

Thanking you for the opportunity.

I remain, yours, truly, S. KRONHOLTZ.

ULLRICH BROTHERS,
JEWELERS AND MANUFACTURING OPTICIANS,
Evanston, Ill., May 3, 1906.

Hon. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: There is a watch trust known as the "Big Four." It is composed of the Elgin National Watch Company, the Waltham Watch Company, the Keystone (Boss) Watch Case Company, and the Crescent Watch Case Company.

We believe you are working in the right direction.

Very truly, yours,

ULLRICH BROTHERS.

A. F. MUELLER, JEWELER,
New Brunswick, N. J., May 5, 1906.

Hon. H. T. RAINEY.

DEAR SIR: Regarding your letter of the 16th, will say that in my honest opinion there does exist a watch trust or the "Big Four," Waltham, Elgin, Crescent, and Keystone companies.

The goods they now turn out are much inferior to the goods they formerly sold when they were separate concerns.

Hoping that through your investigation the watch business will come in a more healthy condition.

I remain, sincerely, A. F. MUELLER, *Jeweler.*

WHALER'S JEWELRY STORE,
MANUFACTURERS OF FINE JEWELRY,
Miami, Fla., May, 4, 1906.

HENRY T. RAINEY, Esq.,
House of Representatives, Washington, D. C.

DEAR SIR: Yours of April 30 duly received, and in reply would state that I consider at present there is a very strong trust or organization made up of the Waltham Watch Company, the Elgin Watch Company, the Keystone Watch Case Company, and the Crescent Watch Case Company.

Yours, truly, H. THOMPSON-WHALER.

CHRIS. HEWIG, *Jeweler,*
Evansville, Ind., May 5, 1906.

Mr. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Yours received, and in reply will state that I feel there is a combination in the watch business and that said combination is composed of Keystone and Crescent cases and Elgin and Waltham movements.

Yours, CHRIS. HEWIG.

L. C. EISENSMITH, JEWELER AND OPTICIAN,
Newport, Ky., May 3, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: In answer to yours of the 30th ultimo, will say that the "Big Four" is composed of the following concerns: Elgin Watch Company, of Elgin, Ill.; American Waltham Watch Company, of Waltham, Mass.; Keystone Watch Case Company, of Philadelphia, Pa.; Crescent Watch Case Company, of Newark, N. J.

The Keystone Watch Case Company also controls the Philadelphia Watch Case Company, of Riverside, N. J.; the New York Standard Watch Company, of Jersey City, N. J., and the United States Watch Company, of Waltham, Mass.

I understand the "Big Four" also controls the Howard Watch Company, and its products are made in the Waltham factory. Whether this is true I am unable to say positively.

Their method is to refuse to sell all jobbers who handle goods of other makes but their own.

I would refer you to the following jobbers who, I think, can shed much light on the subject: William I. Rosenfeld, New York; W. J. Johnston Company, Pittsburg, Pa.; Bowler & Burdick, Cleveland, Ohio; Sigler Brothers Company, Cleveland, Ohio; Joseph Lentz & Co., Dallas, Tex.; Shuttles Brothers & Lewis, Dallas, Tex.

Respectfully, L. C. EISENSMITH.

F. C. WESTPHAL, WATCHMAKER AND JEWELER,
Scranton, Miss., May 5, 1906.

Hon. H. T. RAINEY,
House of Representatives, Washington, D. C.

SIR: In reply to your favor asking information concerning watch trust, will state: I am convinced there is a trust or combination, but can not prove it. Advise you to get information from Deuber-Hampton Watch Company or Rockford Watch Company or the Fahy's Watch Case Company. I believe these at present not to belong to the combine.

Respectfully, yours, F. C. WESTPHAL.

SPRINGFIELD, MASS., *May 3, 1906.*

Hon. H. T. RAINEY.

DEAR SIR: In answer to your inquiry about watch trust, will say that for years past the Waltham and the Elgin watch companies have advanced and reduced price of their watches at the same time and same amounts. They make corresponding grades. Changes of prices are always the same. Looks like a trust, combination, or agreement between them.

Also, some few years past we retailers could not buy a Waltham or Elgin movement unless we bought some kind of a case at the same time.

This was to shut out the Deuber Case Company. The Waltham and Elgin allowed us to buy any make of case except Deuber case.

I do not understand about the "Big 4;" have seen it spoken of in some of our trade papers, but have taken no notice of it.

Most respectfully,

D. F. LEARY.

H. J. COOK OPTICAL AND JEWELRY COMPANY,
Knoxville, Tenn., May 3, 1906.

Hon. H. T. RAINEY, M. C.

DEAR SIR: Replying to your query of April 30, will say I know nothing but hearsay as to a combination. Have been told by traveling men who we consider reliable that such a state exists; also that watches of Elgin and Waltham makes are sold in Europe to dealers at much lower rates than here. I inclose a slip detached from a watch-bill of a prominent Maiden Lane watch jobber.

Yours, truly, H. J. COOK.

CHAS. P. WARD, JEWELER AND OPTICIAN,
Yonkers, N. Y., May 5, 1906.

Mr. RAINEY.

DEAR SIR: Yours received, and in reply say, first, that we are confidently persuaded that there is a trust in the watch business. Now, I can not say that it in any way injures the retail trade, for we can get all the watches we want and as low as ever. The parties it hurts are the jobbers. Now, a jobber told me he had to discontinue carrying any other American watches if he wanted to carry the Elgin and Waltham movements or the Boss and Crescent cases. This jobber sold a large number of the Dueber-Hampden movements and Dueber cases, Now, he had to cut them out entirely or they would have cut him off. Now, the "Big 4" are Waltham and Elgin movements, Boss and Crescent cases. The only thing it did to us is to make it difficult for us to get the Dueber-Hampden watches.

Yours, etc., CHAS. P. WARD.

S. MUSSINA & SON, JEWELERS AND OPTICIANS,
Williamsport, Pa., May 3, 1906.

H. T. RAINEY, *Washington, D. C.*

DEAR SIR: In reply to yours of the 30th ultimo, would say that according to reports, the uniformity of prices and the blacklisting of different jobbers, the W. J. Johnston Company, of Pittsburg, for instance, we are led to believe there is a combination or trust composed of the "Big 4," viz: The Elgin Watch Company, the Waltham Watch Company, the Keystone Watch Case Company, and the Crescent Watch Case Company. Trusting this will materially assist you.

We are, very truly, yours,

S. MUSSINA & SON.

GEO. E. BAKER, THE JEWELER,
Ames, Iowa, May 3, 1906.

H. T. RAINEY, *M. C.,*
Washington, D. C.

DEAR SIR: In reply to yours of April 30, would say that I understand that there is an agreement among certain watch and case makers forbidding the sale of "Big 4" goods to jobbers who handle goods made outside of factories not controlled by them, except Hamilton Watch Company. The "Big 4" companies are Elgin National Watch Company, American Waltham Watch Company, Crescent Case Company, Keystone Watch Case Company, who are supposed to control Philadelphia Case Company, Crown Case Company, and Bales & Bacon Case Company.

Yours, truly, GEO. E. BAKER.

GARDNER FOUNDRY COMPANY,
MANUFACTURERS OF PLOWS, MACHINERY, CASTINGS, ETC.,
Lockport, N. Y., May 3, 1906.

Mr. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: In reply to your letter of April 30, I would say there seems to be the strongest indications that there is a working understanding and agreement, a combination, between four concerns—the Waltham and the Elgin, the Keystone Watch Case Company, the Crescent Watch Case Company. They are sometimes called the "Big 4." While they export goods and sell them in foreign countries at much less price than in this country—in fact it is said they can be bought in England in original packages, brought back to this country, and sold at a profit—it seems to be a fact that notwithstanding this fact, that during October, November, and December they seem to create an artificial scarcity of movements, so that it is difficult to get a supply of many grades. During the past eight months a few jobbers have seemed to be able to largely undercut prices.

Truly, yours, D. A. HIXSON & CO.

G. M. LA PIERRE, JEWELER,
Niles, Mich., May 3, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Yours of April 30 to hand. In reply would say: The "Big 4," so well known in trade circles, is composed of the Elgin and Waltham watch companies and Boss and Crescent watch-case companies. The "Big 4" combination is considered by the retailers as the trust of this business, as they have tried to dictate the watch and case policy of the country. You can learn something of the inside workings of this combination by addressing Vandervoort Brothers, 212 Ellicott square, Buffalo, N. Y., and W. J. Johnson Company, Fifth avenue and Market street, Pittsburg, Pa. Both of these jobbers have been cut off, as I understand, because they have insisted upon handling other makes of goods. There is a retailer in New York City who has been cut off and imports these goods from England at a price so he has been able to retail at what is the American wholesale price. I have mislaid his address, but you can obtain same from the Hampden Watch Case Company, of Canton, Ohio.

Wishing you every success in your efforts, I remain,

Yours, very truly,

G. M. LA PIERRE.

J. L. EGLESTON, OPTOMETRIST, JEWELER,
Wadena, Minn., May 4, 1906.

H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Replying to your inquiry of April 30, I would say that I believe there is a trust or combination amongst watch manufacturers.

Watch salesmen usually speak of Elgin and Waltham watches as "trust watches."

Other watches are not so referred to in my experience.

So far as my observation has taught me, the following are known as the "Big Four," viz. The Elgin Watch Company, the Waltham Watch Company, the Keystone Watch Case Company, and the Crescent Watch Case Company.

Yours, very truly,

J. L. EGLESTON.

G. A. KLEIN, JEWELER,
Duluth, Minn., May 4, 1906.

H. T. RAINEY, Esq., *Washington, D. C.*

DEAR SIR: In reply to your inquiry regarding watch manufacturers, will say the "Big Four" are the Waltham and Elgin match-movements and the Bass and Crescent watch-case manufacturers. I know of one case where a Chicago wholesale jobber in watches was told he had to give up the Dueber watches or could not get combination goods, and had to give up the Dueber. Wishing you success in the stand you are taking and hoping you will succeed,

Respectfully,

G. A. KLEIN.

THE BOWLER & BURDICK COMPANY, WHOLESALE JEWELERS,
Cleveland, Ohio, May 3, 1906.

H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Answering yours of April 30, we are not retailers of watches, but dealers at wholesale, and we do believe that there does exist, without doubt, a trust, or combine, known as the "Big Four," which includes the Elgin and Waltham watch companies and the Keystone and Crescent watch-case companies, and that they discriminate against any dealer, whether he be retailer or wholesaler, in regard to the use and sale of goods produced by what is known as the outside manufacturers—namely, the Hamilton Watch Company, Lancaster, Pa.; Illinois Watch Company, Springfield, Ill.; Dueber-Hampden Watch Company, Canton, Ohio, and Joseph Fahys Watch Case Company, 54 Maiden Lane, New York City.

Yours, very truly,

THE BOWLER & BURDICK CO.,
Per H. W. BURDICK.

ABBOTT & SON, OPTICIANS, WATCHMAKERS, AND JEWELERS,
Forest Grove, Oreg., May 8, 1906.

H. T. RAINEY, *Washington.*

DEAR SIR: Yours of April 10 is at hand; we have understood from people in a position to know that there was a "Big 4" combine, namely, the Elgin and Waltham movement companies and the Crescent and Boss case companies; we think this is true, as it is a fact that the prices absolutely agree in the same grade of goods.

Yours, respectfully,

ABBOTT & SON.

E. J. PELLEGRIN, WATCHMAKER, JEWELER, AND STATIONER,
Nogales, Ariz., May 6, 1906.

Hon. H. T. RAINEY, M. C., *Washington, D. C.*

DEAR SIR: Replying to yours 30th ultimo just received, will say that I, in common with other retailers, have believed in the existence of a "watch trust" by which output, grades, and prices of their products was regulated; by which jobbers were bound to maintain a "fixed" price, and by which jobbers and retailers were "blacklisted"—that is, prevented from obtaining certain makes of cases, etc., unless they bought their own products exclusively. I first became aware of the existence of a "trust" about fifteen or twenty years ago, when the Dueber Watch Case Company were fighting the "combination." Representatives of houses then told me they were not allowed to handle the Dueber-Hampden goods, and those handling such goods could not obtain Waltham or Elgin goods. To-day, and for a long time past, Elgin and Waltham goods are made in identical grades, and adhere strictly to the same prices and discounts. When one factory issues a new circular of advance or rebate, it is immediately followed by a similar one by the other factory.

As to the "Big 4," do not know anything about it, as here we are off the main traveled line of the drummers and seldom have a chance to discuss trade topics. However, I should imagine from the state of other things it might mean a combination between Elgin and Waltham watch companies, the Howard Watch Company, which was lately acquired by the Waltham, I believe, and the Crown Case Company, which is believed to be owned by the same company. I have been aware, for at least eight years, that Waltham and Elgin make an identical product, under a slightly different name, which they sell through certain jobbers under an ironclad contract, to countries outside of the United States at much lower prices than we are compelled to pay here.

Anything further I can furnish you will gladly do.

Yours, truly,

E. J. PELLEGRIN.

FRANK SIX, JEWELRY, WATCHES, CLOCKS,
Wellington, Kans., May 5, 1906.

Mr. H. T. RAINEY.

DEAR SIR: Yours received, and can say there is a watch trust talked of as the "Big 4," and the Elgin and Waltham watch factories and the Boss, Crescent and Crown case factories are supposed to include this trust.

This is generally talked of among the trade, and it surely must exist.

Yours, very truly,

FRANK SIX.

SARTOR & ROEMPKE, DIAMONDS AND FINE JEWELRY,
San Antonio, Tex., May 7, 1906.

H. T. RAINEY, Esq.,
House of Representatives, Washington, D. C.

DEAR SIR: Yours of April 30 to hand, and we appreciate your efforts in breaking up the combination, or "watch trust," which makes us pay a higher price for their goods than they ask in Mexico or Europe. The combination practically includes all factories, with the exception of the Hampden (Dueber-Hampden) and Hamilton. The only evidence, of course, is what the drummers tell us, that the large companies will not allow the jobbers to carry Dueber-Hampden nor Hamilton watch companies' goods; also, Waltham and Elgin, prices being lowered and raised simultaneously. The silver combination, however, is of more serious consequence, as there is no recourse whatsoever.

Evidence in these cases is hard for retailer to procure; however, we feel the effect.

Very respectfully, yours,

SARTOR & ROEMPKE.

M. L. ROBERTS, DIAMONDS, WATCHES, CLOCKS, JEWELRY,
Pocatello, Idaho, May 5, 1906.

Mr. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Yours of May 30 to hand and contents noted. It is known to all jewelers that the Waltham Watch Company, Elgin Watch Company, Crescent Watch Case Company, and the Boss or Keystone Watch Case Compnay are the "Big 4" that comprise the main trust. They also control the new Howard Watch and the New York Standard Watch companies, and the United States Watch Company and some others. Of course we get our information from jobbers. Any jobber can give you full information if they have a mind to.

Yours, truly,

M. L. ROBERTS.

THE HEAL JEWELRY COMPANY, WHOLESALE JEWELERS,
Detroit, Mich., May 3, 1906.

Mr. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: We are in receipt of your letter asking us if we knew whether or not there was a combination in the watch trade, and in answer, we have no evidence to that effect, but we are quite positive that such is the case, from our experience some months ago, when we made an effort to add a full line of watches to our stock. We wrote to most of the leading manufacturers and not one of them could fill our order, but they all referred us to Messrs. Sproehnle & Co., of Chicago, Ill., who were their western agents. We found that Messrs. Sproehnle & Co. could sell us any number of watches and have them shipped direct from the factory on a moment's notice. The only drawback to the transaction was that Messrs. Sproehnle & Co. were only willing to allow us about 12 per cent profit in handling them, which, of course, barred us out. As we say above, we have no positive evidence, but we are as certain as can be that there is a watch combination, and that Sproehnle & Co., of Chicago, are their western representatives.

Very truly, yours,

THE HEAL JEWELRY CO.,
Per JAMES.

H. R. DANIELS, JEWELER,
Douglas, Wyo., May 5, 1906.

Mr. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: In reply to yours of April 20, 1906, would state that I have frequently heard the expression "Big 4," but I only know of two that are identified in my mind as members of the four, and was always rather uncertain as to who was meant by the other two, whether the Elgin and Waltham companies or other case makers.

The former mentioned, which I have always understood as part of the four, is the Keystone Watch Case Company, of Philadelphia, and the Crescent Watch Case Company, of Newark, N. J.

I am rather inclined to the belief that the "Big 4" refers to case makers only, in which case I would judge the Crown Watch Case Company, of Philadelphia, Pa., I believe the third; Illinois Watch Case Company as the fourth. I only know that Joseph Fahy Company is not in the trust, for the reason that it is almost impossible for me to find any of their cases among the traveling salesmen. Whether this is due to restrictions of the said "4" or to the fact that they can make a better profit on the "4"s goods owing to price restrictions. I am rather partial to Fahy's case, as I have had good results from them and aim to carry some of them in stock, but for above reason have difficulty in getting them.

Yours, very truly,

H. R. DANIELS.

WAHPETON, N. DAK., *May 4, 1906.*

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

DEAR SIR: Replying to your esteemed favor of April 30, I wish to say that, while I have no tangible proof of the existence of a watch trust, I have felt right along that there was and is now some kind of a combination or trust among the large watchmaking concerns in this country detrimental to the dealers and people at large. I am heartily in favor of a Congressional investigation.

Why not reduce the tariff as a means to break the trust and their methods?

Yours, truly,

CHAS. G. BADE.

ALLAN P. TRASK, JEWELER,
Bangor, Me., May 3, 1906.

H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Yours of April 30 at hand regarding a watch combination or trust, and I really do not know whether such an organization exists or not, but I am aware that we, retail jewelers, in this country pay

more for Waltham watches at wholesale than the company charge for them in Europe and other foreign countries. A Mr. Keene recently went abroad and bought a quantity of American watches and brought them back into this country and sold them for less than the company sells them here, and he sold them at a profit to himself at that, and this is a condition of affairs that there ought to be some way to regulate, and I trust you will be able to do it.

Yours, very truly, ALLAN P. TRASK.

J. S. BLONDIN, JEWELER AND BICYCLE DEALER,
Woonsocket, R. I., May 3, 1906.

Mr. H. T. RAINEY, *Washington.*

SIR: Yours of the 30th ultimo duly received and contents noted. In relation to the matter I would say that I could not take an oath that a trust exists, but I am morally certain that one does, between the Elgin National Watch Company, American Waltham Watch Company, Crescent Watch Case Company, and the Keystone Watch Case Company as the big fry, and a few minor concerns.

Your, respectfully, J. S. BLONDIN.

J. W. PERRY & SON, JEWELER,
Lewiston, Me., May 4, 1906.

Mr. RAINEY.

DEAR SIR: In answer to yours of the 30th of April, will say we believe there is a combination of the Waltham, Elgin, Crescent, Boss companies. Reasons: First, patented devices formerly seen only in Waltham movements now used by the Elgin, particularly the parts used in the stem wind and setting parts; second, uniformity of prices and changes occurring at the same date; third, talk made by the missionaries of all four companies in regard to the wholesalers holding strictly to prices and discounts or they would be taken from the list of firms to which the four companies would sell.

Yours, truly, J. W. PERRY & SON.

J. E. COATSWORTH, OPTICIAN, JEWELER,
Atlantic City, N. J., May 2, 1906.

Mr. H. T. RAINEY.

DEAR SIR: I have always understood that there was a watch trust, as the leading manufacturers have always charged the same price for the same grade, with the exception of a few who have been known to be outside the trust, and whose goods the jobbers would not handle, not wishing to antagonize the trust. I know nothing positive. But I do know that certain New York jobbers are sold the best makes of American watches at much lower prices than they are generally sold here by signing an agreement to sell them only in foreign countries.

Yours, respectfully,

J. E. COATSWORTH.

ROB[ER]T T. RADFORD, JEWELER,
Lake City, Fla., May 4, 1906.

Hon. HENRY T. RAINEY,
Washington, D. C.

DEAR SIR: In reply to your inquiry of 30th ultimo, beg to advise you that there is a trust known as the "Big Four" watch trust. The manufacturers connected with same are the Elgin Watch Company, Waltham Watch Company, for watch movements, and the Crescent Watch Case Company, Keystone Watch Case Company, for cases. These four manufacturing concerns are known among the jewelry trade as the "Combination," or "Big Four."

We note with interest that you are investigating the trust, and we sincerely hope that you will be successful in accomplishing the purpose that you have started.

If any further service we can render, we are yours to serve.

Very truly, yours,

ROBT. T. RADFORD, *Jeweler.*

J. S. ROUND & CO., WATCHES, CHAINS AND RINGS,
Boston, May 3, 1906.

Hon. H. T. RAINEY,
Congressman, Washington, D. C.

DEAR SIR: In reply to your letter of the 30th, we will say there certainly is a combination and an agreement in the watch trade. The fact is self-evident. The Waltham and Elgin companies manufacture exactly similar lines of goods. I will obtain you a price list, if you have not already got one, and you can see the price for the 7-jewel 18 size Waltham movement is exactly the same as the price of the 7-jewel 18 size Elgin movement. What is more, the discounts are exactly the same and the lines are exactly the same all the way through. The Elgin Company manufacture an exact duplicate for every watch manufactured by the Waltham Company, as far as prices and quality are concerned.

In regard to the prices at which different movements were sold in this country and on the other side of the water, we will state that we have purchased of Mr. Charles Keene, of New York, 15-jewel 16 size Waltham movements at a price less than that charged to the regular listed jobber for the same grade of movements in this country.

Mr. Keene states that these watches were imported, and that is the reason for selling them at this price. He bought them on the other side cheaper than they were sold here from the factory, and, as the movements had the peculiar English style of dial, we have no doubt but what he told us the truth.

The Keystone and Crescent watch case companies are said to be members of this combination; they get exactly the same prices for their goods all the way through and manufacture exactly parallel lines. Not being jobbers ourselves, we can't answer for all the things that this combination is accused of. I have been repeatedly told that the movement companies, while they do not refuse to deliver movements to regularly listed jobbers, at the same time hold back, unless the jobbers handle these particular makes of cases. Personally, the writer is in favor of some combination so long as it is run half fairly. We think the general conditions now are better than they used to be before any combination was formed, but we should say at the present time we think they are trying to run a good thing to death.

We should prefer not to have the firm's name used; but it is not a matter of great importance, and if it is any particular advantage to you, anything we have said can be quoted.

Yours, very truly, J. S. ROUND & CO.

A. Y. BOSWELL, LEADING JEWELER,
Tulsa, Ind. T., May 3, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Yours of April 30 to hand, and in reply will say that the combination known as the "Big 4" is represented to me as being the Keystone Watch Case Company, Philadelphia, Pa.; Crescent Watch Case Company, Riverside, N. J.; Elgin National Watch Company, Elgin, Ill.; American Waltham Watch Company, Waltham, Mass.

These are the people that set the prices on all grades of watches.

Yours, very truly,

A. Y. BOSWELL.

D. MARX SONS, WHOLESALE JEWELRY AND LEATHER GOODS,
St. Paul, Minn., May 3, 1906.

Mr. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your favor of April 18, regarding whether there is a trust or combination in the watch trade, would say that, while we have no positive information regarding this, we are told, and judging from the way they do business, there is a combination among the following companies: Keystone Watch Case Company, Crescent Watch Case Company, Elgin Watch Company, and the Waltham Watch Company.

Our reason for thinking that this is true is that their prices for the same grades and sizes are exactly alike, and heretofore when there has been a change in a price, either in advance or reduction, all companies have it on very nearly the same day.

We buy our watches through a broker, but we have a general complaint from all retailers that they can not make any money on watches. We do not know whether this supposed combination is the cause of it, but we think they are very detrimental to small watch factories trying to establish themselves.

Hoping this information will be of some use to you, we remain,

Yours, respectfully,

D. MARX SONS.

D. M. BOWERS, JEWELER, WATCHES, DIAMONDS,
Lawton, Okla., May 5, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

MY DEAR SIR: Replying to inclosed, will say everything points to a combine of the Elgin and Waltham watch movements and the Keystone and Crescent cases. For more reliable information I would refer you to Hampden Watch Company, Canton, Ohio; South Bend Watch Company, South Bend Ind.; Rockford Watch Company, Rockford, Ill.; Illinois Watch Company, Springfield, Ill. I am told by the traveling men that the Elgin and Waltham companies have about 100 jobbers who handle their movements. They understand that (the jobbers) unless they cut all other cases and movements out they will not be able to get the above movements and cases.

Yours, respectfully,

D. M. BOWERS.

THAYER'S COLLATERAL LOAN BANK AND JEWELRY STORE,
McKeesport, Pa., May 7, 1906.

Hon. H. T. RAINEY.

DEAR SIR: Answering yours of April 30, will say I do not know of any so-called "trust," but the Elgin and Waltham work together to control the output, prices, and discounts. These two concerns sell only the jobber who is on their list, and they control the list. Myself or any other jeweler can not buy of them. We must buy through the jobber. The "Big 4" you refer to I think is a syndicate in Philadelphia controlled by a man named Zurbrugg. They own and control the Riverside, N. J., factory; the New York Standard Watch Company, of Jersey City; the Philadelphia Watch Case Company; the Bates & Bacon, and the H. Muhrs & Sons, all three of Philadelphia. They have quite a monopoly and control prices and output. Don't know as this information will be of use to you, but if I can be of any further use, let me know.

Yours, respectfully, GEO. G. THAYER.

S. F. HOLLANDER, JEWELER AND DIAMOND MERCHANT,
Eureka, Cal., May 10, 1906.

Hon. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your favor of April 30 regarding the watch manufacturers, I will say that I do not know of any combination known as the "Big 4." However, I do know from personal knowledge that the Waltham and Elgin companies are selling their movements in foreign countries for less than one-half the price we have to pay for them here. The above-named two companies are working together and dictate their terms to the jobbers and retailers.

Very truly, yours,

S. F. HOLLANDER.

WHOLESALE DEALERS WHO HAVE BEEN DROPPED FROM THE LIST FOR HANDLING THE GOODS OF THE INDEPENDENT COMPANIES.

When the watch trust was formed they issued a list of jobbers comprising all the larger wholesale dealers. Since then they have commenced compelling these firms one by one to drop the independent lines. If they refused to do so, the trust refused to sell them combination goods. The case companies in this trust manufacture perhaps 75 per cent of the total output of the country. The watch-movement companies in the trust manufacture perhaps 90 per cent of the total product of the country. These companies have been longest in the field. Their goods are best known. To deprive a jobber of the goods these companies make, and particularly of repairs with which to supply his customers, might mean his total ruin. Only a few jobbers are left now who carry the independent lines, and they are not permitted to advertise them. The object of the trust is to entirely crush out of existence the small manufacturer.

I have received the following letters from jobbers who are among those dropped from the list. The letters explain themselves:

S. KIND & SONS, DIAMOND MERCHANTS,
Philadelphia, May 17, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Judging from the speech you delivered some time ago in the House of Congress we presume that you take a good deal of interest in the injustice done to the trade by the watch trust, and take the liberty of giving you our experience.

We have been jobbers in the watch combination for twenty years, up to January, 1904, when Mr. Fogg, secretary of the Keystone Watch Case Company, called on us, telling us that we would be dropped by the 1st of February from the list of jobbers.

On asking the reason why, as we always lived up to their requirements, he answered as follows:

"We (The Keystone Watch Case Company) were very much opposed to having your name taken off, but our colleagues insisted that they could not retain you any longer."

The reason he gave was that we had a retail as well as a jobbing business.

On our Mr. Kind asking him how it came that they did not drop another certain house which has also the same combination, he stated:

"We all have our price, but your purchases do not come up to that price."

It is real funny to see the denial of the Waltham Watch people in the papers that they are not aware of any trust or combination, but whenever a jobber is dropped by one party he is also dropped by the Elgin Watch Company, Waltham Watch Company, Keystone Watch Case Company, and Crescent Watch Case Company at one and the same time, as was the case in the list of jobbers circulated by these four companies on the 1st of February, 1904.

During the time that we were jobbers we repeatedly received notices not to sell certain parties who had been cutting prices, and even since we are off the jobbers' list a house that sold us some movements, which we disposed of to the certain party whom you mentioned in your last speech was at once notified, and they informed us that if we sold any more goods to that party they would have to issue a notice preventing us from getting any movements from any one.

Should you wish any further information, we would be most pleased to give it to you, and thanking you for the kind interest you have taken in the watch business, we remain,

Most respectfully, yours,

S. KIND & SONS.

VANDER VOORT BROTHERS, IMPORTERS OF DIAMONDS,
Buffalo, N. Y., May 19, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: In reply to yours bearing date of May 11, we beg to say that Messrs. Bowler & Burdick and The Sigler Brothers Company, Cleveland, Ohio, also W. J. Johnston Company, of Pittsburg, Pa., have had experiences somewhat similar to our own with the so-caled "Big 4," or Allied Watch Company.

There are, perhaps, several firms in Chicago, and doubtless some in New York, who were persuaded to sacrifice their business on outside products in order to maintain their standing with the allied companies.

These latter unmentioned firms might not voluntarily give you any information, however much they disliked the methods of the allied companies, fearing that such an action would jeopardize their interests with said companies.

Existing trade conditions will doubtless cause some effort and perhaps bar your obtaining all the voluntary information you may desire on this subject.

Yours, truly,

VANDER VOORT BROTHERS.

L. H. SCHAFER & CO., WHOLESALE JEWELERS,
Chicago, May 10, 1906.

Hon. H. T. RAINEY, M. C.,
Washington, D. C.

DEAR SIR: Replying to your esteemed favor of April 30, we beg to submit the following facts bearing on the subject in question:

In 1900 we started in the wholesale watch and jewelry business at our present location. We were recognized and sold direct by all the watch movement and watch case companies until October, 1902, when four companies, commonly referred to in the trade as the "Big 4," comprising The Elgin National Watch Company, The American Waltham Watch Company, The Keystone Watch Case Company, and The Crescent Watch Case Company, dropped us from their list of jobbers and declined to furnish us their goods. In April, 1903, we were restored to their list of recognized jobbers and again furnished with their goods. Said relations with those companies thus continued until February, 1905. At that time a repetition of our former experience occurred. All four companies afore mentioned at one time dropped us again from their list and declined to furnish us their goods, and have persistently refused to do so to the present day. Upon inquiry as to the reason for such action we were informed by one of the watch case manufacturers that it was because we handled other manufacturers' goods besides their own.

Respectfully submitted.

L. H. SCHAFER & CO.

T. R. J. AYRES & SONS, WHOLESALE JEWELERS,
Keokuk, Ia., May 10, 1906.

Hon. H. T. RAINEY,
House of Representatives,
Washington, D. C.

DEAR SIR: We wrote you on May 3 in reply to your letter of April 30 regarding watch trust, and write you this day confirming our telegram of same date. There is a trust or combination in the watch trade. The manufacturers constituting said trust are Robbins & Appleton (American Waltham Watch Company), Elgin National Watch Company, Keystone Watch Case Company, Crescent Watch Case Company. This is the organization known to the trade as the "Big 4."

We were for years jobbing their goods, but some time ago our supply ceased simultaneously from all four companies without notice or any explanation whatever from them. This should be conclusive evidence that an agreement exists between these four concerns. If any further evidence that we can give you we shall be pleased to do so.

Yours, truly,

T. R. J. AYRES & SONS.

VANDER VOORT BROTHERS, IMPORTERS OF DIAMONDS,
Buffalo, N. Y., May 10, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: In reply to yours of the 30th ultimo, we beg to say that certain phases of the manufacturing watch business savor largely of trust methods.

There are five allied corporations, two of them making watch movements, viz, Elgin National Watch Company, Elgin, Ill., and Waltham Watch Company, Waltham, Mass. The other three are watch-case manufacturers, as follows: The Keystone Watch Case Company, Philadelphia, Pa.; the Crescent Watch Case Company, Newark, N. J.; the Philadelphia Watch Case Company, Riverside, N. J.

The three watch-case companies apparently operate individually, sustaining each their independent offices and sales rooms, and each making their individual contract with the watch jobbers.

In reality they are a joint stock company, controlled by the same capital. The movement makers, Elgin and Waltham, are separate corporations.

These five corporations are allied with the aim of controlling the watch business of the United States, and incidentally to crush out such outside competition as does exist in this country.

The product of the five corporations is marketed or distributed to the retailer through some 200 or less watch jobbers.

An abuse lies in dictating to these jobbers the policy of their watch business, in which, if they are successful, will exterminate all independent competition, thus enabling them to fix arbitrary and unjust prices to the consumer.

To illustrate to you the business methods of these allied corporations, we will briefly state our past relations with them.

During the year of 1900 the above-mentioned corporations began supplying us their product. Our field of distribution covered several States. An unusual era of prosperity caused a short watch product. This led to a discrimination in our supply from the allied corporations. In protection to ourselves we were obliged to supplement our supply with watches from other manufacturers, who gave us good service and supplied us with all the goods of their product that our trade demanded. During the next two or three years representatives of these allied corporations repeatedly sought information from us as to what products we were handling outside of theirs, and would repeatedly insinuate their disapproval. Finally, in the early part of the year 1905, we were visited by at least two representatives of these corporations and informed that we must discontinue handling the product of certain outside companies, else they would not be interested in us, and if we did comply with their demands we would be favored with any and all grades of their product that our business required.

Being under no financial obligations to these corporations and disbelievers in coercion we continued along the line of freedom in commerce.

In March, 1905, we were in New York, and while there we were notified that an interview was desired by the leading spirit of one of these corporations. This was granted, and after much persuasion we were given an ultimatum, that unless we ceased handling the products of those companies outside of the so-called "Big Four," or watch trust, we would be dropped from their list of distributors.

With the spirit of freedom still bubbling in our breasts, we ignored their demands, and consequently when their July memorandum of watch jobbers was distributed to the trade our firm name was eliminated from this list, and they have since withheld their product from us. We would call this combining to control the watch product of the country and conspiracy to obliterate or crush the independent manufacturer as well as the independent jobber of the country. This but briefly outlines the situation.

We know there are many others who can, if they wish, verify our statements.

Very respectfully, yours,

VANDER VOORT BROS.

THE SIGLER BROS. COMPANY,
Cleveland, Ohio, May 11, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Yours of April 30 received and contents noted. In answer to your inquiry whether there is any trust or combination in the watch trade will say that there is a trust or combination in the watch trade, composed of the following manufacturers: Keystone Watch Case Company, Crescent Watch Case Company, Philadelphia Watch Case Company, New York Standard Watch Company, Elgin National Watch Company, Waltham Watch Company, the E. Howard Watch Company, United States Watch Company. Of the above-named companies the following four are known to the trade as the "Big Four:" Elgin National Watch Company, Waltham Watch Company, Keystone Watch Case Company, Crescent Watch Case Company.

After having been on the shipping list of the watch trust for some thirty-five years, we were dropped from the list a year ago, for the reason that we would not consent to abide by their dictation in the handling of their products exclusively.

They, of course, put forth several different reasons for dropping us from their list, the main one being that we did not use enough of their goods, which you already know is laughable, in view of the facts you already have before you, viz, the letter from the Elgin company declining to deliver us goods.

We have followed your examination of the watch question with much interest, and trust that you will be successful in your undertaking. We inclose you herewith some pointed remarks in reply to some of your recent remarks, thinking perhaps they might interest you.

Yours, respectfully,

THE SIGLER BROS. CO.
G. L. SIGLER.

COOPER & FORMAN,
IMPORTERS OF DIAMONDS AND PRECIOUS STONES,
New York, May 3, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Without warning or notice, we were suddenly dropped from the watch combine list of jobbers May, 1903, and were then refused all further dealings with the four companies. We were cut off the list, and no further business was to be transacted with us. Hundreds of movements that we had on order with the Waltham company they refused to deliver, and we were thereby seriously injured in our business, and sustained considerable financial loss.

They also gave instructions to their other jobbers not to supply us with their goods at jobbers' rates and discounts. For a long time we had been unable to get all the Waltham movements we wanted, and had to buy largely from amongst the other jobbers large quantities of watch movements to fill our customers' contracts.

Now, on such purchases we were granted special jobbers' discounts that one jobber is allowed to give another, but after May 1, 1903, the trust's instructions were that we had been cut off as jobbers and were to be treated merely as retailers.

We were known chiefly as "Waltham jobbers," favoring the watch cases of an outside competitive firm, and to that circumstance we attribute our persecution.

We had been warned by other jobbers to use more Crescent and Keystone cases, as there had been "some conversation," and otherwise we would surely be cut off. Now, as these other cases suited our trade best, we continued to use them. Shortly after that the result came.

Upon interviewing the Waltham and Crescent companies for their action, they simply said "that we did not use enough goods"—no complaint against our credit or any other circumstance. We demurred at such unjust treatment, and replied that they had never half filled the orders we gave them, and, anyway, to fill what orders they had on hand for us—many of them were special and had been secured at considerable expense, but no, the edict had gone forth, and thus we had no alternative but to close up our wholesale business in American watches and to reorganize our concern.

I may mention that our purchases from the Waltham Company alone were annually between $7,000 to $10,000, and our last checks to them, one on March 7, 1903, was $584.20, and on April 10, $668.25, and a few days afterward they cut us off from the list.

I have tried to furnish you with all the important facts of the case, eliminating everything that I thought you might consider superfluous, and trust that you will be able to make use of the information that I have furnished.

Yours, very truly, COOPER & FORMAN.

THE SIGLER BROS. COMPANY,
Cleveland, Ohio, May 14, 1906.

Hon. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Yours of May 11 received and contents noted. In reply to same will say that we were dropped from the list of the watch trust about a year and a half ago.

The companies now refusing to sell us are the Elgin National Watch Company, the Waltham Watch Company, the Crescent Watch Case Company, Keystone Watch Case Company, and the E. Howard Watch Company. These companies do not refuse us permission to sell their goods, but refuse to sell their goods to us.

A few of the other jobbers that were dropped from the list at the same time that we were are The Bowler and Burdick Company, Cleveland, Ohio; S. Kind & Son, Philadelphia, Pa.; Wm. I. Rosenfeld, New York City; Vandervoort Brothers, Buffalo, N. Y., and several others that we can not recall.

Trusting the above information will meet with your approval, we remain,

Yours, respectfully, THE SIGLER BROS. CO.,
G. L. SIGLER.

REED-BENNETT CO., WHOLESALE JEWELERS,
Minneapolis, Minn., May 11, 1906.

H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Answering your inquiry for information regarding the existence of the watch trust or combination, we beg to assure that in our opinion there is no question but that there exists such an organization and it is known to the trade as the "Big Four." There was a time when we were favorably passed upon by one of the companies comprising the trust, which entitled us to get trust goods at bottom prices.

It became known that we were selling many outside goods, and we were therefore dropped and our name taken off from their list of recognized watch jobbers. Since then we have been obliged to buy their goods at the regular prices sold to the retailers.

This little circumstance is pretty conclusive that there is a combination.

Yours, truly, REED-BENNETT CO.,
J. M. BENNETT.

The following clipping from "The Jewelers' Circular—Weekly," a prominent trades paper, explains why a prominent jobber was dropped from the list. His offense consisted in buying from Charles A. Keene, of New York City, reimported American watches:

SUES FOR $150,000 DAMAGES.—WILLIAM I. ROSENFELD BRINGS IMPORTANT ACTION AGAINST LEADING WATCH AND WATCH CASE COMPANIES.

Suit has been commenced in the New York supreme court by William I. Rosenfeld, watch jobber and diamond dealer, 19 Maiden lane, New York, against a number of the leading watch and watch case companies in which he asks heavy damages from the defendants for their alleged refusal to supply him with goods. The complaint, which was served on the defendants' attorneys Saturday, is against the Keystone Watch Case Company, the Crescent Watch Case Company, the Philadelphia Watch Case Company, the Elgin National Watch Company, Ezra C. Fitch, Francis R. Appleton, and Royal Robbins. The last three are partners in the firm of Robbins, Appleton & Co., selling agents of the American Waltham Watch Company, which company, however, is not a defendant.

Rosenfeld claims that he has been in the watch business nineteen years, and in the last ten years has built up a large business in the goods of the defendants, and that his name appeared on all the lists published by these companies, except the list published in March, 1902. He makes allegations as to the work that he had done to build up a business throughout the United States, and as he confined his business exclusively to handling the defendants' products, it became imperative that he keep himself supplied with defendants' goods to the exclusion of those of all other manufacturers. He claims that there was nothing in the rules established by the defendants for those who handle their products which limited the right of the jobber to sell movements to anyone engaged in the business of selling watches.

He then goes on to tell how Charles A. Keene, a retail jeweler, at 180 Broadway, New York, had bought from English and Scotch jobbers goods exported by certain of the defendants and afterwards reimported into this country in the original package without payment of duty during the fall of 1904. After Keene commenced his campaign, Rosenfeld claims, it was suggested to him by one of the defendants that he should not sell any more goods to Keene. This request, however, Rosenfeld did not comply with, and continued to sell Keene, and, as a result, he alleges that the defendants "did confederate and conspire together to force the plaintiff out of the business in which he had been engaged as a dealer in watch cases and watch movements made and manufactured by the defendants," and they agreed between themselves that they would not sell him any goods, though he frequently, he says, day after day, requested them to do so. He claims that other jobbers, instructed by the defendants, refrained from selling him any of the defendants' products, and that he has been unable to purchase any of these goods, although he has often attempted to do so for cash on delivery. He finally says that by reason of these acts, which he calls a conspiracy, he has been unable to continue in business, except for the purpose of disposing of the stock which he had on hand, and he has been compelled to liquidate his business as a dealer in watches.

He estimates his damage in all at $150,000, and demands judgment against the defendants for the above sum, together with the costs and disbursements of the action.

In the ordinary course of events as conditions now exist in the New York supreme court, it will be between two and three years before this case comes up for trial, but it may be delayed even longer if a preliminary fight is engaged in either by the filing of demurrers on behalf of the defendants, by motions for bills of particulars, or similar demands, so there is little likelihood of the case coming on for some time.

HOW THE TRUST CONTROLS RETAIL WATCH DEALERS.

The following letter from the Elgin National Watch Company to Sigler Brothers Company, of Cleveland, Ohio, prominent watch jobbers, shows how these companies reach down through the jobbers and control and restrain the retail dealers of the country. A copy of this letter was sent to every jobber for the watch trust. This kind of notice with respect to retailers is frequently sent out.

ELGIN NATIONAL WATCH COMPANY,
Chicago, December 8, 1904.

SIGLER BROTHERS COMPANY, *Cleveland, Ohio.*

DEAR SIRS: A. Zierleyn & Co., Grand Rapids, Mich., after stating over their signature that they would be glad to assist us in every way possible to protect our movements against being offered unfairly to the consumer, have deliberately ignored our request and their promise by handling our movements in a very unsatisfactory manner.

We wish you would advise your travelers making Michigan that A. Zierleyn & Co., are not entitled to any consideration or attention so far as our product is concerned, and their orders should be ignored.

Very truly, yours,

ELGIN NATIONAL WATCH COMPANY.

SOME IMPORTANT FACTS IN CONNECTION WITH THE HISTORY OF THE WATCH TRUST IN THE UNITED STATES.

The following statement, furnishing evidence as to the existence of a watch trust, was prepared at my request by W. J. Johnston, president of the W. J. Johnston Company, of Pittsburg, Pa. This is one of the largest firms in the country—perhaps the largest engaged in the wholesale watch business.

Statement of W. J. Johnston, president of the W. J. Johnston Company, of Pittsburg, Pa., in re combination of the Waltham, Elgin, Keystone, and Crescent companies and the purposes of said combination.

A denial of the existence of a trust, or combination, or community of interests among the four leading watch movement and watch case companies of the United States is as ridiculous as it is mendacious.

Such an alliance does exist, and its purpose is and has been in restraint of trade, to monopolize the watch business of this country, and crush out of existence all competitors and competition, regardless of the means necessary to accomplish the purpose.

This organization was effected in the year 1902, and the companies comprising the alliance are the American Waltham Watch Company, Waltham, Mass.; Elgin National Watch Company, Elgin, Ill.; Keystone Watch Case Company, Philadelphia, Pa.; Crescent Watch Case Company, Newark, N. J.

The two companies first named are makers of watch movements, and the latter two are makers of watch cases.

In addition to the companies named there are three other companies that are owned and controlled by the Keystone Watch Case Company or its officers. These companies are the Philadelphia Watch Case Company, Riverside, N. J., makers of cases; New York Standard Watch Company, of Jersey City, N. J., makers of movements, and E. Howard Watch Company, Waltham, Mass., makers of movements.

The production of the four movement companies mentioned represents not less than 90 per cent of the watch-movement production of this country, and the production of the watch-case companies not less than 75 per cent of the watch-case production. In this estimate is not included the products of watch companies that make cheap complete watches, the values of which average $1 each, or less.

At the time of the organization of the combination of the four leading companies its purpose was stated to be to regulate and maintain the prices of their products to the retail jewelry trade through their wholesale agents. At that period every wholesale jewelry and watch firm of any importance was selling agent for one or more of the four leading watch companies.

By agreement among the combined companies the agents of each one of the companies were accepted and recognized as wholesale agents of all the companies, and the confirmation of this agreement and condition was ratified by each of the four companies in the issue of separate printed lists by each company in which were contained the names and location of every wholesale watch dealer in the United States. These lists were practically identical, and variously titled, by the Keystone Watch Case Company, "List of wholesale watch dealers;" by the Crescent Watch Case Company, "List of jobbers;" by the Elgin National Watch Company, "Jobbing list," and by the American Waltham Watch Company, "List of dealers in watches recognized as jobbers by the American Waltham Watch Company."

These lists were for the exclusive use of agents, and were required to be returned to the various companies upon the issue by them of a subsequent list. By this act the watch combination absorbed all the useful wholesale watch dealers of the country, and it was a matter of necessity for the wholesalers to abide by the condition thus created and agree to the will of these four companies, singly and collectively, or be forced out of business. A failure on the part of any wholesale dealer or dealers to satisfy the members of the combination was signalized by the issue of a new list of wholesale dealers by each of the four watch companies, from which lists were omitted the names of deposed wholesale agents, which was notice to all wholesale agents in good standing that firms omitted from the new lists were "blacklisted" by the combination, and no agents in good standing were permitted to do business with them in watches made by the combination.

It is unfortunate that a condition of this sort is considered in the

jewelry trade as practically and thoroughly putting a wholesale dealer out of business, for the reason that the production of watch movements outside of those made by the Waltham and Elgin companies is so small and the variety of sizes so incomplete that a wholesale dealer without Elgin and Waltham movements to sell would be in the condition of a clothing dealer who endeavored to do business in suits to fit men 6 feet in height and larger, but could not supply smaller sizes.

Before the creation of the combination a contrary condition existed, for the reason that active competition and rivalry between the Waltham and Elgin watch companies made no wholesale watch dealer the slave or creature of either or both of these companies, and they enjoyed a condition of self-respect and independence which has been taken away from them by the arbitrary and despotic demands of the combination.

It has been the policy of the Elgin and Waltham companies to create a shortage of the most desirable and best-selling watch movements made by them and to supply these short movements to their agents in proportion to the quantity of undesirable and poor-selling movements that they would take. The short movements were generally the character of goods on which they had no competition, and the undesirable goods were of such sizes and character as those made by the several small watch companies who were striving to establish themselves in business.

It has been a general practice with the Elgin and Waltham companies to distribute their entire production of undesirable and poor-selling movements among their agents, charging and shipping as though they had been ordered from them, and thus making the wholesale dealer carry the surplus production of the companies, and in many instances the dealer has been compelled to carry some kinds of movements two years and longer before finally marketing them. The alternative to carrying the excess of unsalable watches is for the wholesale dealer to unload them at reduced prices and sacrifice the profit on his investment, and often making a loss besides.

To refuse to accept the shipment of unordered goods from the Waltham or Elgin companies by one of their agents, even though overloaded at the time with the class of goods thus shipped would cause the agent so refusing to not only be deprived of salable and desirable watches, but, if repeated often, to eventually be "blacklisted" by the combination. The ultimate purpose of this combination of the watch companies is very clear to those wholesale dealers who have had dealings with them.

The Elgin and Waltham watch companies practically control the sale of medium class watches in the United States. The average production of these two companies has been for years 6,000 movements per day.

They have had as competitors a few companies that have been steadily making progress, improving their products, and annually increasing their output. These companies consist of the following: Dueber-Hampden Watch Company, Canton, Ohio; Illinois Watch Company, Springfield, Ill.; Hamilton Watch Company, Lancaster, Pa. These companies are the next strongest companies financially and in production to the Elgin and Waltham companies.

Of minor importance are: South Bend Watch Company, South Bend, Ind.; Rockford Watch Company, Rockford, Ill.

These five companies may be classed as the only competitors of the Elgin and Waltham companies, and have incurred their ill will in proportion to their advancement, which has resulted in the determination to prevent the sale of the production of these companies through the wholesale dealers of the United States, and succeeding in that effort will result in the closing of their factories.

The first scheme operated by the combination to prevent the sale of the product of the independent companies to the wholesale dealers was to intimidate these dealers in watches under threat of not furnishing them with combination goods if they did not agree to stop selling the independent goods.

They have succeeded in compelling more than 90 per cent of the jobbers who handle combination goods to discontinue the sale of goods made by the independent companies, and those few wholesale dealers who do continue to sell independent watches are not permitted to push the sale of said goods, nor are they permitted to advertise the same in trade journals, through catalogues, or by circulars, or in any way call attention to the fact that they have watches to sell other than those made by the combination.

In 1903 not one of the 148 wholesale agents of the combination advertised any watch cases made by the independent companies in trade journals, catalogues, or by circulars, and during 1905 only two Chicago firms representing the combination presumed to advertise in catalogues any independent company's watch movements, and in 1906 but one lone solitary combination wholesale dealer has the nerve to advertise or sell the independent companies watch movements.

During 1903 the most coercive and intimidative measures were used by the members of the combination to control the wholesale watch dealers, and a number if these agents were "blacklisted" for not abiding strictly by the commands of the combination even though at that time the production of Elgin and Waltham watches was not adequate to the demands for them from the trade.

Your attention is called to a page from the Manufacturing Jeweler, published in Providence, R. I., August 6, 1903, on which is contained a statement made by Mr. E. C. Fitch, president of the Waltham Watch Company, in reference to the demand at that time for the production of their company. The same condition explained by Mr. Fitch at that time applied to the condition of the Elgin Watch Company.

I will further call your attention to a copy of a letter marked "Exhibit A," written by the writer to the general sales agent of the Elgin National Watch Company, Mr. G. V. Dickinson, on September 4, 1903. This letter was written on account of the action that the Elgin Watch Company took toward this firm about that time, which led us to resign our agency with them.

On or about July 24, 1903, I was visited at our place of business by Mr. G. V. Dickinson, representing the Elgin Watch Company, and was given to understand in deliberate and clear language that the Elgin National Watch Company had decided that if we did not give up the sale of all goods, whether cases or movements, made by companies not members of the combination that we would be "blacklisted," and, further, that we would be put out of business by the combination if we did not accede to their demands.

In reply to my question as to why we should not sell other watches when we could not supply our demand for watches with what we could get from the Waltham and Elgin companies, he replied that we would be creating a permanent market for independent companies' watches that would affect the demand for Elgin goods and cause a loss in business for them when the demand for watches lessened and their production was adequate to supply our demands.

He further stated that if we refused his demands a jobbing house of national reputation would be established in Pittsburg, with unlimited capital and goods, to absorb our business. Since that time the firm referred to by Mr. Dickinson has been established in Pittsburg, but it is not a firm of national reputation and has not yet created a local reputation, and is generally believed to be capitalized and controlled by the combination.

Our resignation to the Elgin company contained in our letter of September 4 was not accepted for the reason that we were influenced by the Waltham Watch Company not to insist on that condition, and we were, through the influence of the Waltham Watch Company, supplied thereafter with an adequate supply of movements for our wants. We, however, did have to agree that we would not push the sale of goods not made by the combination, and that we would not make any effort to create a demand for them, but would only supply the demand that might come to us voluntarily or accidentally.

We were not permitted to advertise the sale of any independent lines, nor were we permitted to have our travelers on the road carry samples or suggest the purchase of any independent lines to the retail trade.

The result of this action was that our trade on independent lines depreciated in twelve months to one-fifth of what it had been during the twelve previous months. Further, that our total loss of business in twelve months following this agreement was $100,000, which we attribute mainly to being compelled to abandon the sale of goods that in point of excellence were superior to the product of the Elgin and Waltham companies, and that we were able to sell to our customers for less price than charged for the same character of goods made by the combination.

It was the lesser of two evils to choose, for had we been blacklisted by the four members of the combination our trade at that time would practically have been ruined so far as the watch business was concerned, and we would probably have lost a total of business of $200,000 per annum instead of half that amount.

It is conceded generally that the Elgin and Waltham watches are desirable and necessary, not only to the wholesale watch trade, but to the retail watch dealers of the United States, for the reason that they have been established for so many years and have been so thoroughly advertised and become well known, that the public generally are not aware that there are any other American watches made.

This fact is well known to these companies, and they took little risk in assuming the stand taken by them against the wholesale watch trade, and it is their purpose, as expressed to me by one of the high officials of one of these companies, that when they got control of the situation in the watch business that they desired, as it related to the wholesale dealers, to follow the same course in a campaign against the retail jewelers of the United States and force them to abandon the sale of all goods not made by the combination or be deprived of the advantages that they would have from the sale of combination goods.

The alliance with the Elgin and Waltham companies of the Keystone and Crescent watch-case companies was of no advantage directly to the watch-movement companies, but was wholly advantageous to the watch-case companies. The purpose, however, of the amalgamation in the association of the case companies with the powerful Elgin and Waltham watch companies was to place the case companies in the same dominant controlling position in the case business that was held in the movement business by the Elgin and Waltham watch companies.

It requires a trifling capital to establish and maintain a factory for the manufacture of watch cases as compared with the immense amount of capital necessary to the establishment, operation, and maintenance of a watch-movement factory.

At the time of the organization of the combination there was an overproduction of watch cases in the United States, or a production of watch cases in excess of the production of watch movements of not less than 300,000 cases per annum, and estimated as high as 500,000.

There were various case factories in different parts of the country producing watch cases equal if not superior to the production of the cases of the Keystone and Crescent case companies, and the smaller companies were marketing their product to the trade at less prices than the Keystone and Crescent watch-case companies were offering their cases for.

The cases made by the smaller or independent companies would have no outlet if there were no watch movements to go with them, and the scheme for the advantage of the Keystone and Crescent Watch Case companies was to prevent any wholesale dealer from buying cases from an independent manufacturer by refusing to furnish movements that would be sold with the independent cases.

At this period, 1903, the production of watch movements in this country by the independent companies that might be available for sale in the cases made by the independent case manufacturers was less than 500 movements per day, and the production of watch cases by the independent case-manufacturing companies exceeded 3,000 cases per day.

It is clear, therefore, that if there were available only these movements to fill the cases made by the independent manufacturers that there would be but one day's work in a week for the case makers in the independent factories, where there had been six days' work per week previously, and if the plans of the combination were carried out fully and there were no other movements available for the cases made by the independent manufacturers excepting those produced by the independent movement manufacturers the result to the case makers is very clear—it spells ruin.

The most active agent in the intimidation and bulldozing that was carried on during the year 1903, and since that time to the present, was Theophilus Zurbrugg, president of the Keystone Watch Case Company, and the active head of the various companies allied to the Keystone Watch Case Company. This man's career is remarkable in a certain sense. He personally and through his agents has been the active head of the watch combination in their campaign of intimidation and blackmail waged against the wholesale watch dealers for three years past. He has openly boasted that he would destroy the business of all competitors of the association, or that he would relegate their goods to the cheap trade and pawnbrokers of the country.

Mr. Zurbrugg, and Mr. Irving Smith, president of the Crescent Watch Case Company, during the past four years have had at all times correct accounts of the amounts of the purchases made from the Elgin and Waltham companies by all the wholesale watch dealers. They have used this knowledge to blackmail watch dealers who have not bought from them cases in proportion to the number of movements delivered to them by the Waltham and Elgin companies. They have threatened many dealers that their watch-movement supply would be curtailed or entirely discontinued if their purchases of cases were not enlarged.

Late in June, 1903, in the New York office of Mr. Irving Smith, president of the Crescent Watch Case Company, the writer was threatened by Mr. Smith that if he did not at that time place a large order for cases with his (Smith's) company our watch-movement supply would be reduced materially, and that the movements would only follow the cases. I refused to place the order under those conditions, and during the three months following our deliveries of combination

watch movements fell off more than 10,000 from our previous average deliveries.

I refer you to a letter marked "Exhibit B," received by the writer from New York, dated June 24, 1903, written by Mr. Dory A. Smith, secretary of the W. J. Johnston Company, which relates his interviews with Mr. Irving Smith a few days previous to my interview related above.

One of the greatest hardships to the wholesale watch dealer resulting from the watch combination was the requirement compelling him to discontinue the sale of the gold-filled cases made by the independent watch-case manufacturers. The prices of gold-filled cases made by the Keystone and Crescent watch-case companies are 25 per cent higher than the same class of cases made by the independent manufacturers, and the profit of the wholesale dealer averages 5 per cent less. The principal selling gold-filled cases, made by the Keystone Watch Case Company, is styled the "James Boss." This brand of case, years ago and before the advent of Mr. Zurbrugg to the management of the Keystone Watch Case Company, was one of the most reliable and desirable gold-filled cases made. At the present time this brand of case has fallen to one of the lowest and most undesirable gold-filled cases made. The average gold value of these cases at the present time is not more than one-third of the value of gold put in the earlier cases of this brand of the same period of guaranty. Practically they are made of only rolled-plated material.

As an example, I offer a nugget of gold worth 88 cents, which is the result of an assay made at the United States mint at Philadelphia, of a James Boss, twenty-five-year guaranty, gold-filled case, ladies' size, open face, and attach with it a duplicate of the same case assayed. The price the retail jeweler pays net for this case is $1.41 more than the same case is sold at made outside the combination.

Another example is a nugget of gold worth $1.58, the result of an assay at the United States mint, and representing the gold value of a James Boss, gold-filled, man's, open-face, largest size case made, guaranteed to wear twenty years, and attach a duplicate of the case assayed. The price the retail jeweler pays net for this case is $1.83 in excess of the price of the same guaranteed case made by an independent manufacturer.

Even cheaper and poorer so-called "gold-filled" cases are made by the Keystone Watch Case Company, called "Royal," made by their Philadelphia Watch Case Company, and guaranteed to wear twenty years. These cases we refused to sell after our early experience with them, which resulted in the return to us within one month of cases with the gold worn off that had been guaranteed to wear twenty years.

It is the opinion of the writer that the average wearing time of the James Boss gold-filled cases does not exceed two years, and this opinion is based on experience and a large number of cases in his possession now that are worn through the gold after short wear, and that there are enough of these cases in circulation that are worn-out within the time limit of the guaranty, that the Keystone Watch Case Company would be bankrupt if required to redeem them.

The sole fault of the preponderance of influence of the Keystone Watch Case Company and the Crescent Watch Case Company in the case business lies in the Waltham and Elgin watch companies' power exerted to force the sale of these goods on the wholesale dealers, who in turn influence the retail jewelers to buy them, and finally they are absorbed by the public at prices largely in excess of their value for the benefit of a few stockholders who get rich through conditions that are unfair if not illegal and for which a remedy should be found.

The W. J. Johnston Company's connection with the watch combination was terminated last June through causes created by the Keystone Watch Company, whose methods and exactions were contrary to what was honorable, whose agreements with us were violated constantly, and who at the final rupture between us admitted, through their agent, who endeavored to deny a verbal agreement that existed between the Keystone Watch Company and ourselves, to which the said agent was a party, that they did not hesitate to repudiate agreements and never made written ones with wholesale dealers for that reason; that he knew the agreement existed which we were disputing over, but that he had to do the dirty work for the concern, and when he was sent out to deny an agreement, even though he knew the agreement had been made, he was compelled to deny it. On June 6, 1905, we resigned our agency with the Elgin Watch Company for the reason that we learned that the wholesale dealer whom they in 1903 had threatened to put in Pittsburg to absorb our business if we did not accede to their demands, had rented quarters in Pittsburg, and was endeavoring to engage our most valuable employees.

Since 1899 we had been the largest distributing firm in western Pennsylvania for the American Waltham Watch Company and the Crescent Watch Case Company, and at this time were in perfect accord with them and using their products extensively, but in July a new list of jobbers was issued by the combination, and the name of the W. J. Johnston Company was not included in any of the firms' lists. The blacklisting of this firm was done without any notice whatever from the Crescent Watch Case Company and the American Waltham Watch Company. On July 15, 1905, we wrote Robbins & Appleton, New York, selling agents for the American Waltham Watch Company, asking for deliveries of unfilled orders due to us, and the following is a copy of their reply:

NEW YORK, *July 19, 1905.*

W. J. JOHNSTON CO., *Pittsburg, Pa.*

GENTLEMEN: Replying to your inquiry of the 15th instant, we beg to say that your name is not included in the recent list of dealers in watches recognized as jobbers by the American Waltham Watch Company, and we are accordingly unable to continue to supply you with movements for reasons which you will understand. We very much regret the circumstances.

Yours, truly,

ROBBINS & APPLETON,
Per J. S.

The organ or periodical of this combination is the Keystone, a monthly journal published in the city of Philadelphia. This journal is published in the factory of the Keystone Watch Case Company. It boasts of having 75 per cent of the jewelers of the United States as its subscribers. It permits wholesale dealers who sell the goods of the combination to advertise in its columns. If any of the wholesale watch dealers begin to sell the goods of the independent factories, the Keystone discontinues their advertisements and refuses to insert them in its columns. They will not permit any advertisement in their columns which advertises watch cases or movements that are in competition with the products of the combination.

This journal enjoys the privilege of circulating their mails as second-class matter. The attention of the Post-Office Department has been called to the methods of this journal, and it is to be hoped that it will soon be unmasked and deprived of the governmental aid and assistance in second-class postage, which it is not entitled to.

EXHIBIT A.

SEPTEMBER 4, 1903.

Mr. G. V. DICKINSON, *Chicago, Ill.*

DEAR SIR: I had intended to go to Chicago to-night to see you and endeavor to arrive at some understanding as to our status with your company.

In considering the matter further I concluded that it would be of no consequence or benefit to us to go, as the matters that might be discussed had already been gone over thoroughly.

When you were here we were given to understand that under the conditions existing at that time the Elgin National Watch Company were antagonistic to our interests, and if we did not agree to certain demands, which were stated by you, our deliveries from the Elgin company would be further reduced (although at that time they had been reduced 75 per cent), and possibly altogether cut off.

A further penalty to us would be the placing of a jobbing house in Pittsburg with a backing of your company and one other company stated, this competitive firm of ours to have unlimited capital and goods, to be used to absorb the business of the W. J. Johnston Company.

The reasons given were that we were unduly active in pushing the sale of Illinois watch movements and using our influence and energy to make a market for their product that ultimately would be a loss in business to the Elgin National Watch Company, your argument being that the market demand here being mainly for Elgin watches. This reason to us seems inconsistent in view of the fact that we sold all the Elgin watches you gave us and urged in every way possible for further supplies.

There was another reason also that related to the sale of certain cases that we had handled profitably and satisfactorily to our customers and ourselves that we could not then nor do we now see was in any manner detrimental to the Elgin company, or in fact any of their business.

At your suggestion we submitted on July 25 to Mr. Hulburd a proposition that we considered was conceding your demand and that was equitable to ourselves.

On August 3 we received an acknowledgment of this proposition, in which we were given to understand that we would have a reasonable delivery of Elgin movements to enable us to maintain our business and prestige as representatives of the Elgin National Watch Company.

During the past two weeks we have received from you in deliveries and invoices $344.60, less 6 per cent, worth of goods, and during the present week not one cent's worth.

Since August 1 there has been established here a representative of C. G. Alford & Co., who are, I presume, the firm of "national reputation" you referred to when here. This representative happens to be a brother of the New York agent of the Keystone Watch Case Company, Mr. Trevin. When this representative first came here he was accompanied by C. G. Alford, who visited the retail dealers and circulated the report that there were to be several Pittsburg jobbers removed from the list of the watch companies. That he was after the watch business here, and would guarantee to fill orders for any grade of Elgin movements within three days. About the same time reports were circulated among our Pittsburg customers that we were not allowed to sell any more Illinois movements or Wadsworth cases. We have not yet traced the source of this last report, but will.

We do not regard C. G. Alford & Co. as being jobbers of "national reputation," and would welcome competition such as they afford, ordinarily, but when they can come into our city and are given advantages to help them break into our trade it is unfair and malicious, and we do more than protest against it.

The same can be said of advantages given to the Non-Retailing Company, who can supply the demand here for Elgin movements that we do not get enough of to supply one retail store.

We are simply playing at the watch business and pretending to be able to do what we do not now expect to be able to. We are disappointing our customers to whom we have sold cases and promised movements for, and thus creating trouble for ourselves that will be lasting in its results.

This condition will not exist any longer, as we shall instruct our travelers immediately under no circumstances to take any further orders for Elgin movements, and shall on October 1 notify our trade generally in our price list that we can accept no orders for Elgin watches.

We are not going to sit here and say "thank you" to the Elgin National Watch Company or any other company for a few movements. We are not going to become dormant and old fossils waiting for something to turn up, trying to satisfy those from whom we get goods or to whom we sell goods, if they can not be pleased by consistent and honorable treatment.

We are going to sell goods that we can get and shall pursue the most aggressive policy hereafter in our business and let our customers know what we have to sell and why we sell them, and manage and mind our own business.

If we had even done anything that was not consistent with good business, or that should in any manner be disagreeable to the Elgin National Watch Company, we could take their treatment more philosophically, but in view of the fact that we are men of sufficient egotism to warrant us in believing that we can run a business successfully, and know that our methods of doing business have been satisfactory generally to all with whom we had done business, either as debtors or creditors, we don't propose to have our business hampered or success checked and accept dictation and treatment such as would not be warranted under any circumstances to any concern who pay their bills and are in good repute.

Yours, very truly,

W. J. JOHNSTON.

EXHIBIT B.

THE WALDORF-ASTORIA,
New York, June 24, 1903.

Mr. W. J. JOHNSTON, *Pittsburg.*

DEAR SIR: Yours of yesterday, asking for the details of the conversation between Mr. Irving Smith and myself, just received. In reply would say:

Mr. Stearns introduced me to Mr. Smith and was present during the few moments we were together. We were discussing the people on the list and those who had been dropped. Biggart & Wolf were mentioned, and Mr. Smith said: "Yes; they were put off to please you people, and in return you use more Wadsworth cases than any other make." I replied that when we sold a Wadsworth case it did not compete with either a Crescent or a Boss case, because they made no case to compete with it, and that I felt if we gave up the Wadsworth case it would be a loss of considerable business to us. Mr. Smith looked me straight in the eyes, elevated his eyebrows, and very slowly replied,

"Don't you think, Mr. Smith, that the loss of Elgin and Waltham movements would be the cause of a much greater loss of business to you than the loss of Wadsworth cases." He then said, as near as I can remember, in the following words: "We are not telling any man what he shall or shall not do in this matter. A great many of them we do not care what they do. When the time comes if they do not do the right thing they will be dropped. Your concern is one of the very few that we would like to see do the right thing and get on the inside. There will be a great many dropped, but I would like to see Johnston with us, and I give him credit for being smart enough to see how the thing is going. He is the man we want in your section and I am surprised that he has not seen how things are going before this. I am anxious to see him when he comes to New York, and will drop him a letter to-night." He then offered an apology for speaking business to me while on a vacation, said he had perhaps said too much, because he realized you were not a man to be dictated to, but added that you would make a big mistake if you went the wrong way.

I think the Ray people will be in the combination. Both Stearns and Canfield say there is nothing doing so far as they are concerned, but their denial is not as emphatic as it might be.

Very truly, yours,

DORY A. SMITH.

MORE EVIDENCE AGAINST THE WATCH TRUST.

At a subsequent date, at my request, Mr. Johnston furnished me with the following additional facts. I print them here for the reason that Exhibit A, attached thereto, to wit: the letter from the Elgin Company dated July 29, 1903, and the circular which accompanied it, together with the other evidence in this case, is, I think, sufficient to establish the existence of this trust to the entire satisfaction of any reasonable, fair-minded man.

COPY OF LETTER OF W. J. JOHNSTON, OF PITTSBURG, PA.

We offer in refutation of the statement made that no watch trust or combination exists, the following proof and information at our command:

On or about February 1, 1902, the wholesale watch dealers of the United States were informed simultaneously and separately, by the American Waltham Watch Company, of Waltham, Mass., the Elgin National Watch Company, of Elgin, Ill., the Keystone Watch Case Company, of Philadelphia, Pa., and the Crescent Watch Case Company, of Newark, N. J., that on and after that date the discounts from the list prices of their goods would 20 per cent, with an additional discount of 6 per cent upon payment of the accounts on the 10th of the month following the deliveries and billing of goods to them.

In addition, on July 1 and January 1 thereafter all jobbers then in good standing with these companies were to have a rebate of 3 per cent in addition to the discounts previously mentioned.

They were obliged to sell these goods to the retail trade at a discount of 10 per cent, and an additional discount of 6 per cent for cash paid for bills within thirty days after date.

The promulgation of these discounts by the four companies named made a net reduction in the former profits made on these goods by the wholesale watch dealers of 1½ per cent and more.

At the same time printed lists of the names and locations of wholesale watch dealers throughout the United States were issued by each one of these four companies and sent to the various firms included in these lists, recognizing them as being entitled to all the rights and privileges of wholesale dealers and entitled to the discounts quoted above.

Since that time there have been eleven additional lists of wholesale dealers sent out by these four companies of which we submit here the four copies of the eleventh edition, that were issued February 1, 1903.

The twelfth edition was issued on or about July 1, 1903, and, as a short time previous to that date this firm had been blacklisted by the association, we did not come into possession of a set of these lists.

The list prices quoted off Elgin and Waltham watch movements were identically the same by both companies for each size and grade of movement, and each company made a duplicate in size and grade of each other's movements.

On or about July 1, 1903, a notice was issued, in most cases verbally, by at least one agent of the four companies, to the wholesale dealers, in which they were required thereafter to bill on separate billheads, goods made by the four members of the combination. In our case this notice was served by a representative of the Elgin National Watch Company, who acted as a representative at the same time for the combination.

We assumed that we would be permitted to send a circular to our customers notifying them of this ruling, and had the circulars printed for that purpose. Before mailing them we submitted a copy of them to the Elgin National Watch Company. (See Exhibit A.) The reply received from the Elgin National Watch Company's headquarters in Chicago, dated July 29, 1903, gave explicit directions as to what we might do, but we were not permitted to issue the circulars.

We submit, further, a letter from New York, dated September 23, written to us by Robbins & Appleton, the selling agents for the Waltham Watch Company, in which we are advised, and the advice underlined, that our best interest would lie in standing by the two old-line companies, meaning the Waltham and Elgin watch companies. (See Exhibit B.)

In the statement issued by the Waltham Watch Company and printed in the CONGRESSIONAL RECORD, it is stated that there is a foreign syndicate attempting to regain the ground lost by them in the United States. To anyone acquainted with the watch business of this country, so far as it relates to the products of the Elgin and Waltham watch companies, this statement will sound very queer, because the importation of watches to the United States from abroad to the extent of at least 95 per cent are not of the character and style that enter into competition with the Elgin and Waltham products, and this matter is easily determined on investigation in the proper quarters, namely, the importing watch firms of the United States.

The goods brought into this country from abroad are almost wholly very cheap goods, averaging in value about $1, or are very fine goods of a character that are not made and can not be made by the Waltham and Elgin watch companies. The latter class of goods are mainly very fine hand-made timepieces or complicated watches, such as chronographs and repeater chronographs, in which there is required a skill in hand work that has never been developed in the United States.

Fifteen years ago the Waltham Watch Company undertook to make this character of goods, but abandoned the effort after a short experience. It is an acknowledged fact that can not be denied by either the Waltham or Elgin watch companies that watch making in their factories is dependent mainly on their machine shops, and not on watchmakers, and that they have such perfected automatic machines that hardly any part of the making of the material that enters into the watch is done by hand labor. The ensembling of the parts is usually done by female labor, and the only really important and high-priced labor is that of the finishers and adjusters.

We will not state with any authority, but it is our belief that not more than 10 per cent of the labor of either the Elgin or Waltham factories is engaged in the finishing and adjustment of these watches. In fact, it is beyond question that not more than 25 per cent, and possibly a very much smaller proportion, of the products of the Waltham and Elgin companies are adjusted movements.

We wish to lay particular stress on the allegation, which is a reflection on the first-class retail jewelers, that Swiss watches are bought without trade-marks or distinguishing characteristics for the purpose of extorting large profits from the public and deceiving buyers as to the quality of goods purchased. It is a well-established practice of the Waltham and Elgin watch companies to produce watches differing from their regular lines, made without any trade-mark or distinguishing characteristics that will identify them as Waltham or Elgin watches, engraved with special names or with the name of the jeweler enameled on the dials and engraved on the plates and in no manner distinguished as Waltham or Elgin watches. This practice is usually with the better grades of watches, and the jewelers who sell these special watches do it on their reputation and not on the reputation of the manufacturer. The wholesale agents of the combination are encouraged by the combination to push the business of these special movements without trade-marks or distinguishing characteristics, and the Waltham and Elgin watch companies derive a large part of their business from this source.

I submit to your view a Waltham watch of their highest grade, which has no trade-mark or distinguishing characteristic to identify it as a Waltham watch. This watch is designated as an E. Howard & Co. watch, and has been made in the Waltham watch factory within the past three years.

The E. Howard Watch Company was the makers of the finest American watches ever made and earned their reputation. They failed and ceased to exist in 1898, and one of the assignees or receivers is now an important official in the watch combination.

I submit herewith a booklet of Howard watches, on the second to the last page of which are prices of Howard watches that are the minimum prices at which the retail jeweler is permitted to sell them. The highest-priced watch is $150.

I submit further a price list which is the authorized price list of the combination. On page 7 is described the 16s. Maximus at $50, which must be sold to the retail jeweler at $42.30 and which cost the wholesale dealer $36.47. This movement, fitted in an extra heavy 14-carat gold case, can be sold by the wholesale dealer for $75. Therefore, if this movement did not have the Waltham trade-mark or any distinguishing feature to identify it as a Waltham watch, a minimum selling price of $150 might be set on it to encourage some retail jewelers to bunco some unsuspecting buyer out of 100 per cent profit.

Mr. Fitch and Mr. Robbins belittle and depreciate their watches when they state that extraordinary profits in watches should be made from the public by the retail watch dealer, because he had to guarantee them so long as he lives. Further, it is stated that week after week, month after month, the wearer expects to have it regulated, compared with standard, adjusted, etc. The rule in the retail watch business is to guarantee a watch for one year, except against breakage. Charges for breakage are made at all times excepting mainsprings the first year, and after that the responsibility of the watchmaker ends. We have too good an opinion of the Waltham and Elgin watches to think that they require regulating, adjusting, etc., weekly and monthly, and if this opinion of Messrs. Fitch and Robbins is an honest expression, then they have depreciated the character of their goods in a manner that if done by others would excite their utmost indignation.

The Waltham company do not have to use the inducement to sell their watches in England that they state is necessary to be done in new fields, as they have been established in the English market for many years past as strongly as in the American market, and do more business in England than any other watch company in the world. They meet their competition without any advantage, as the foreign manufacturers have the same advantage in England that the Waltham company have there, but can not compete with them in the United States owing to the advantage of the American manufacturers in the tariff.

In the summer of 1903 the writer visited Mr. Fitch in Waltham, and at that time the statement was made by Mr. Fitch that they were making and exporting 16-size movements at $2 each, and making a profit on them. At that time the wholesale dealers of the United States were paying the Waltham Watch Company $3.65 net for the same class of movement. Mr. Fitch stated futher in the same interview that if the watch business became depressed the Waltham company could make watches and sell them at a price that would make a profit for them and put every independent manufacturer out of business. The production of the Waltham factory, according to their statement, is one watch a day for every employee, and if this is true, and it no doubt is, the Waltham Watch Company's profits are so enormous that they can cut the present prices of their products in two and still have one of the most profitable institutions in the world.

This statement is made with all due respect to the officials of the Waltham and Elgin watch companies, and we can not speak too highly of the talent, energy, and progressiveness of these companies that have built up the watch business to a standard which should be the wonder of the world. We deplore, however, their selfishness in not giving the people of the United States the same consideration that they have to the people of England and other foreign countries, and not recognizing the right that their own countrymen have, to get as much for their dollar as the people of other countries have. We regret that they should sacrifice any of the respect due to them by their alliance with the Keystone and Crescent watch-case companies, and allow these case companies to intimidate and blackmail the wholesale watch dealers of the United States in the effort to stifle competition on watch cases, and extort millions of dollars from the public in the scheme to sell their movements in Keystone (James Boss) and Crescent watch cases at extortionate prices.

W. J. JOHNSTON,
President of The W. J. Johnston Company, of Pittsburg, Pa.

EXHIBIT A.

ELGIN NATIONAL WATCH COMPANY,
Chicago, July 29, 1903.

Mr. W. J. JOHNSTON,
Fifth Avenue and Market Street, Pittsburg, Pa.

DEAR SIR: We are in receipt of your letter of July 28 inclosing a copy of the circular you purpose issuing. I doubt the advisability of

sending out a circular to your trade on this subject, particularly as we do not want to have the trade to construe your meaning as though it is a command of the manufacturers. As a matter of fact, it is the desire of the jobbing trade that the dating of bills should be discontinued, and the manufacturers are simply giving their moral support.

I inclose you a copy of a circular as issued by one of the jobbing houses not for general distribution, but simply to give to traveling men to show the customers. This would seem a better way than to issue, as you propose doing, a circular to the general trade.

Very truly, yours,

G. V. DICKINSON,
General Agent.

[Copy of circular issued to traveling men.]

From this date we must insist that all Elgin and Waltham movements, Keystone and Crescent cases, appear on a separate bill, and no other goods but the above shall appear in this bill. The terms must be marked plainly 6 per cent thirty days, and also the letter "W" must appear in the terms, so that when our bookkeepers post this bill it will show on our ledger that it is watches. No other terms but these must be given to any of our customers.

There shall be absolutely no dating, nor shall there be any consignment of the above goods to anyone. All remittances and settlements must be made direct to ——— Company, and no traveling man will in the future be allowed to make settlement of any of our customers' accounts.

There shall be no memorandum goods of the above makes left on memorandum by you to any of our customers.

The above rules we must insist upon, to take effect at once, and if any deviation is made it will be at the penalty of the offender losing his position with this company.

You are well aware of the fact that the above movements and cases are leaders in this country, and the demand for these goods is growing so large that your customers will fully realize the advisability of a system of this kind, so that in the future there shall never be any trouble about dating bills.

There shall be no season settlements nor anything of that kind, and if a customer's account runs over thirty days from the date of the delivery of the goods he shall not be entitled to any cash discounts on any of the above makes. Please acknowledge receipt of this letter.

Yours, very truly,

———. ——— COMPANY.

EXHIBIT B.

ROBBINS & APPLETON,
AGENTS AMERICAN WALTHAM WATCH CO., WALTHAM, MASS.,
New York, September 23, 1903.

DEAR MR. JOHNSTON: I presume that you will not have an opportunity to be here before the 1st day of October, and I will therefore write what I desired to say to you verbally. I have talked with Major Appleton in regard to my interview with you a week ago, and he indorses the views expressed. These are also Mr. Fitch's views. You said that you would leave a certain question to us. Our answer is that we are convinced your best interests lie in standing by the two old-line companies. I think I made myself perfectly clear, so that a repetition of my arguments will be unnecessary. The more I think over the matter the more I feel that you will be making no mistake in following the recommendation which I made to you.

According to our records, your account with us during the present month is in excess of $5,600 so far, and within a day or two we will make you another delivery.

On October 1 we will list 19 J. Vanguard and 19 J. Crescent Street movements, as well as 21 J. The Vanguard 23 J. will be continued. For some time past there has been a movement on the part of several chief inspectors to dispense with some of the cap jewels, and I inclose herewith a copy of a notice recently issued by the chief inspector of the time service on the Canadian Pacific Railway expressing his views. Other prominent inspectors in this country are taking the matter up actively. I can not at this writing give you the complete description of the 19 J., but I will send it as soon as it is received from the factory, which will be in a day or two. The revised prices will be as follows:

18s. and 16s. Vanguard, 23 J	$30.00
18s. Vanguard, 21 J	27.50
18s. Vanguard, 19 J	25.00
Crescent Street, 21 J	22.50
Crescent Street, 19 J	20.00

All of these will be made in both hunting and open face. I trust this notice will reach you in good season to be incorporated in your forthcoming price list. Please accept the information in strict confidence pending our formal notice to the trade on the 1st of the month. We are receiving a few hunting Vanguard 19 J. and will be glad to supply you with some of these in anticipation of the general demand for them when the prices are increased.

I would be obliged if you would let me hear from you in reference to all of the foregoing matters at your earliest convenience.

Cordially, yours,

J. R. GLEASON.

Mr. W. J. JOHNSTON.

A PROMINENT NEW YORK JEWELER WRITES TO THE PRESIDENT OF THE UNITED STATES COMPLAINING OF THE EXACTIONS OF THE WATCH TRUST.

The following is a copy of a letter written by a prominent New York jobber to the President of the United States, complaining of the watch trust. It contains much valuable information on this subject:

NEW YORK, *April 17, 1906.*

President THEODORE ROOSEVELT.

HONORED SIR: Will you kindly permit me to bring to your notice a few facts in connection with the much-discussed "American watch trust?" I will endeavor to be brief and write only of those circumstances, for the truth and reliability of which I can personally vouch, as affect the trade and the purchasing public.

The Waltham and the Elgin watch-movement manufacturers, the Keystone and the Crescent watch-case manufacturing companies have of late years been generally known as the "watch trust" and are designated as the "Big Four." This combine was formed on the pretext of a community of interests, but in fact for the purpose of controlling the American watch industry and of destroying all competition and competitors.

The product of this trust is sold to a few exclusive jobbers or wholesale dealers throughout the country, who, in their turn, sell it again to the retail merchant or storekeeper. It is no easy matter to become a "jobber," as the terms and exactions are harsh and arbitrary, and only such firms are selected as are approved by all four companies. The profits made by the dealer are really small, netting him between 10 and 12 per cent only—in fact, not more than half that amount if he reckons the interest on the capital invested.

Now, these dealers are harassed by a number of very humiliating conditions and penalties, while the "combine" retains the privilege of treating them just as they please. Thus the dealer is forced to accept whatever goods they choose to send him, ordered or not ordered. Each dealer has to take his share, pro rata, whether he wants to or not, and as often as they choose to send it. I have known some of the larger dealers to carry as many as 10,000 to 20,000 watch movements, all paid for (for the trust's terms are cash). These they have been forced into accepting against their wishes. Their unwilling acquiescence was due to fear of offending the trust and being "dropped off the list," for to offend one of the Big Four means to offend all, and if one of the concerns cuts the jobber off, then he is summarily cut off by all four. They simply suddenly drop him and know him no more.

It is nothing to them what injustice or injury is inflicted on him, or his loss, the numberless ways it can damage or even ruin a decent and honorable firm. They do not even grant the sufferer an explanation, or give a reason. In fact, I have been treated thus myself, and know of many others of similar experience. Then again, the trust fixes the various prices at which the movements and cases are to be sold; it also fixes the discounts that the dealers are allowed to give, and on what terms the dealers may be allowed to sell, and any sale reported contrary to these terms and in violation of the trust's stipulations will cause him to be "dropped off the list."

I am not anxious to introduce politics into a matter of trade grievance. Our trade as a whole is in favor of a reasonable and just tariff on imported watches, and a due protection to the American watch industry. But, Mr. President, we respectfully submit that the extra protection given to the watch trust under the Dingley bill has most signally failed. It has not benefited anyone but the stockholders of the "Big Four."

The former McKinley tariff afforded ample protection, as was proved by trade experience and official statistics. The increased tariff duties on watches, as provided by the Dingley tariff bill, was intended expressly to prevent the importation of watches of foreign make, whereas in fact it entirely failed in this respect. It has closed this market to only the poorer class of watches, while it has largely increased it for those of a better grade and higher class, exactly the opposite of what was intended. Under the McKinley bill the tariff was 25 per cent on all; to-day the Dingley bill imposes a 25 per cent ad valorem—extra a specific duty on movements of $0.35 on those of 7 jewels, $0.50 on those of 11 jewels, $0.75 on those of 15 jewels, $1.25 on those of 17 jewels, $3 on those above 17 jewels.

Also, extra, another specific duty of 40 per cent on all cases, irrespective of what metal. The cheaper the watch the greater the percentage of duty, in some classes reaching as high as 80 per cent, while a general average would be from 45 per cent to 50 per cent. The specific duties are really an imposition on the American public, and were specially granted to satisfy the watch trust.

Mr. President, I do not stand alone in respectfully submitting these facts to you and in hoping to secure your interest and help in getting these abuses righted.

I beg to remain, most respectfully, your obedient servant,

WILLIAM COOPER.

DIFFICULTIES WHICH HAVE BEEN ENCOUNTERED HERETOFORE IN AN ATTEMPT TO GET AN OFFICIAL INVESTIGATION OF THIS TRUST.

One or two letters were presented by my colleague [Mr. BOUTELL], written by retail watch dealers, in which these dealers express themselves as being satisfied with the watch combination, and they also say they consider the methods adopted by the trust to be beneficial to the retail dealers; and my colleague submits these letters as conclusive upon this phase of the question.

I have here in my possession a petition, signed by 208 retail jewelers, protesting against these very conditions. This petition was circulated in the county seats of many counties and in nearly all the States about a year ago. It fairly represents the feeling of retail jewelers throughout the country.

I here print the petition which was so signed. I have the original in my possession.

COPY OF PETITION.

"*To the Elgin National Watch Company, Waltham Watch Company, Keystone Watch Case Company, Crescent Watch Case Company, Philadelphia Watch Case Company, known as the 'Big Four Watch Trust of America.'*

"GENTLEMEN: It has come to our notice that you have formed a trust and have already commenced the practice of many trusts—the destruction of legitimate competition. This we consider un-American and an injustice to the business interests of our country.

"We go on record in stating that in our belief the best interests of the people throughout the country are best served through the means of legitimate competition, and that any combination of capital, 'gentlemen's agreement,' or 'community of interests' between corporations for the direct purpose of monopoly should be checked in their infancy before they succeed in destroying legitimate competition.

"All wholesale merchants should be permitted to carry kindred competitive lines, a condition best suited to them and best suited to the retailer, thus affording us the opportunity to purchase of our jobbers the varied products of all watch manufacturers, giving each an equal chance in a competitive market, 'legitimate competition' being the life of trade.

"We strenuously protest against the illegitimate competition forced upon us by the advertising of certain concerns, and urge that at an early date you show your good will toward the retail jeweler by regulating the matter of advertising of your product at such a minimum figure as to insure to the retail jeweler a fair chance in competition and a fair margin on his investment.

"An early compliance in that particular will be appreciated.

"In the spirit of fairness to the wholesale merchants whom you retired from your shipping lists February 1, 1905, because they had the moral courage to refuse your demands, viz, that they discontinue the buying and selling of all makes of movements and cases other than the product of your trust, we earnestly petition that these said jobbers be reinstated on your shipping lists at an early date.

"We also take up the cause of the wholesale merchants whom you have retained on your shipping lists and who through your trust methods have been forced to close out their competitive lines and agree to buy and sell only such movements and cases as are manufactured by your trust. This we consider an act in restraint of trade and therefore an injury to our mutual interests.

"We have long since recognized your monopoly in the manufacture and sale of 0-size movements, and do believe that the additional price you have received on this particular size movement has more than compensated you for your extra expense in producing it. We therefore request that at an early date you reduce the price of 0-size movements so as to compare more favorably with the cost of 6-size movements, the difference in price between these two sizes being unfair to the trade and the people generally.

"Most respectfully submitted."

(SIGNED BY 208 RETAIL JEWELERS.)

This petition, with its 208 signatures, was brought to the attention of the watch combination without appreciable result.

The petition was then submitted by William H. Wagner, of Cleveland, Ohio, to the President and to the Commissioner of Corporations, and in order to show that over a year ago this matter was brought to the attention of this Administration I here print the reply of the Commissioner of Corporations to the petition of the retail jewelers.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF CORPORATIONS,
Washington, May 4, 1905.

WILLIAM H. WAGNER, Esq.,
29 Euclid avenue, Cleveland, Ohio.

SIR: Your letters of the 29th ultimo to the President and to the Commissioner of Corporations, inclosing petition to various watch companies, and letter to retail jewelers, and complaining of restraint of trade in the watch business, were received by this Bureau.

In reply allow me to inform you that this matter, so far as set forth in said letter and accompanying papers, seems to be a complaint for violation of the antitrust act, and if such is the case, the proper place for such complaint is the Department of Justice, Washington, D. C.

This Bureau has no authority whatsoever to take any direct action in enforcing the antitrust act, nor can it afford any direct remedial redress under the circumstances which you outline. Its only authority is that of investigation with the duty of report to the President.

The Bureau, however, is interested in ascertaining methods of combination, and the information furnished by you will be added to the material now on hand here. I desire accordingly to express my thanks for your courtesy in furnishing the same.

Respectfully,

HERBERT KNOX SMITH,
Acting Commissioner.

The jewelers interested then brought the matter to the attention of the Department of Justice and received the following reply:

DEPARTMENT OF JUSTICE,
Washington, D. C., June 2, 1905.

Mr. WM. H. WAGNER,
29 Euclid avenue, Cleveland, Ohio.

SIR: The Department is in receipt of your letter of the 6th ultimo, complaining of an alleged "watch trust," but stating no specific facts in support of your allegation.

The machinery of the Government can not be put in motion in matters of this kind upon the bare statement that the law has been violated.

Respectfully,

W. A. DAY,
Acting Attorney-General.

I propose to again present this petition to the Department of Justice together with the facts and data I have collected, and to ask that this most infamous of all the combinations in restraint of trade be investigated, even if the investigation and the subsequent proceedings demonstrate the necessity for tariff revision.

DIFFICULTIES IN OBTAINING INFORMATION FROM THE PRESENT ADMINISTRATION WHEN THE INFORMATION FURNISHED WOULD SHOW NECESSITY FOR TARIFF REVISION.

The Waltham Company, while protesting that only the cheaper grades are exported—the kind for which there is no sale in this country—are using most strenuous methods to keep their movements from being reimported. They have been attaching a Swiss dial, worth 4 or 5 cents, in order to be able to say that the movement has been "improved upon while abroad," and is therefore subject to duty as if it were entirely made abroad. Otherwise the goods, if reimported, would be admitted free. I knew that the Waltham Company had protested in New York against the admission free of certain American-made watches. I wanted the evidence of it. I felt confident that the collectors of all our ports had been warned either by the Secretary of the Treasury direct or by the Waltham Company to be on the look out for watches so "improved." The following correspondence shows how enthusiastically the Treasury Department has entered into this miserable subterfuge, and how this Department is acting in complete harmony with the watch trust in order to keep American citizens from buying American watches as cheap as citizens of other countries can buy the same goods. In spite of the efforts of the Secretary of the Treasury to prevent it, I obtained a copy of the Waltham letter from the collector of one of our ports and I have inserted it in the body of my speech, and for that reason do not reproduce it here.

COMMITTEE ON LABOR, HOUSE OF REPRESENTATIVES,
Washington, D. C., April 24, 1906.

Hon. NEVADA N. STRANAHAN,
Collector of the United States Customs Service,
Port of New York City, N. Y.

DEAR SIR: About thirty days ago a consignment of merchandise, ex. steamship *Philadelphia*, two cases of watches and watch movements, invoice 12197, entry 62757, as American goods returned, consigned to C. A. Keene, 180 Broadway, New York City. I am advised that a protest was made by the Waltham company and that you returned as dutiable 1,209 Waltham watch movements on the ground that the same were of "American manufacture advanced in value and improved in condition since exportation from the United States." I am advised that the protest was filed with you against the above 1,209 Waltham watch movements by the Waltham company and that the same was supported by affidavits. Please send me copy of the protest and the affidavits in support thereof; also advise me as to the fees for making the same, and I will remit, or, if your rules require payment in advance, please wire me at my expense the amount for making the copies and I will remit at once.

Yours, truly,

HENRY T. RAINEY.

UNITED STATES CUSTOMS SERVICE, PORT OF NEW YORK,
April 25, 1906.

Hon. HENRY T. RAINEY, M. C.,
House of Representatives, Washington, D. C.

SIR: I beg to acknowledge the receipt of you communication of April 24, requesting that a copy of the protest which you understand was lodged by the American Waltham Watch Company, and also of the affidavits in support thereof, in regard to an importation of Waltham watches, ex. steamship *Philadelphia*, by C. A. Keene, 180 Broadway, New York City, be forwarded to you.

Your letter has been forwarded to the Secretary of the Treasury with a request for instructions in the matter, and as soon as such direction is received from him immediate action will be taken by this office.

Yours, respectfully,

J. J. CONELY,
Special Deputy Collector.

COMMITTEE ON LABOR, HOUSE OF REPRESENTATIVES U. S.,
Washington, D. C. April 30, 1906.

Hon. NEVADA N. STRANAHAN,
Collector United States Customs Service,
Port of New York, New York City, N. Y.

DEAR SIR: Referring again to our correspondence with reference to certified copies of the protest and affidavits in support thereof, filed by certain watch interests with you, on account of which a shipment of watches to C. A. Keene, of New York, was held up in your office, I desire to say that you have not yet advised me whether you can furnish me with the copies in question. You wrote me several days ago that you had referred the matter to the Secretary of the Treasury. I am investigating the matter now as a Member of Congress, and would like to have copies at as early a date as possible. If I can not have them, I would like also to know that at as early a date as possible.

Yours, truly,

HENRY T. RAINEY.

UNITED STATES CUSTOMS SERVICE, PORT OF NEW YORK,
May 7, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: Your letter of April 30 was received and held awaiting reply from the Treasury Department in regard to your application for copies of the affidavits and information lodged with this office with reference to an importation of watches by C. A. Keene, of New York.

I beg to state that I am unable to give you the desired information, for the reason that the Department do not feel that they can with propriety authorize this office to supply the same.

Yours, respectfully,

J. J. COUCH,
Special Deputy Collector.

COMMITTEE ON LABOR, HOUSE OF REPRESENTATIVES,
Washington, D. C., May 2, 1906.

SECRETARY OF THE TREASURY, *Washington, D. C.*

SIR: Please advise me whether you have been advised by the American Waltham Watch Company directly, or through any of their agents, or by any other American watch company directly or through any of their agents, to be on the lookout for American-made watch movements, improved upon while abroad by adding Swiss dials or in some other way? Have you been requested by any watch company, or their agents, to notify the collectors at the various ports to look out for American-made watch movements improved up, and therefore dutiable? Can you send me copies of such letters of advice from any watch company? I am looking up the question of the reimportation of American-made goods, particularly the question of the reimportation of American-made watches.

Yours, truly,

HENRY T. RAINEY.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 8, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, United States, Washington, D. C.

SIR: In reply to your letter of the 2d instant in which you request to be furnished with copies of letters received from certain American watch companies relative to the importation of watches made by them and sold abroad, I have the honor to state that information of the character referred to is considered as confidential by the Department and can not therefore be disclosed.

Respectfully,

L. M. SHAW, *Secretary.*

The following letter I sent to the collectors of nearly all our ports, believing that the Secretary of the Treasury would refuse to furnish the desired information. I attach some of the replies, which show how completely this Administration indorses the method by which the watch trust attempts to make the law inoperative.

I wrote to the collectors a week before I wrote to the Secretary of the Treasury, in order that they could not be directed by the Department to refuse to furnish me with the information I desired. The wisdom of this course is fully demonstrated. The nearer you get to the present Administration the stronger the determination is manifested to give out no information that will show the necessity for tariff revision. The answer of the collector, which contained a copy of the Waltham letter, is reproduced in my speech.

COMMITTEE ON LABOR,
HOUSE OF REPRESENTATIVES, U. S.,
Washington, D. C., April 24, 1906.

JOHN C. CLINE,
Collector United States Custom Service, Port of Los Angeles,
Los Angeles, Cal.

DEAR SIR: I am advised that the Waltham Watch Company, and perhaps some other American watch companies, have notified you to be on the lookout for Waltham watches imported by C. A. Keene, of New York; also advising you that these American-made watches have

been finished and improved upon abroad, which makes them more valuable when returned, and therefore they are subject to duty as any foreign-made goods. Please advise me if this is true or not; also send me a copy of the letter of notification received by you from the Waltham Watch Company, or any other American watch company, together with your fees, or let me know what your fees are and I will remit.

Yours, truly, HENRY T. RAINEY.

UNITED STATES CUSTOMS SERVICE,
OFFICE OF THE COLLECTOR,
Portland, Oreg., April 30, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: I have the honor to acknowledge receipt of your communication of the 24th instant in regard to the importation of certain watches manufactured by the Waltham Watch Company, and in answer thereto beg to inform you that no such importations have been made at this port, but this office has been instructed by the Secretary of the Treasury to assess duty on watches manufactured by this company which have been exported and returned with certain improvements. You, no doubt, can obtain the information desired from the honorable the Secretary of the Treasury, to whom the letter from the Waltham Watch Company was addressed.

Respectfully, I. L. PATTERSON,
Collector of Customs.

UNITED STATES CUSTOMS SERVICE,
PORT OF BUFFALO, N. Y.,
April 30, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: In answer to your letter of the 24th instant regarding the Waltham Watch Company et al., I beg to say this office has had no letters from any firm direct, but did receive a copy of a letter of Robbins & Appleton, agents of the American Waltham Watch Company, of No. 21 Maiden Lane, New York City, dated April 2, 1906, to the honorable Secretary of the Treasury, which was forwarded here with Department's letter of April 13, 1906, for our files.

If you will apply to the Secretary of the Treasury, you will be able to get the information desired.

Respectfully, W. H. BRADISH,
Special Deputy Collector.

UNITED STATES CUSTOMS SERVICE,
PORT OF NEW ORLEANS, LA.,
April 26, 1906.

Hon. HENRY T. RAINEY,
Committee on Labor, House of Representatives, Washington, D. C.

DEAR SIR: In reply to your letter of the 24th instant, I beg to state that the information relative to reimported American watches came from the Treasury Department, and you can doubtless obtain a copy thereof on application to the honorable Secretary of the Treasury.

Respectfully,
HENRY MCCALL, *Collector.*

UNITED STATES CUSTOMS SERVICE,
PORT OF CHICAGO,
April 26, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: I am in receipt of yours of the 24th instant, making inquiry whether we had received any communication from the Waltham Watch Company, or other American watch companies, in regard to the American-made watches that were being finished and improved abroad and returned to this country.

We have had no communication from the Waltham Watch Company, nor from any of the other watch companies, but our attention has been called by the Secretary of the Treasury to the reported reimportation of such watches, and we are cautioned in regard to the same.

Respectfully, yours,
WM. PENN NIXON,
Collector of Customs.

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,
Detroit, Mich., April 26, 1906.

Hon. HENRY T. RAINEY,
Committee on Labor, House of Representatives, Washington, D. C.

SIR: I beg to acknowledge receipt of your communication of the 24th instant relative to the return of American-made watches to the United States after the same have been advanced in value abroad, and in reply would inform you that this matter has been made the subject of correspondence between the honorable Secretary of the Treasury and this office.

Respectfully, JOHN B. WHELAN, *Collector.*

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,
Toledo, Ohio, April 26, 1906.

Hon. HENRY T. RAINEY, M. C., *Washington, D. C.*

SIR: I have your letter of the 24th instant relative to American watches imported after having been improved abroad, and I beg to state that we have had no correspondence with the Waltham or other company upon the subject. We have had, however, instructions relative thereto from the Secretary of the Treasury, with citations from manufacturers' correspondence, which, it is assumed, would be available to you through the Department.

Respectfully, JOS. C. BONNER, *Collector.*

UNITED STATES CUSTOMS SERVICE,
Port of Boston, Mass., May 1, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: I am in receipt of your letter of date April 28, 1906, further in regard to the question of watches.

In reply, I would state that I do not feel at liberty to make public any correspondence from importers to this office without direct authority from the Department.

Respectfully, yours, GEORGE H. LYMAN, *Collector.*

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,
San Diego, Cal., May 1½, 1906.

Hon. HENRY T. RAINEY, *Washington, D. C.*

SIR: Respectfully replying to yours of April 24, 1906, requesting certain information from this office relative to the Waltham Watch Company, I have the honor to respectfully refer you to the honorable the Secretary of the Treasury.

Yours, respectfully, F. W. BARNES, *Collector.*

CONTEMPTIBLE METHODS EMPLOYED BY THE ELGIN COMPANY IN THE PRESENT CONTROVERSY.

The Watch Workers' Union, No. 6961, of the American Federation of Labor, have been persuaded by the Elgin company to adopt resolutions protesting against the reduction of the tariff on watches or parts of watches, and my colleague [Mr. BOUTELL] has caused the same to be printed in the RECORD. One of the meanest things the watch trust has done in this controversy is to induce this labor union to pass this resolution. It is to be hoped that the watch workers of Elgin will yet have the courage to reconsider their action and repudiate the doctrine announced in these resolutions, so contrary to the fundamental doctrine upon which labor organizations must stand.

I think I can best answer these resolutions by printing here a letter written to the secretary of this union by Mr. T. F. Monahan, of this city, who has been a prominent union man himself, and who has given much time to the consideration of these questions. He kindly sent me a copy of a letter written by him to the secretary of the Elgin Watch Workers' Union.

WASHINGTON, D. C., *May 2½, 1906.*

Hon. H. T. RAINEY, *House of Representatives.*

DEAR SIR: After reading the resolutions adopted by the watch workers of Elgin, Ill., protesting against any reduction of the tariff on watches, I was constrained to point out some of the iniquities and absurdities of our protection policy in a letter which I addressed them, a copy of which I inclose herewith, believing it will interest you.

Very respectfully,
T. F. MONAHAN.

WASHINGTON, D. C., *May 2½, 1906.*

Mr. J. W. LEGATE,
Secretary Watch Workers' Union, Elgin, Ill.

DEAR SIR: I have read with profound astonishment, indignation, and sorrow the following communication which you sent to Hon. H. S. BOUTELL, the accredited champion of the watch trust in Congress:

"Whereas, attempts have been made by certain Members of Congress to remove the duty on watches, which action would, in our opinion, be extremely detrimental to the watch industry of this country: Therefore be it

"*Resolved*, That the Watch Workers' Union, No. 6961, American Federation of Labor, enters an emphatic protest against any removal or reduction of the tariff on watches or parts of watches and requests you to work and vote against the same."

Why watch workers should concern themselves to maintain the tariff on watches, which compels their fellow-workers to pay the watch trust twice as much for a watch as it offers it to foreigners, is beyond human comprehension. If their wages were determined by the price of watches there would be some sense in their emphatic protest against a reduction of the tariff. But the price of watches has no more to do with a watch worker's wages than the color of the dial with the watch's ability to keep time. If proof were needed to show that the price of watches has nothing to do with the price of labor and that a protective tariff does not benefit labor, it is amply supplied by the same watch workers' union, which in August, 1898, submitted the following statement of grievances to the Elgin National Watch Company:

"*Whereas*, The price of stem-fitting and finishing watches under these conditions has been cut to a point where we can not make living wages; and

"Whereas we know the company has been actuated in the past by kindly feeling for its employees, which has been shown by generous and unsolicited subscriptions to the aid fund for sick and deceased operatives, and also in many other ways: Therefore be it

"*Resolved*, That the president of the company be informed of the present unhappy condition of affairs at the factory, and see if our grievances can not be peaceably adjusted on the common ground of justice and fair dealing."

Here we have, then, in 1898, one year after the passage of the Dingley Act, which gave the Elgin National Watch Company a special duty on imported watch movements in addition to the ad valorem duty which it already enjoyed, complaining that they could not make living wages under the conditions imposed upon them, and addressing themselves to their employers, not in the dignified and defiant spirit of freemen demanding their rights, but in the obsequious and condescending tone of mendicants soliciting alms. It is to that kindly feeling which had prompted their masters in the past to subscribe to the fund for sick and deceased operatives that they appealed for an increase of wages.

It would indeed be laughable, were it not for the physical, mental, and moral deterioration caused by this iniquitous system, to behold men at one time complaining that they are not receiving living wages and at another time protesting against any modification of the economic system which has reduced them to this deplorable condition.

And yet, in the face of this public confession of virtual pauperism, Mr. BOUTELL has the unblushing effrontery to boast that "they are among the best paid, the most intelligent, and best-educated mechanics in the State of Illinois, and, I think, anywhere in the world, unless it be the Waltham employees, who are fully as good."

If men who declare that they can not earn living wages are the best paid and most intelligent, what must be the condition of the worst paid and most ignorant? If the tariff on watches protected watch workers against low wages, why is it that they appear before the world as beggars, beseeching their protected employers to give them living wages? This bitter and humiliating experience of the watch workers of Elgin, Ill., ought to convince them that their interests and the interest of the watch trust are not identical, but antagonistic. It is to the interest of the watch trust to buy labor cheap, to the interest of the watch workers to sell it dear. That a tariff on watches is for the benefit of those who sell watches and buy labor is clear enough, but how it is for the benefit of those who sell labor and buy watches is not so clear. The assumption that a system of taxation which en-

hances the price of what workers must buy and diminishes the price of what they must sell is to their benefit is just as valid, and not more so, than the assumption that a system that increased the price of labor and diminished the price of goods is for the benefit of those who buy labor and sell goods.

Yet we never hear of employers of labor clamoring for a tariff on foreign workmen or for a removal of the duty on foreign goods. On the contrary, we find them offering every inducement in the shape of false promises of high wages and short hours to foreign laborers to come to this country for the very purpose of reducing the wages of American workmen by their competition for jobs.

And yet it is these very men who, under the hypocritical pretense of benefiting labor, clamor loudest for protective tariffs. It requires no special ability, however, to detect the perfidy of their pretences and the selfishness of their motives, nor more than ordinary economic knowledge and political intelligence to recognize the truth that it is competition in the labor market and not competition in the goods market which determine wages in all protected industries.

If the price of a watch worker's labor was determined by the price of watches, there would be no need for a watch worker's union. It is clearly to the interest of those who sell labor and buy goods to have the price of labor high and the price of goods low, for the more they get for their labor and the less they pay for their goods the better off they are. To increase the price of goods is to diminish the amount which a worker can get for a given amount of labor. Therefore, to increase the price of goods which workers must buy is to reduce the price of their labor. For instance, a laborer can buy a suit of clothes for, say, $10, the price of a week's labor. If that price is increased to $20 by an increase of tariff duties, the laborer would now have to give two week's labor instead of one for the same suit of clothes. Is it not clear that, so far as clothing is concerned, this increase in the price of clothes means to the laborer an actual decrease in the price of his labor? And what is true of clothing is equally true of everything else that is subject to a tariff duty. Why should an American workman be obliged to give two week's labor for a suit of clothes that a foreigner can get for one week's labor? And why should an American railroad engineer be compelled to pay the watch trust $75 for a watch that it sells to foreigners for $40, or why should his brother watch workers endeavor to continue this iniquitous system of robbery? They do not share in the plunder; they are not benefited by the robbery. They are, in fact, victims of the robbery.

Protection to labor! Was there ever such perversion of a word, ever such a noble word used for such an iniquitous purpose? Protection in its true and proper significance means the prevention of loss or injury. It implies some impending danger which we are powerless to avert and against which we invoke the aid of some superior power. But protection, as the word is now used to indicate the national economic policy of the Republican party, means something entirely different. In fact, protection, in the Republican sense, is the very antithesis of protection in its original sense. In the former sense it means the levying of duties on imported goods for the purpose of shielding home producers against foreign competition, so that they can exact higher prices from home consumers. This is the essence, the whole sum and substance, of protection. It does not enable home producers to get higher prices from foreigners; on the contrary, since the passage of the Dingley Act, the home prices of farm implements, kitchen utensils, household goods, mechanics' tools, sewing machines, watches, etc., exceed the foreign prices from 25 to 50 per cent. There are twenty-one different commodities on which are collected tariff duties of more than 125 per cent ad valorem and fifty-seven instances of duties equivalent to over 100 per cent, and these excessive duties, in addition to several profits, must be paid by the consumer.

Last year about 350,000 tons of steel billets were exported and sold to foreign consumers for $18 per ton, while the home consumer was compelled to pay $27. Fully 200,000 tons were consigned to Welsh mills, where they were rolled into plates, dipped in tin, and reshipped to this country. Now, remember that although practically all the raw material used in making these plates are of American production, they are nevertheless subject to a duty of 1¼ cents per pound, as they are slightly enhanced in value by rolling them into plates, a process that could be done far better here than in Wales. But the Standard Oil Company is the largest importer of these plates, from which it makes cans for its export trade, and, therefore, a drawback is allowed by the Government equal to the full import duty, less 1 per cent, which is about what it costs the Government to collect the duty. Consequently the Standard Oil Company gets the benefit of foreign prices and evades the duty by getting a drawback, while the rest of us have to pay the foreign price plus the duty, the cost of transportation, and also several profits.

It must be remembered that no tariff is protective unless it so increases the prices of imported goods as to enable home producers to exact higher prices from home consumers than they could if no tariff was levied. The protective effect of a protective tax is exactly similar to that of a subsidy paid by the Government to some people from taxes collected from all the people. The essential difference is this, that under the subsidy system public officials collect a tax and hand it over to some people, while under the protective system public officials collect a tax on imported goods, while the home producer of similar goods collect another tax from home consumers of those goods in increased prices. Now, if the men who sell labor and buy goods get any benefit from this ingenious scheme, it can only be through the beneficence of protected employers. Protection gives workingmen nothing directly. What they get must be solicited as charity or forced by a strike, or fear of one. Protection gives only to buyers of labor engaged in the production of things the price of which is determined by the competition of foreign producers. A protective duty is never levied on things we do not produce or that does not lessen home prices by their free importation. Consequently the protected industries employ but a very small portion of the labor of the country, probably not more than 15 per cent. Now, if it were a fact that those employed in the protected industries were benefited by protection at the expense of the rest of the people, still it must be condemned as unjust and contrary to the principle of the greatest good to the greatest number. But when you remember that the real beneficiaries of protection are not the workingmen whose labor produces the goods protected, nor the capitalist whose capital aids production, but the monopolists who own and control the natural sources of raw material, such as ore beds and coal deposits, timber lands, oil wells, etc., we at once realize how we are all plundered for the benefit of an infinitesimal fraction of the whole population. If the excessive profits resulting from protection went to the manufacturers—that is, the mere capitalists—capital would flow to those protected industries until the profits were brought to a level with the profits in the unprotected industries.

I know from bitter experience how protection has protected the workingmen of Pennsylvania, especially the miners. I was born in the anthracite coal region; began work at the mines before I was 9 years of age, and worked in every capacity from slate picker to miner. At the age of 14 I was seriously injured by an explosion of gas at the Otto colliery, Branchdale. I was blown from the breast platform to the gangway, where I was found unconscious by an old miner, who, at the risk of him own life, dragged me to a place of safety just in time to escape the deadly after-damp. My beneficent protected employer docked me for the day I was injured, although the explosion was due to the mine boss's negligence. Had I been a chattel slave my master would have had a pecuniary interest in my speedy and good recovery; my protected employer had not. I was in his eyes a commodity that had lost its value and he had no further use for me nor interest in me. Whether I lived or died or dragged through life a helpless cripple was all one to him.

I was severely burned by an explosion of gas and powder in the Henry Clay shaft, Shamokin. The explosion occurred at night one mile and a half from the foot of the shaft with no one in the mine but my "butty" and myself. We had to grope our way to the bottom of the shaft in total darkness. The burned flesh hung in shreds from my face and hands, and in this condition I had to draw myself over the top of coal cars where the gangway was too narrow to allow passage on the side. These are but minor instances of the hardships and suffering of miners and suggest the kind of protection the miner wants, yet never gets. The protection that workingmen get is the protection that the Duke of Alvah gave the Dutch; that the Earl of Strafford, the genius of tyranny, gave the Irish; that the cat gives the canary.

It is now many years since I worked in the mine, but I have never forgotten their wrongs, their patient suffering, their heavy burden, their heroic self-sacrifice. I have shared their joys and sorrows. I know the bitterness and narrownesss and hopelessness of their lives, and I have never failed in doing in my own poor way what I could to lighten their burden and improve their condition. Through good and evil, through what I have done and what I have failed to do, to that, however, I have been ever true. It was that which impelled me to devote my leisure time to learn how they were enslaved and how they might be freed. And my studies have led me to the conclusion that till the fetich of protection is destroyed it is useless to expect workingmen to unite on any measure capable of securing effective and permanent results.

Let us sincerely hope that the watch workers of Elgin, Ill., will reverse their position on the question of protection, revoke their instructions to the confidential agent of the watch trust, and instead send words of indorsement, appreciation, and encouragement to Hon. HENRY T. RAINEY, the honest, able, fearless, and invincible champion of human rights and the powerful, uncompromising, and dangerous foe of privilege and monopoly.

T. F. MONAHAN.

It would be better for the Brotherhood of Locomotive Firemen, the Brotherhood of Locomotive Engineers, and all the other brotherhoods of railroad men to pension these watch employees rather than submit to the outrageous system of watch inspection for which the watch trust is responsible. I print here a letter written to the Brotherhood of Locomotive Firemen and two letters written by P. M. Arthur, of the Brotherhood of Locomotive Engineers, which relate to this subject.

OFFICE OF HAMPDEN WATCH COMPANY,
Canton, Ohio, January 29, 1902.

Mr. F. P. SARGENT, G. M.,
Brotherhood Locomotive Firemen, Peoria, Ill.

DEAR SIR: I have your esteemed favor of the 27th instant. If you wish to take up this matter I will explain to you some of the schemes practiced with and without the consent of the railroad managers by which they are enabled to make enormous profits from the railroad employees.

As the railroad companies, as far as we know, pay nothing to the chief inspector for his trouble in inspecting watches, the inspectors therefore use every questionable means in their power to get their pay out of the railroad employees.

The watch inspector, who is selected by the general superintendent, is generally on hand and guides the superintendent in making out his order; he therefore inserts everything which can make his position valuable to him.

After this order has been issued, no matter how close a watch may run or how good it may be, it will be condemned because the name of the watch might not be named in the general order issued by the general superintendent.

The ball and gear scheme is to buy a low-grade watch which they disguise by changing the bridges and the dial on the watch and mark it, as the case may be, "Locomotive Firemen's Standard," "Locomotive Engineer's Standard," or "Locomotive Trainmen's Standard." and the price varies accordingly, or, in other words, by disguising this watch they are able to suit all railroad employees at different prices with one watch.

It is a notorious fact that no general superintendent will listen to a complaint of a single employee. The chief inspector and all his sub-inspectors knowing this they can act toward every employee like a Shylock, because the railroad employee is helpless, is bound to obey the rules, can not appeal to the superintendent, has to have a watch, and rather than to be kept idle he pays the $5 or $10 rather than lose his job or fail to take out his train for two or three days.

This same scheme to disguise watches was worked on the Santa Fe Railroad by compelling all the men to throw away their good watches and buying one that was marked on the dial and bridges "Santa Fe R. R."

On other roads, after the first order had been issued, the inspector issued a private circular that all watches must have steel escape wheels, so that he can commence to condemn watches again, because they are without steel escape wheels. (C. M. & St. P. Rwy. and C. & N. W. Rwy.)

What we think of the steel escape wheels inclosed card will show you.

As I mentioned before, the private trade-mark on the Ball watch, on the dial and bridges, enables him to make an extra $10 out of every employee who has to call on him to have their watches inspected.

As he inspects all his own watches, it is certainly very easy to have these disguised watches passed, and Mr. Frank N. Gear, of Forest City Lodge, No. 10, is his partner in this business. Mr. Gear has his office in the same building where Mr. Ball carries on his so-called "watch factory."

We believe we called your attention to the Santa Fe schemes once before, and have never been able to get a hearing from the managers of this railroad, although we proved to Mr. Montgomery and Mr. Mudge that the watches which were made for them were $8 watches, for which

they charged the employees $33, and we learned afterwards that this profit was divided between three parties.

Now that these people have fallen out with each other, you have seen from my last letter how profitable this watch business has been.

My difficulty with my esteemed friend Gear dates back to about 1898.

At that date the Cleveland Terminal and Valley Railroad adopted watch inspection.

After the order was issued for watch inspection a large number of the employees who live in Canton called on me and called my attention to it.

I saw at once that it was a scheme to rob the railroad employees of every watch that was carried on the road.

These schemers who got up this order for watches had inserted the clause, "that every watch must be required to run within fifteen seconds per week." As this is an impossibility, and therefore condemned every watch on the road, I thought that prompt action would have to be taken to prevent this scheme from being carried out.

I immediately went to Cleveland, Ohio, and saw Mr. Johnson, the superintendent, and called his attention to it. He said he had not noticed it, and immediately changed the notice, which made the notice read, "that all watches should run within thirty seconds per week," which is the standard requirement on all railroads.

This made Mr. Gear very angry at me, because the scheme did not work.

He traveled up and down the road to Canton, and in the shadow of these factories circulated the inclosed card, which we have marked "No. 1."

Now, how true this is the inclosed affidavit will show you.

What Mr. Ziegenfus has to say about the steel escape wheel on the Chicago and Northwestern and Chicago, Milwaukee and St. Paul railroads you will see in his letter of October 4, 1899.

We have not been able to sell any watches of our make on those roads because we will not sanction the robbery of railroad employees.

We inclose a copy of a letter which the chief inspector, Church, on the Chicago and Northwestern Railroad and the Chicago, Milwaukee and St. Paul Railroad sent privately to the inspectors, so that they had a chance under this rule to condemn all the watches on the road because they had no steel escape wheels.

I also inclose a copy of a letter which shows the maliciousness of Frank N. Gear and shows how he tried to stir up a strife between our engravers and us.

We also inclose an answer from the engravers to Mr. Gear's letter of June 7, 1900.

Now, after reading all these letters we hope you will take up this matter, because the railroad employees are swindled by these schemes out of hundreds and thousands of dollars every year.

Please return all letters after you are through with them.

Yours, very truly,

JOHN C. DUEBER, *Treasurer.*

GRAND INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
Cleveland, Ohio, October 2, 1899.

Mr. JOHN C. DUEBER,
President and Treasurer Hampden Watch Company,
Canton, Ohio.

DEAR SIR: Am in receipt of your favor of the 30th ultimo. As I stated to you while here, the only ones that can put a stop to the blackmailing of the employees on any road is the general committee of adjustment. The men are very foolish to allow themselves to be imposed upon, and if they will take the matter up with the proper officers of the road I am satisfied they can put a stop to it.

Very truly, yours,

P. M. ARTHUR,
Grand Chief Engineer.

GRAND INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
Cleveland, Ohio, October 25, 1899.

Mr. JOHN C. DUEBER,
President and Treasurer Hampden Watch Company, Canton, Ohio.

DEAR SIR: Your favor of the 24th instant at hand and noted. I congratulate you upon your success with the officers of the Chicago and Northwestern Railroad Company in having the order requiring all watches admitted on that road have steel escape wheels rescinded. It shows what perseverance can accomplish.

Yours, very truly,

P. M. ARTHUR, *Grand Chief Engineer.*

FURTHER EVIDENCE OF AN ILLEGAL COMBINATION BETWEEN THESE COMPANIES.

T. Zurbrugg is president of the New York Standard Watch Company, of Jersey City; he is also president of the Philadelphia Watch Case Company; he is also president of the Keystone Watch Case Company and owns large blocks of stock in the Elgin Watch Company. He is also vice-president of the Crescent Watch Case Company and president of the E. Howard Watch Company.

C. M. Fogg is secretary and treasurer of the Keystone Watch Case Company, and holds the same office in the Crescent Watch Case Company and in the Philadelphia Watch Case Company, and the same office in all the other companies named above.

The Keystone Watch Case Company made the statement recently to a mercantile agency that it had bought up the stock of the E. Howard Watch Company, of Boston, and that the officers and directors of both companies were the same.

The Keystone and Elgin companies have an exporting agreement, but the E. Howard watches were until recently made in the Waltham factory, and certain parts are still made there.

The Keystone Company two years ago bought up the stock of the Crescent Watch Case Company.

The above facts, which can be easily established, show the close business relations between these companies.

SOME OF THE METHODS ADOPTED TO DESTROY THE BUSINESS OF THE INDEPENDENT DEALERS—"THE SENIOR PRICE LIST."

This price list has been issued monthly for many years by A. N. Senior, from 121 Fulton street, New York. It contained until recently lists of prices of all cases and movements. There are about 22,000 jewelers in the United States. They had learned to depend on it for information. The trust, in some way, has prevailed upon the publishers to omit the prices of all independent companies, and since February, 1905, only the prices of the cases and movements made by the companies in this combination appear in this publication. I have in my possession a complete file of this publication for several years. The disastrous effect of this action of the watch trust upon the trade can be readily seen.

"THE KEYSTONE."

This magazine is owned by the Keystone Company. It is the most important of the trade papers. It reaches two-thirds of the jewelers in the United States. It excludes from its columns all advertisements of all competing firms. I have the evidence, in writing, which shows that its advertising solicitors are permitted to accept no advertisements from independent watch case or watch movement companies. This magazine goes through the mails as second-class matter. Efforts are being made now to satisfy the Department that it ought not to have this privilege. The publication weighs 18 ounces, and the privilege it now improperly enjoys saves its publishers $20,000 every month. In other words, the watch trust is subsidized now by the Government at the rate of $20,000 per month.

TREATMENT OF JOHN C. DUEBER, OF CANTON, OHIO.

Ten or fifteen years ago Mr. Dueber was one of the largest, perhaps the largest, manufacturer of watch cases in the country. He was one of the first victims of the watch combination. Without a word of warning orders were issued by the watch trust that no more Elgin or Waltham movements were to be sold in Dueber cases. Mr. Dueber found himself with a plant worth $1,000,000 on his hands, employing six or seven hundred men, with many thousands of dollars' worth of cases in stock absolutely worthless on account of this order, and every outlet for his product closed. His wonderful energy, however, has enabled him so far to keep up the fight. He at once went to Springfield, Mass., and bought out a small watch-movement concern, moved it to Canton, Ohio, and commenced to manufacture, also, watch movements under the name of the Dueber-Hampden Watch Company. The country owes Mr. John C. Dueber a debt of gratitude for the splendid fight he has made. He is still manufacturing watch cases and watch movements. He makes honest goods, and this can not be said of the companies composing the watch trust.

DISHONEST METHODS OF THE KEYSTONE COMPANY.

They have manufactured cases which they represented to be gold and stamped them "14 K., U. S. assay." These cases were filled with lead, the lead in them amounting to nearly one-half their weight. The little shell of gold on the outside can be easily cut away, disclosing to view the base metal. I have one of them in my possession stamped with the name of the Keystone Company. The watch-movement companies can not say they have formed this alliance in order to get their movements sold in good, safe, honest cases. The lead in these cases costs 4 cents per pound. This company sells the case by weight, and gets paid for the lead at the price gold would bring.

DISHONEST METHODS OF THE ELGIN COMPANY.

I print here a circular of the Elgin Company presenting the "Nameless" movement. The circular speaks for itself. It advertises a scheme by which the dishonest retail jeweler may sell a movement worth $10 or $15 for $150, if he so desires and if he can find a man who is willing to pay that much for it. The purchaser would never know the extent of the fraud practiced upon him.

The Keystone Company, in the light of this evidence, can not say they have entered into this alliance in order to have placed in their cases honest movements made by honest companies.

THE CELEBRATED "NAMELESS" MOVEMENT CIRCULAR LETTER OF THE ELGIN COMPANY.

ELGIN NATIONAL WATCH COMPANY,
Chicago, May 1, 1894.

DEAR SIR: On February 1, 1877 (over seventeen years ago), we announced to the retail jewelers that we had adopted a "Nameless" line of movements engraved "Elgin National Watch Company," in addition to our then regular line of trade-marked goods. How well this plan has succeeded you can best judge from the increased demand for Elgin watches, and also from the fact that over 90 per cent of Elgin movements sold are "Nameless."

The only trade-marked movements demanded by the jewelers to-day are our "B. W. Raymonds," "H. H. Taylors," and "G. M. Wheelers," which we propose to continue as long as the trade requires them.

The "Nameless" plan has, therefore, offered protection to the jewelers, as well as having afforded them large returns for their investment. We now propose to extend the "Namelss" feature to our packages by abolishing all grade numbers, making it impossible for the uneducated to handle our movements, as they have been able to do in the past, through the identification which the character of our package affords.

We, the manufacturers, have been obliged to suffer all complaints, because our customers elected to distribute our product in whatsoever manner seemed most expedient. Our "Nameless" package will identify our customers in the sale of Elgin movements, which we confidently believe will result to our mutual benefit.

We have in the course of preparation the most complete as well as the most expensive movement holder and tin box carrier for safely carrying all grades of movements of our manufacture.

We will allow you at the rate of $3 cash per hundred for movement holder and tin box carrier complete, or $2.50 cash per hundred for the movement holder, all shipments to be addressed to Elgin, Ill.

The issue of the above will be about July 1 proximo.

Yours, very respectfully,

ELGIN NATIONAL WATCH CO.

THESE WATCH-MOVEMENT COMPANIES ISSUE THE SAME PRICE LISTS AND MAKE THE SAME ANNOUNCEMENTS AT THE SAME TIME.

When one of these companies announces the issue of a new movement, the other company at the same time announces the issue of identically the same movement. The same practice is followed when revised price lists are issued.

To illustrate this I have selected the circular letters issued by both these companies February 1, 1905. These letters announce the issue of gilded movements—the kind they say are not made for this market. These circulars were sent out to the trade in this country.

Bearing in mind the fact that Nos. 309 and 294 on the Elgin letter is the same movement as No. 1 on the Waltham notice, and No. 289 on the Elgin notice is the same movement as the "J" movement on the Waltham list, a comparison of the following notices is interesting as showing a combination between these companies:

ELGIN NATIONAL WATCH COMPANY,
Chicago, February 1, 1905.

We beg to announce the issue of a 7-jeweled 18 size movement, nameless, engraved "Elgin National Watch Co." Full plate, hunting and

open face, stem-winding. No. 309, hunting, lever set. No. 294, open face, pendant set. Gilded. Seven jewels, exposed pallets, cut expansion balance, Breguet hairspring, polished oval steel regulator, sunk second dial, dust ring, $3.50. Seven-jeweled, 6 size movement, nameless, engraved "Elgin National Watch Co." Three-quarter plate, pendant setting, hunting, open face, or skylight. No. 289, gilded. Seven jewels, exposed pallets, cut expansion balance, Breguet hairspring, polished steel regulator, sunk second dial, $4.

Very respectfully,

ELGIN NATIONAL WATCH CO.

ROBBINS & APPLETON,
AGENTS AMERICAN WALTHAM WATCH CO., WALTHAM, MASS.,
New York, February 1, 1905.

We beg to announce the issue of the following-described 18 size and 6 size movements:

18 size, full plate, S. W. Movements—Hunting or open face.

No. 825, nickel—17 jewels, settings, exposed pallets, cut expansion balance, patent Breguet hairspring hardened and tempered in form, highly finished oval regulator, polished and gilded index plate $6.00

No. 1, gilded—7 jewels, exposed pallets, cut expansion balance, patent Breguet hairspring, hardened and tempered in form, highly finished oval regulator, polished index plate 3.50

6 size, stem-winding movements—pendant setting—hunting, open face, or skylight.

"J," gilded—7 jewels, exposed pallets, cut expansion balance, patent Breguet hairspring, hardened and tempered in form, tempered steel safety barrel $4.00

ROBBINS & APPLETON.

ELGIN NATIONAL WATCH COMPANY,
Chicago, February 1, 1905.

The following revised list prices take effect to-day:

18 size, 17 jewels, gilt, Nos. 307, 308	$7.75
18 size, 15 jewels, nickel, Nos. 296, 297	5.00
18 size, 7 jewels, nickel, Nos. 287, 288	4.00
6 size, 15 jewels, nickel, No. 295	5.50
6 size, 7 jewels, nickel, No. 286	4.50

Please report numbers for rebate for above grades on inclosed blanks. Returns must be made within thirty days from date.

Yours, respectfully,

ELGIN NATIONAL WATCH COMPANY.

ROBBINS & APPLETON, AGENTS
AMERICAN WALTHAM WATCH COMPANY, WALTHAM, MASS.,
New York, February 1, 1905.

The following revised list prices take effect to-day:

18 size full plate s. w. movements—Hunting or open face.

No. 85, gilded.—17 jewels, settings, exposed pallets, compensating balance, adjusted to temperature, patent Breguet hairspring, hardened and tempered in form, patent micrometric regulator $7.75

No. 820, nickel.—15 jewels, settings, exposed pallets, cut expansion balance, patent Breguet hairspring, hardened and tempered in form, highly finished oval regulator, polished and gilded index plate 5.00

No. 81, gilded.—15 jewels, settings, exposed pallets, cut expansion balance, patent Breguet hairspring, hardened and tempered in form 4.50

No. 18, nickel.—7 jewels, exposed pallets, cut expansion balance, patent Breguet hairspring, hardened and tempered in form, highly finished oval regulator, polished and gilded index plate 4.00

6 size stem-winding movements—Pendant setting—Hunting, open face, or skylight.

"V," nickel.—15 jewels, settings, exposed pallets, cut expansion balance, patent Breguet hairspring, hardened and tempered in form, tempered steel safety barrel 5.50

"Y," nickel.—7 jewels, exposed pallets, cut expansion balance, patent Breguet hairspring, hardened and tempered in form, tempered steel safety barrel 4.50

ROBBINS & APPLETON.

THE CANADIAN BRANCH OF THE WATCH TRUST.

The Elgin and Waltham companies maintain an establishment jointly in Toronto, Canada, known as the American Watch Case Company. They case their movements over there. Canada imposes a tariff on watch cases, therefore these companies ship their movements to Toronto and put them in cases there.

THE SPLENDID SYSTEM MAINTAINED BY THE ELGIN AND WALTHAM COMPANIES IN KEEPING TRACK OF THEIR MOVEMENTS.

Every watch jobber for the trust is required to make daily reports to each of these companies, giving the number of each movement sold every day and the name of the purchaser.

THE LIST OF JOBBERS.

Each of the companies comprising the so-called "Big 4" issue lists of wholesale dealers. Each list contains the same names. When one company drops a jobber all the other companies drop him, and all lists are revised.

BRIEF—THE LAW APPLICABLE TO THIS CASE.

Do the facts I have presented in my speeches on the subject, and in this appendix, render these companies liable to prosecution under the Sherman antitrust law? This act provides:

"SECTION 1. Every contract, combination, in the form of trust or otherwise, is hereby declared to be illegal. * * *

"SEC. 3. Every contract, combination, in form of trust or otherwise, or conspiracy, in restraint of trade * * * with foreign nations or between the District of Columbia and any State or States or foreign nations is hereby declared illegal. * * *"

(NOTE.—The above sections provide for a fine not exceeding $5,000 or imprisonment not exceeding one year, or both, in the discretion of the court, in the event of a conviction for a violation of either.)

"SEC. 7. Any person who shall be injured in his business or property by any person, etc., * * * by reason of anything forbidden or declared to be unlawful by this act may recover threefold the damages sustained, and may sue therefor in any circuit court of the United States where the defendant resides, etc."

In 1893, when the evidence was not as convincing as it is now that this illegal combination exists, the Dueber Watch Case Company brought a suit against all these companies, under section 7 of this act, to recover threefold damages on account of being injured in its business by this alleged illegal combination. The case proceeded as far as the circuit court of appeals, where the judgment of the circuit court sustaining a demurrer to the complaint was approved by a divided court for the reasons that the complaint "did not preclude the inference that each defendant may have sold his entire product in the State where it was manufactured," and only a portion of the trade was involved. (Dueber Watch Case Manufacturing Company *v.* E. Howard Watch, etc., Company et al., 66 Fed. Rep., 637.)

Since then our courts have taken a more advanced ground upon these questions. If some of the later cases on these subjects are examined, the security into which the watch trust has been lulled by this opinion may be somewhat rudely disturbed.

The case of Montague & Co. *v.* Lowry (193 U. S., 38) presents facts very similar to the facts in the matter we are now examining. Certain tile and mantel dealers in California and certain manufacturers outside of California agreed not to sell unset tiles to any other than members for less than the list price. The price to members was 50 per cent less than the list price. Suit was brought by a dealer under section 7 of this act against the firms in this combination. The attorneys for the defendants relied upon the Dueber case and similar cases. This case finally reached the Supreme Court of the United States, and it was there held: "That, although the sales of unset tiles were within the State of California, and although such sales constituted a very small portion of the trade involved, the agreement of the manufacturers without the State not to sell to anyone but members was part of a scheme which included the enhancement of the price of unset tiles by the dealers within the State, and that the whole thing was so bound together that the transactions within the State were inseparable and became a part of a purpose which, when carried out, amounted to and was a combination in restraint of trade and commerce." (Montague & Co. *v.* Lowry (1903), 193 U. S., 38.)

"To vitiate a combination such as the act of Congress condemns, it need not be shown that this combination results, or will result, in a total suppression of trade or in a complete monopoly, but it is only essential to show that by its necessary operation it tends to restrain interstate or international trade or commerce, or tends to create a monopoly in such trade or commerce, or to deprive the public of the advantages that flow from free competition." (Northern Securities Co. *v.* U. S. (1904), 193 U. S., 331.)

These watch companies sell their product abroad for a fraction of the price at which they sell in this country, and they exact agreements from foreign dealers that they will not sell them for reimportation to the United States. An American citizen could not trade 200 bushels of wheat grown on an American farm, or 200 gold dollars for ten of these Elgin or Waltham movements, provided he intended to reimport them to the United States. They belong to the English dealer as soon as they are sold to him. He can do what he pleases with them, except sell them for reimportation to the United States. The contract the American company has compelled him to enter into as a part of the consideration for the watches prevents this. Is not this a contract in restraint of trade between the United States and a foreign nation? Is not this a violation of section 3 of this act? How can these companies escape if the evidence I have collected upon this question is used by the Government in a prosecution under either of these sections?

"Combinations even among private manufacturers or dealers whereby interstate or international commerce is restrained are equally embraced by this act." (Northern Securities Co. *v.* U. S., 193 U. S., 331.)

The fact that in 1895 a demurrer was sustained in the circuit court of appeals to the complaint of the Dueber Watch Case Company in their suit against the watch trust, under section 7 of this act, is no reason why the Government should not now proceed against them under sections 1 and 3. There is more evidence now than there was then. If the Dueber case had been carried to the Supreme Court and had been submitted there at the term when the above cases were tried, then this demurrer would have been overruled.

The evidence now of a violation of sections 1 and 3 of the Sherman antitrust law is ample. The matter ought to be presented now to our courts, even if its examination challenges the correctness of the present tariff schedules.

Respectfully submitted.

HENRY T. RAINEY.

The CHAIRMAN. The committee will now rise.

The committee rose; and Mr. DALZELL resumed the chair as Speaker pro tempore.

Mr. TIRRELL. Inasmuch as there remain but a few moments, I will ask permission——

The SPEAKER pro tempore. The Chairman of the Committee of the Whole has not reported from the committee as yet.

Mr. CAPRON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19750, and had come to no resolution thereon.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 11 o'clock p. m.) the House adjourned.

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. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5901) to extend

the time for the completion of the Alaska Central Railway, and for other purposes, reported the same with amendment, accompanied by a report (No. 5009); which said bill and report were referred to the House Calendar.

Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, reported the same, accompanied by a report (No. 5011); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. DAVIDSON, from the Committee on Rivers and Harbors, to which was referred the House joint resolution (H. J. Res. 148) authorizing the use of the Mississippi River reservoir system in Minnesota for the prevention of floods, reported the same adversely, accompanied by a report (No. 5008); which said House joint resolution and report were ordered laid on the table.

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. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6375) granting lands in the former Uintah Indian Reservation to the corporation of the Episcopal Church in Utah, reported the same without amendment, accompanied by a report (No. 5010); which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 7153) for the relief of David McClelland for loss sustained at Chickamauga Park, Georgia, January 29, 1904, reported the same without amendment, accompanied by a report (No. 5012); 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. 14125) for the relief of the Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr., reported the same with amendment, accompanied by a report (No. 5013); 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. NEVIN: A bill (H. R. 20400) relating to section 61 of the revenue act of August 28, 1894—to the Committee on Ways and Means.

By Mr. MINOR: A bill (H. R. 20401) to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa—to the Committee on Interstate and Foreign Commerce.

By Mr. LIVINGSTON: A bill (H. R. 20402) establishing the Atlanta National Military Park—to the Committee on Military Affairs.

By Mr. LITTAUER, from the Committee on Appropriations: A bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes—to the Union Calendar.

By Mr. BRUNDIDGE: A bill (H. R. 20404) to authorize the Alaska Pacific Railway and Terminal Company to construct a bridge across the Yukon River, in the Territory of Alaska—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 20405) to authorize the Alaska Pacific Railway and Terminal Company to construct a railroad trestle across tide and shore lands in Controller Bay, in the Territory of Alaska—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMPACKER: A bill (H. R. 20406) to erect a monument on the Tippecanoe battle ground, in Tippecanoe County, Ind.—to the Committee on the Library.

By Mr. MACON: A bill (H. R. 20407) to authorize the Baldwin & Dague Lumber Company to construct a bridge across the St. Francis River, in Arkansas—to the Committee on Interstate and Foreign Commerce.

By Mr. CAMPBELL of Ohio: A bill (H. R. 20408) to amend section 2 of the act of March 3, 1893, entitled "An act to adjust the salaries of postmasters"—to the Committee on the Post-Office and Post-Roads.

By Mr. MARSHALL: A bill (H. R. 20409) to authorize the Minneapolis, St. Paul and Sault Ste. Marie Railway Company to construct a bridge across the Red River—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds: A bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes—to the Union Calendar.

By Mr. YOUNG: A bill (H. R. 20411) to authorize the establishment of a life-saving station at Munising, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. LAMB (by request): A bill (H. R. 20433) for the improvement of Albemarle street—to the Committee on Appropriations.

By Mr. SPERRY: A joint resolution (H. J. Res. 181) directing that the Sulphur Springs Reservation be named and hereafter called the "Platt National Park"—to the Committee on Indian Affairs.

By Mr. WADSWORTH: A concurrent resolution (H. C. Res. 37) authorizing the printing of 12,000 copies of the Report of the Progress of the Beet-Sugar Industry in the United States in 1905—to the Committee on Printing.

By Mr. WILLIAMS: A resolution (H. Res. 608) asking information concerning certain correspondence of the Treasury Department with appraisers—to the Committee on Ways and Means.

Also, a resolution (H. Res. 609) relating to employees minority conference room—to the Committee on Accounts.

By Mr. MADDEN: A resolution (H. Res. 610) continuing the office of stenographer to the Journal clerk to the end of the present Congress—to the Committee on Accounts.

By Mr. FOSS: A resolution (H. Res. 612) providing for the consideration of Senate bill 5901—to the Committee on Rules.

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. ANDREWS: A bill (H. R. 20412) granting an increase of pension to Manuel Montano—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 20413) granting a pension to Eva Louise Eberlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20414) granting an increase of pension to Albert Launt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20415) granting an increase of pension to John H. Krom—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 20416) granting a pension to Minerva J. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 20417) granting an increase of pension to Andrew J. Brown—to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 20418) granting an increase of pension to Irvin Mote—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 20419) for the relief of D. N. Beckwith—to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 20420) granting an increase of pension to Channing Smith—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 20421) granting a pension to Abbie J. Daniels—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 20422) granting an increase of pension to David McCargar—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 20423) granting a pension to Henry Dixon—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 20424) granting an increase of pension to George W. Wheeler—to the Committee on Pensions.

Also, a bill (H. R. 20425) for the relief of the estate of Gideon F. Mann, deceased—to the Committee on War Claims.

By Mr. NEVIN: A bill (H. R. 20426) granting an increase

of pension to John Druman—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 20427) for the relief of A. J. McKinney—to the Committee on War Claims.

Also, a bill (H. R. 20428) for the relief of I. W. Wright—to the Committee on War Claims.

Also, a bill (H. R. 20429) for the relief of William Mire—to the Committee on War Claims.

By Mr. SMITH of Maryland: A bill (H. R. 20430) granting an increase of pension to Margaret A. Covey—to the Committee on Pensions.

By Mr. WEISSE: A bill (H. R. 20431) granting an increase of pension to John Neumann—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 20432) granting an increase of pension to James M. Endicott—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 16153) granting a pension to W. V. Feltwell—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9597) granting a pension to W. H. Denham—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Francis C. Mahon, of New Orleans, La., preferring charges against Charles Parlance, district judge of the eastern district of the United States court of Louisiana—to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of Republican county committee, New York, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the American Federation of Labor, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Railway Trainmen, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Farmers' National Congress, against the head tax on immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Federation of Patriotic Societies, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKE of Pennsylvania: Petition of the Federation of Patriotic Societies, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Republican county committee, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the Farmers' National Congress, against an increase of the head tax on immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Railway Trainmen, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the American Federation of Labor, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKE of South Dakota: Petition of the South Dakota Traveling Men's Association, against the parcels-post law and postal currency proposition—to the Committee on the Post-Office and Post-Roads.

By Mr. DIXON of Indiana: Paper to accompany bill for relief of William T. Pate, of Switzerland County, Ind.—to the Committee on War Claims.

By Mr. ESCH: Resolution of the Republican county committee of the county of New York, indorsing the Republican Congressmen of said county in their opposition to the Dillingham-Gardner immigration bill—to the Committee on Immigration and Naturalization.

By Mr. FLETCHER: Petition of the Minnesota civil-war veterans, for granting pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Federation of the Patriotic Societies, for the immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of H. Pimstein, of Plano, Ill., against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. HILL: Resolution of the Board of Trade of Baltimore, Md., for bill proposing increase of Coast Artillery—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of the Republican county committee against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the Federation of Patriotic Societies, favoring restriction of immigration, as per Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the American Federation of Labor, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Railway Trainmen, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Farmers' National Congress, against the head tax on immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Immigration Restriction League, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of William T. Adair, for the Littlefield original-package bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HOGG: Petition of citizens of Trinidad, Colo., against the Dillingham-Gardner immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HULL: Petition of citizens of Iowa (Seventh Congressional district), against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. HASKINS: Paper to accompany bill for relief of D. N. Beckwith—to the Committee on War Claims.

By Mr. KENNEDY: Paper to accompany bill for relief of Mildred L. Allee—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: Paper to accompany bill for relief of Gideon F. Mann—to the Committee on War Claims.

By Mr. LORIMER: Petition of C. H. Everly, for an educational test in the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MORRELL: Petition of 260 citizens of Kensington, Philadelphia, for bill to protect no-license towns and States against nullification—to the Committee on the Judiciary.

By Mr. NEVIN: Paper to accompany bill for relief of Susannah Payne—to the Committee on War Claims.

By Mr. PAYNE: Paper to accompany bill for relief of Martha A. Stevens—to the Committee on Invalid Pensions.

By Mr. RHINOCK: Paper to accompany bill for relief of William Mire—to the Committee on War Claims.

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

Also, paper to accompany bill for relief of A. I. McKenney and I. W. Wright—to the Committee on War Claims.

By Mr. RYAN: Petition of Mid-Continent Oil Producers' Association, of Indian Territory, and Charles C. Farnham, the United Producers' Association, and the A. Hochstetters' Oil Company, of Buffalo, N. Y., against the pipe-line clause of the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of citizens of New York, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Railway Trainmen, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the American Federation of Labor, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Farmers' National Congress, against raising head tax on immigrants—to the Committee on Immigration and Naturalization.

By Mr. WANGER: Petition of A. M. and Sophie Lutz and H. M. and Sadie Bolton, of Norristown, Pa., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WEBBER: Petition of many prominent citizens of Washington, D. C., for bill H. R. 6016, relative to manufacture and sale of intoxicating liquor in the District of Columbia—to the Committee on the District of Columbia.