Romaine A. St. John to be postmaster at Gibbon, in the county of Buffalo and State of Nebraska.

OKLAHOMA.

W. H. Cleveland to be postmaster at Mountain View, in the county of Kiowa and Territory of Oklahoma.

Jabez A. Felt to be postmaster at Hennessy, in the county of Kingfisher and Territory of Oklahoma.

Elliott F. Hook to be postmaster at Walter, in the county of Comanche and Territory of Oklahoma.

Wallace R. Kelley to be postmaster at Kingfisher, in the county of Kingfisher and Territory of Oklahoma.

Milburn M. McCoy to be postmaster at Guthrie, in the county of Logan and Territory of Oklahoma.

Charles G. Wattson to be postmaster at El Reno, in the county of Canadian and Territory of Oklahoma.

PENNSYLVANIA.

William W. Henderson to be postmaster at Brookville, in the county of Jefferson and State of Pennsylvania.

Frank E. Hollar to be postmaster at Shippensburg, in the county of Cumberland and State of Pennsylvania.

Lynn G. Thomas to be postmaster at Canton, in the county of Bradford and State of Pennsylvania.

George E. Washburn to be postmaster at Wyncote, in the county of Montgomery and State of Pennsylvania.

SOUTH DAKOTA.

John F. Reid to be postmaster at Elk Point, in the county of Union and State of South Dakota.

TENNESSEE.

Roy P. Smith to be postmaster at Clarksville, in the county of Montgomery and State of Tennessee.

George T. Taylor to be postmaster at Union City, in the county of Obion and State of Tennessee.

TEXAS.

Robert T. Bartley to be postmaster at Ladonia, in the county of Fannin and State of Texas.

Jeff D. Burns to be postmaster at Tyler, in the county of Smith and State of Texas.

Robert E. Hannay to be postmaster at Hempstead, in the county of Waller and State of Texas.

Samuel E. Morris to be postmaster at Carthage, in the county of Panola and State of Texas.

Hal Singleton to be postmaster at Jefferson, in the county of Marion and State of Texas.

Henry O. Wilson to be postmaster at Marshall, in the county of Harrison and State of Texas.

VIRGINIA.

McClung Patton to be postmaster at Lexington, in the county of Rockbridge and State of Virginia.

WASHINGTON.

Noah O. Baldwin to be postmaster at Pomeroy, in the county of Garfield and State of Washington.

WEST VIRGINIA.

William B. Hensel to be postmaster at Gary, in the county of McDowell and State of West Virginia.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 28, 1906.*

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

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

The Journal of the proceedings of yesterday was read and approved.

IMMUNITY OF WITNESSES.

Mr. JENKINS. Mr. Speaker, I call up the conference report on the bill (S. 5769) defining the right of immunity of witnesses, etc., and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Wisconsin calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5769) defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February eleventh, eighteen hundred and ninety-three, and an act entitled "An act to establish the Department of Commerce and Labor," approved February fourteenth, nineteen hundred and three, and an act entitled "An act to further regulate commerce wih foreign nations and among the States," approved February nineteenth, nineteen hundred and three, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes," approved February twenty-fifth, nineteen hundred and three, 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 amendment.

JOHN J. JENKINS,
DAVID A. DE ARMOND,
Managers on the part of the House.

C. D. CLARK,
KNUTE NELSON,
C. A. CULBERSON,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The House amended S. 5769 by striking out all after the enacting clause and inserting in lieu thereof the following amendment.

"A bill (S. 5769) to declare the true intent and meaning of parts of the act entitled 'An act in relation to testimony before the Interstate Commerce Commission,' and so forth, approved February 11, 1893, and an act entitled 'An act to establish the Department of Commerce and Labor,' approved February 14, 1903, and an act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February 19, 1903, and an act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes,' approved February 25, 1903.

"*Be it enacted, etc.*, That under the immunity provisions in the act entitled 'An act in relation to testimony before the Interstate Commerce Commission,' and so forth, approved February 11, 1893, in section 6 of the act entitled 'An act to establish the Department of Commerce and Labor,' approved February 14, 1903, and in the act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February 19, 1903, and in the act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes,' approved February 25, 1903, immunity shall be extended only to a natural person who, as a witness on the part of the Government in any proceeding authorized by any of said statutes, testifies on oath or in obedience to a subpœna produces relevant evidence;" and that the House recede from its amendment.

JOHN J. JENKINS,
DAVID A. DE ARMOND,
Managers on the part of the House.

The conference report was agreed to.

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

CONTESTED ELECTION CASE, JACKSON AGAINST SMITH.

Mr. MILLER. Mr. Speaker, I offer the following privileged report from the Committee on Elections No. 2.

The Clerk read as follows:

Whereas the contested election case of William H. Jackson *v.* Thomas A. Smith, from the First Congressional district of Maryland, was referred to Committee on Elections No. 2, and the said committee, after careful consideration of the record therein, finds that the evidence already taken is not sufficient upon which to base a conclusion as to the proper determination of said contest: Now, therefore, be it

Resolved by the House of Representatives, That the Committee on Elections No. 2 shall be, and is hereby, authorized and empowered to take such testimony as it shall deem necessary to the determination of the questions of fact in the contested case of Jackson *v.* Smith, from the First Congressional district of Maryland, and shall have power to send for all such persons and papers as it may find necessary for the proper determination of said controversy, and determine the time, place, and manner of taking said testimony, which may be taken before the said committee, or any subcommittee, or any person selected by said committee for such purpose, and that the expenses incurred in taking said testimony shall be paid from the contingent fund of the House upon the order of said Committee on Elections No. 2.

The resolution was agreed to.

KILLING OF WILD BIRDS AND WILD ANIMALS IN THE DISTRICT OF COLUMBIA.

Mr. CAMPBELL of Kansas. Mr. Speaker, I call up the conference report on the bill (H. R. 13193) to prohibit the killing of wild birds and wild animals in the District of Columbia.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13193) entitled "An act to prohibit the killing of wild birds and wild animals in the District of Columbia," 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, and agree to the same.

P. P. CAMPBELL,
E. L. TAYLOR,
T. W. SIMS,
Managers on the part of the House.

JO. C. S. BLACKBURN,
J. H. GALLINGER,
THOMAS S. MARTIN,
Managers on the part of the Senate.

STATEMENT.

The House recedes from its disagreement to the amendment of the Senate. This amendment provides that game birds may be hunted on the marshes of the Anacostia River north of the Anacostia Bridge, and on the marshes of the Virginia shore of the Potomac River east of the Aqueduct Bridge, but prohibits the hunting of such birds within 200 yards of any bridge or dwelling.

P. P. CAMPBELL,
E. L. TAYLOR,
T. W. SIMS,
Managers on the part of the House.

The conference report was agreed to.

SECTION 2871, REVISED STATUTES.

Mr. PAYNE. Mr. Speaker, I call up the conference report on the bill (H. R. 7099) to amend section 2871 of the Revised Statutes.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7099) to amend section 2871 of the Revised Statutes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

SERENO E. PAYNE,
JOHN DALZELL,
Managers on the part of the House.

J. H. GALLINGER,
GEO. C. PERKINS,
Managers on the part of the Senate.

STATEMENT.

The conference report recommends that the House recede from its disagreement to the amendments of the Senate and agree to the same.

The bill provides for the unlading of vessels in the nighttime carrying imported goods under certain provisions contained in the bill. The amendments of the Senate extend this privilege and these provisions to other vehicles than vessels, with the intention of including the unlading of imported merchandise from freight cars. These amendments render it necessary also to provide for the lading as well as the unlading of vessels or other vehicles in the nighttime. The extension of the privilege to those importing goods in cars carries with it the necessity of the provision for the "lading" as well as the "unlading" in the nighttime.

SERENO E. PAYNE,
JOHN DALZELL,
Managers on the part of the House.

The conference report was agreed to.

MARGARET S. MILLER.

The SPEAKER laid before the House the bill (H. R. 19659) granting an increase of pension to Margaret S. Miller, with a Senate amendment.

The Senate amendment was read.

Mr. KEIFER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

JAMES M. ROBINSON AND SALLIE D. M'COMB.

Mr. OTJEN. Mr. Speaker, I call up the conference report on the bill (H. R. 10610) for the relief of James M. Robinson and Sallie D. McComb.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10610) for the relief of James N. Robinson and Sallie B. McComb, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same with amendments as follows: Strike out in each amendment the words "two thousand five hundred" and insert the words "three thousand two hundred and fifty;" and agree to the same.

The effect of both of these amendments is to make the allowance under the bill $3,250 instead of $5,000, as the bill originally passed the House, and instead of $2,500, as the bill passed the Senate.

THEO. OTJEN,
G. N. HAUGEN,
T. W. SIMS,
Managers on the part of the House.

C. W. FULTON,
J. A. HEMENWAY,
THOMAS S. MARTIN,
Managers on the part of the Senate.

The conference report was agreed to.

INDEX TO REPORTS OF FIVE CIVILIZED TRIBES.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution 21.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,000 copies of the topical index to the twelve annual reports of the Commission to the Five Civilized Tribes to the Secretary of the Interior, 200 copies for the use of the Senate, 400 copies for the use of the House of Representatives, and 400 copies for the use of the Department of the Interior.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was considered and agreed to.

ANNUAL REPORT OF THE TREASURER OF THE UNITED STATES.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of House concurrent resolution 15.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound for the use of the Treasury Department 500 additional copies of the annual report of the Treasurer of the United States for the fiscal year ending June 30, 1905.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The concurrent resolution was agreed to.

DIGEST OF CUSTOMS LAWS AND DECISIONS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized to purchase from the legal owners thereof, at a cost not to exceed $2,000, payable out of any funds not otherwise appropriated, the manuscript of a digest of the United States customs laws and decisions, compiled by Robert M. Cousar, deceased, and to have printed, with such revision as in his judgment may be necessary, not to exceed 1,000 copies for the official use of the Treasury Department. And the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated for said purpose. And the Superintendent of Documents is hereby authorized to reprint this document for sale at $2 per copy.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object-

Mr. LIVINGSTON. I would like to have some explanation of it.

Mr. PAYNE. What document is it?

Mr. CHARLES B. LANDIS. I would say that the purchase of this manuscript and the publication of this digest has been urged upon the committee by the Secretary of the Treasury and by the Board of General Appraisers. The reason for it is that

there is no such publication covering the same period, and they state that it is essential to the transaction of business.

Mr. PAYNE. What is the subject of the digest?

Mr. CHARLES B. LANDIS. It is a digest of the customs laws and decisions, and of the decisions of the Board of Appraisers, and, of course, affecting the general scope of importations.

Mr. PAYNE. Is there anything in it that is not already published by the Government?

Mr. CHARLES B. LANDIS. There is no digest printed covering this period.

Mr. PAYNE. Mr. Speaker, I think I will object temporarily in order to let the thing go over until I can inquire into it.

Mr. CHARLES B. LANDIS. Very well.

BEET-SUGAR INDUSTRY.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of a substitute joint resolution in lieu of House concurrent resolution No. 37.

The SPEAKER. The gentleman from Indiana [Mr. CHARLES B. LANDIS] offers a substitute joint resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., 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, and that the Secretary of Agriculture be authorized to print and distribute annually hereafter 8,000 copies of such annual reports covering the progress of the beet-sugar industry: *Provided*, That the preparation and publication of such annual reports shall be within the discretion of the Secretary of Agriculture.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, if the gentleman will limit his resolution to the publication of the current volume, very well; but this is a permanent enactment.

Mr. CHARLES B. LANDIS. I will say that Congress has been printing each year from 20,000 to 60,000 additional copies. There is a demand for this publication, and the committee thought in the interest of economy and to save the time of the House it would place in the hands of the Secretary discretionary authority to increase the publication to 8,000 copies. Only 1,000 copies are now authorized by law.

Mr. MANN. Does the gentleman think that the demand for them will continue forever?

Mr. CHARLES B. LANDIS. I do not think so, and for that reason we did not make it mandatory, but we leave it to the discretion of the Secretary of Agriculture.

Mr. MANN. It does not seem to me that there is any occasion for making a law that relieves it. The Committee on Printing can bring in a resolution easily enough covering it when it is necessary.

Mr. CHARLES B. LANDIS. The committee was under the impression that this was a wise enactment. If the gentleman sees fit to object, however, that is his privilege.

Mr. MANN. I object to it in its present form.

The SPEAKER. Is there objection?

Mr. MANN. I object.

JOHN PAUL JONES COMMEMORATIVE EXERCISES.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following substitute in lieu of House concurrent resolution No. 30.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the following concurrent House resolution, and without objection the substitute only will be read. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 11,000 copies of the addresses delivered at the exercises commemorative of John Paul Jones, at the Naval Academy, Annapolis, Md., April 24, 1906, together with other papers and illustrations germane thereto, to be compiled and published under the direction of the joint committee, 7,000 for the use of the House of Representatives, 3,000 for the use of the Senate, and 1,000 for distribution by the Secretary of the Navy.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Without objection, the substitute will be considered as agreed to.

The substitute was agreed to.

Mr. CRUMPACKER. Mr. Speaker, a suggestion I would like to make to the gentleman. It provides that the publication shall be made under the supervision of the "joint committee." It occurred to me that it ought to be the Committee on Printing.

Mr. CHARLES B. LANDIS. The Joint Committee on Printing.

The SPEAKER. Without objection, the amendment will be made.

Mr. CRUMPACKER. The words "on Printing" were omitted, I suppose, inadvertently.

The amendment was agreed to; and the substitute as amended was agreed to.

FOURTH ANNUAL REPORT OF RECLAMATION SERVICE.

Mr. CHARLES B. LANDIS. I ask unanimous consent for the present consideration of the following substitute amendment for Senate joint resolution 17.

The Clerk read as follows:

Strike out all after the resolving clause and insert:

"That the Director of the Geological Survey be, and he is hereby, authorized to print 4,000 copies of the Fourth Annual Report of the United States Reclamation Service, the cost thereof to be paid out of the reclamation fund."

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, reserving the right to object, I want to ask whether that report has heretofore been printed, and whether this is for extra copies, in other words?

Mr. CHARLES B. LANDIS. I would say to the gentleman that these are extra copies. Up to this time simply the "usual number" has been printed, which has practically left none of these reports for general distribution.

Mr. GAINES of Tennessee. How many have already been printed?

Mr. CHARLES B. LANDIS. The "usual number"—about 1,800.

Mr. GAINES of Tennessee. Why do you need extra copies when the "usual number" has been printed?

Mr. CHARLES B. LANDIS. The "usual number" leaves to the Senate and House document rooms practically one copy for each Member, about 1,000 copies going to libraries and files; and the Director of the Geological Survey states that the demand on the Survey has been so great that in order to have anything near to a supply he will have to have additional copies. We have reduced the number provided in the Senate resolution from 9,000 to 4,000.

Mr. GAINES of Tennessee. Who does that demand come from—the people who have lands to reclaim or those who have not?

Mr. CHARLES B. LANDIS. The people who are interested in the Reclamation Service.

Mr. GAINES of Tennessee. Where do these people live?

Mr. CHARLES B. LANDIS. A great many of them live in the regions that are affected and the territory that has already been reclaimed.

Mr. GAINES of Tennessee. Where is that territory?

Mr. CHARLES B. LANDIS. In the boundless West.

Mr. GAINES of Tennessee. Well, now, you say there is just about one copy for each member. I understand that members without any land in their district that is to be reclaimed do not need and do not want these reclamation documents. I know I do not. I will say to the gentleman that what I am trying to do is to stop this wasteful printing.

Mr. CHARLES B. LANDIS. The gentleman is not more interested in that proposition than I. I will say that this resolution provides that this entire edition shall be placed with the Director of the Geological Survey. None will be placed to the credit of Members of Congress, and if we have any demand we will simply refer them to the Director of the Geological Survey.

Mr. GAINES of Tennessee. So that the Director of the Geological Survey can send them really where they can be used, and not pile them on Members of Congress who can not use them?

Mr. CHARLES B. LANDIS. That is the situation exactly.

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

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

Mr. TAWNEY. I would like to ask the gentleman from Indiana why it is necessary to give this authority and expend this amount? I understand this is to carry an additional amount to that which is now allowed for printing the annual report of the Director of the Geological Survey?

Mr. CHARLES B. LANDIS. This is an authorization to print. He does not have to have it unless it is needed.

Mr. TAWNEY. He has authority now to print how many?

Mr. CHARLES B. LANDIS. The "usual number."

Mr. TAWNEY. How many is that?

Mr. CHARLES B. LANDIS. The "usual number" is 1,800, and the Director states that it is entirely inadequate. This is simply an authorization to make this publication, and if he makes it the cost, which will be about $2,500, will be charged against the reclamation fund arising from the sale of lands reclaimed.

The question was taken; and the joint resolution as amended was read the third time, and passed.

MARY WHISLER.

The SPEAKER laid before the House the bill (H. R. 14930) granting a pension to Mary Whisler, with a Senate amendment, which was read.

Mr. KEIFER. I move to concur in the Senate amendment.

The motion was agreed to.

The SPEAKER laid before the House a bill (H. R. 717) granting an increase of pension to Oscar B. Morrison, with a Senate amendment thereto.

The Senate amendment was read.

Mr. KEIFER. I move that the House concur in the Senate amendment.

The motion was agreed to.

TAYLOR WARE.

The SPEAKER also laid before the House the bill (H. R. 13836) for the relief of Taylor Ware, with a Senate amendment thereto.

The Senate amendment was read.

Mr. YOUNG. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I call up the conference report on the bill (H. R. 19844) the sundry civil appropriation bill, and I ask unanimous consent that the reading of the report be dispensed with, and that the statement be read in lieu thereof.

The SPEAKER. The gentleman from Minnesota calls up the conference report on the sundry civil appropriation bill, and asks unanimous consent that the reading of the report be dispensed with and the statement be read in lieu of the report.

Mr. UNDERWOOD. Reserving the right to object, I should like to ask the gentleman from Minnesota a question. Is Senate amendment 78 included in this final conference report?

Mr. TAWNEY. What is the amendment?

Mr. UNDERWOOD. No. 78, in reference to fuel supplies.

Mr. TAWNEY. It is included.

Mr. UNDERWOOD. When the matter comes up for consideration I wish the gentleman would yield to me ten minutes. I should like to be heard on that proposition.

Mr. TAWNEY. I will yield to the genteman ten minutes.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government 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 3, 4, 14, 22, 49, 51, 53, 54, 55, 59, 62, 64, 70, 71, 79, 83, 85, 87, 88, 89, 90, 110, 120, 121, 123, 124, 132, 133, 134, 137, 147, and 148.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19, 20, 23, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 52, 58, 61, 65, 67, 68, 72, 73, 74, 76, 77, 84, 86, 91, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 106, 108, 109, 111, 112, 113, 114, 115, 122, 125, 126, 127, 129, 130, 135, 136, 138, 139, 140, 141, 144, and 145; and 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 lieu of the matter inserted by said amendment insert the following: "two civilian instructors;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows:

In line 4 of said amendment, after the word "necessary," insert ", not exceeding five thousand dollars."

Omit all after the word "Molokai" in line 6 of said amendment and insert in lieu thereof the following: ", and a landing stage on the landing site at Waikolu, including the necessary appliances for landing supplies."

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 lieu of the matter inserted by said amendment insert the following: "Stonington breakwater, Connecticut: For erection of a suitable double dwelling for the keepers of the light station at Stonington breakwater, Connecticut, six thousand dollars;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Point Arena light station, california: For rebuilding of light station and keeper's dwelling, seventy-two thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "eighteen thousand seven hundred dollars;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "June," insert the word "twentieth;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Nantucket Shoals, Massachusetts: Toward the construction of a light vessel to be placed off Nantucket Shoals, Massachusetts, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifteen thousand dollars."

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 lieu of the matter inserted by said amendment insert the following:

"Ambrose Channel, New York Bay: Toward the construction of a light vessel for the sea entrance to the channel, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifteen thousand dollars."

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 lieu of the matter inserted by said amendment insert the following:

"For a light-house on Staten Island, New York, and raising West Bank light: Toward establishing a light-house on Staten Island, New York, and raising West Bank light, fifty thousand dollars; and the total cost of said light-house, under a contract which is hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Harbor of refuge, Milwaukee, Wis.: Toward the construction of a light and fog-signal station on the south end of the breakwater, harbor of refuge, Milwaukee, Wis., fifty thousand dollars; and the total cost of said light and fog-signal station, under a contract hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Rock of Ages, Lake Superior: Toward the construction of a light and fog-signal station on Rock of Ages, Lake Superior, fifty thousand dollars; and the total cost of said light and fog-signal station, under a contract which is hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Twelfth light-house district: Toward the construction of a steam tender for the use of the light-house engineer of the twelfth light-house district, fifty thousand dollars; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifty thousand dollars."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Columbia River, Oregon: Toward the construction of a light vessel for use off the mouth of the Columbia River, Oregon, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and thirty thousand dollars;

And the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Hinchinbrook entrance, Prince William Sound, Alaska: Toward the construction of a light and fog-signal station at Hinchinbrook entrance, Prince William Sound, Alaska, twenty-five thousand dollars; and the total cost of said light and fog-signal station, under a contract which is hereby authorized therefor, shall not exceed one hundred and twenty-five thousand dollars;"

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven hundred and seventy thousand dollars;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For any special surveys that may be required by the Light-House Board or other proper authority, including the expenditures authorized under public act numbered one hundred and eighty-one, approved May twenty-sixth, nineteen hundred and six, and contingent expenses incident thereto, five thousand dollars, together with the unexpended balance under this appropriation for nineteen hundred and six and prior years, which is hereby reappropriated and made available on this account for the fiscal year nineteen hundred and seven;"

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and fifty-seven thousand nine hundred dollars;" 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 lieu of the sum proposed insert "thirty-three thousand nine hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five thousand seven hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following:

": *Provided*, That no expense shall be incurred hereunder additional to appropriations for the Census Office for printing therefor made for the fiscal year 1907; and the Director of the Census is hereby directed to report to Congress at its next session the cost incurred hereunder and the price fixed for said publication and the total received therefor."

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five hundred and sixty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "one hundred and fifty thousand dollars;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Strike out of said amendment, in lines 3, 4, and 5, the words "or for the purpose of increasing the general efficiency or available supply of the fuel resources in the United States;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one million four hundred and sixty-three thousand three hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment, and on page 78 of the bill, in line 13, after the word "acting," insert the words "after June thirtieth, nineteen hundred and six;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "Interior," and in lieu thereof insert the words "Smithsonian Institution;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nineteen thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighteen dollars;" and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four thousand dollars;" and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the word "northwest;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eight hundred and twenty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "ten thousand dollars;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and sixty-three thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four million two hundred and twelve thousand nine hundred and forty-four dollars;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreeement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That no part of this appropriation shall be available after March fourth, nineteen hundred and seven, except on condition that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors after said date;" and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In line 13 of said amendment, after the word "capacity," insert the word "whether;" and in line 14, after the word "States," insert "or otherwise;" and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: Add at the end of said amendment "; all money expended hereunder shall be taxed by the court as a part of the cost in said judicial proceedings;" and the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu

of the sum proposed insert "one hundred and twenty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert in lieu thereof the following:

"To continue the reequipment of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, one million dollars; no part of said sum shall be so expended until the obligation of the Panama Railroad Company for the full amount thereof and drawing four per centum interest, payable to the United States, shall have been delivered to the Secretary of the Treasury of the United States and by him accepted."

And on page 164 of the bill, in line 13, strike out the words "five hundred and seventy-five" and insert in lieu thereof the words "four hundred and fifteen."

And the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 7. From and after July first, nineteen hundred and six, all of the expenses of the supreme court of the District of Columbia mentioned below, to wit, fees of witnesses, fees of jurors, pay of bailiffs and criers, including salaries of deputy marshals who act as bailiffs or criers, and all miscellaneous expenses of said court, shall be paid one half from the revenues of the District of Columbia and the other half from the revenues of the United States: *Provided*, That estimates for like expenditures for the fiscal year nineteen hundred and eight and annually thereafter shall be submitted to the Commissioners of the District of Columbia for transmission to Congress with the annual estimates for the District of Columbia."

And the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"JAMESTOWN EXPOSITION.

"SEC. 10. That there shall be exhibited at the Jamestown Exposition by the Government of the United States, from the Smithsonian Institution, the National Museum, and the Library of Congress, such articles and materials of an historical nature as will serve to impart a knowledge of our colonial and national history; and such Government exhibit shall also include an exhibit from the War and Navy Departments, the Life-Saving Service, the Revenue-Cutter Service, the Army, the Navy, the Light-House Service, the Bureau of Fisheries, and an exhibit from the island of Porto Rico. And the Bureau of American Republics is hereby invited to make an exhibit illustrative of the resources and international relations of the American Republics, and space in any of the United States Government exhibit buildings shall be provided for that purpose. The Jamestown Tercentennial Commission, created by an act of Congress approved March third, nineteen hundred and five, shall, in addition to the authority and duties conferred and imposed by said act, be authorized and empowered, and it shall be their duty, to select, prepare, transport, and arrange for the exhibition and return of the Government exhibits herein authorized. In addition to the articles and materials which the said Jamestown Tercentennial Commission may select for exhibition as aforesaid, the President of the United States may, in his discretion, designate other and additional articles and materials.

"The officers and employees of the Government who may be appointed by the Jamestown Tercentennial Commission to carry out the provisions of this section, and any officers and employees of the Government who may be detailed to assist them, including the officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence not to exceed four dollars. The officers of the Army and Navy shall receive said allowance in lieu of subsistence and mileage now allowed by law, and the Secretary of War and the Secretary of the Navy may, in their discretion, detail retired army and navy officers for such duty. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed to duty in connection with said Jamestown Tercentennial Exposition. An to carry out in full all of the provisions of this section not herein otherwise specifically appropriated for the sum of two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, the same to be expended in accordance with law and under such rules and regulations as the said Jamestown Tercentennial Commission may prescribe.

"That the Secretary of the Treasury shall cause suitable buildings to be erected on the site of the said Jamestown Tercentennial Exposition for said Government exhibit, including a suitable building for the exhibit of the United States Life-Saving Service; a fisheries building, including an aquarium; also a building for use as a place of rendezvous for the soldiers and sailors of the United States Navy and Army and of the foreign navies and armies participating in said celebration; also a building for use as a place of rendezvous for the commissioned naval and Army officers participating in said celebration; also the preparation of the grounds for, the approaches thereto, and the lighting of all of said buildings. Said buildings shall be erected, as far as practicable, on the colonial style of architecture from plans prepared by the Supervising Architect of the Treasury to be approved by the Secretary of the Treasury; and the Secretary of the Treasury is hereby directed to contract for said buildings in the same manner and under the same regulations as for other public buildings of the United States: *Provided*, That the aggregate cost of all of said buildings, including the preparation of grounds, approaches, and lighting, shall in no event exceed the sum of three hundred and fifty thousand dollars, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated. At the close of the exposition the Secretary of the Treasury is authorized and directed to dispose of said buildings, or the materials composing the same, and of the piers which are provided for in this act, or the materials thereof, giving preference to the Jamestown Exposition Company to the extent that it shall have the option to purchase the same at an appraised value to be ascertained in such manner as the Secretary of the Treasury may determine.

"That to the end that free and ready communication between the ships and the shore may be had, and in order to furnish ample and safe harbor for the small craft necessary to convey the soldiers and exposition visitors from the grounds to the fleet, there shall be constructed, from plans to be furnished by the Jamestown Exposition Company and approved by the Secretary of War, two piers extending from the exposition grounds into the waters of Hampton Roads, the ends of said piers to be surmounted with towers for the exhibit, if practicable, of the Light-House Service and wireless telegraph service. Said piers shall be connected by an arch sufficiently high to permit small craft to enter under it into a basin or harbor, which shall be dredged to a sufficient depth to accommodate boats drawing not more than ten feet of water at mean low tide. And the Secretary of War is directed to contract for the construction of said piers and basin in the same manner and under the same regulations as for public structures of the United States, but the contract price shall not exceed the sum of four hundred thousand dollars, or as much thereof as may be necessary, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That before the appropriation made by this section shall become available the Jamestown Exposition Company shall file with the Secretary of the Treasury an agreement that it will, at its own expense, operate and manage said piers and basin during the period of the exposition, and that it will, at its own expense, illuminate the same: *Provided further*, That all small craft attached to any naval vessel of this or any foreign country, whose fleet is in the waters of Hampton Roads to participate in the celebration, shall have access to and use of said basin and piers for the purpose of communication with the exposition grounds without any charge therefor and under such rules and regulations as the Secretary of the Navy shall prescribe: *Provided further*, That the same right of access and use of said basin and piers during the exposition shall be, and is hereby, reserved to the United States, but nothing herein contained shall be construed to impose upon the United States any obligation to maintain or keep in repair such piers or basin or approaches thereto or to reimburse any individual or corporation for any damage sustained in consequence of the use of said piers and basin.

"That in aid of the said Jamestown Tercentennial Exposition the sum of two hundred and fifty thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which sum shall be paid to the Jamestown Exposition Company upon satisfactory evidence being furnished the Secretary of the Treasury that the said company has expended the sum of five hundred thousand dollars on account of said exposition. Said two hundred and fifty thousand dollars shall be paid by the Secretary of the Treasury upon vouchers and satisfactory evidence that it has been expended for the purposes

of the exposition other than salaries: *Provided*, That as a condition precedent to the payment of this appropriation in aid of said exposition, the Jamestown Exposition Company shall agree to close the grounds of said exposition to visitors on Sunday during the period of said exposition.

"That for the erection of a permanent landing pier at Jamestown Island on the frontage owned by the Association for the Preservation of Virginia Antiquities, the precise location to be agreed upon by the Secretary of War and said association and to be donated by said association to the United States, the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. The Secretary of War is directed to contract for the construction of said pier in the same manner and under the same requirements as for other public structures of the United States: *Provided, however*, That if any pier now constructed and suitable for landing persons and material for the erection of the monument on said Jamestown Island heretofore authorized can be leased or purchased within the appropriation of fifteen thousand dollars hereby made, the Secretary of War is hereby authorized to expend the sum hereby appropriated for the leasing or purchase of said pier and of a sufficient and proper amount of land adjacent thereto to give free access to the grounds owned by such Association for the Preservation of Virginia Antiquities and the monument to be erected thereon under the provisions of an act approved March third, nineteen hundred and five.

"For the policing during the exposition period of the grounds owned by the Association for the Preservation of Virginia Antiquities, upon Jamestown Island, and for erecting thereon suitable retiring rooms and rest stations for the visiting public, and for providing drinking water at suitable places thereon, and for such benches and other accommodations as visitors to such island will need, the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. The moneys appropriated by this paragraph shall be expended by and under the direction of the Tercentennial Commission, and shall not be expended until such provisions are made with such association as will insure the free access to every part of the grounds of said association of all visitors who may come during the period of the said exposition, and will insure free access always to that part of the grounds upon which said monument is located.

"That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of such duty, customs, fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption or use in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal, and on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale or withdrawal: *Provided further*, That nothing in this section contained shall be construed as an invitation, express or implied, from the Government of the United States to any foreign government, state, municipality, corporation, partnership, or individual to import any such articles for the purpose of exhibition at the said exposition.

"That medals with appropriate devices, emblems, and inscriptions commemorative of said Jamestown Tercentennial Exposition and of the awards to be made to the exhibitors thereat and to successful contestants in aquatic and other contests shall be prepared for the Jamestown Exposition Company by the Secretary of the Treasury at some mint of the United States, subject to the provisions of the fifty-second section of the coinage act of eighteen hundred and ninety-three, upon the payment by the Jamestown Exposition Company of a sum equal to the cost thereof; and authority may be given by the Secretary of the Treasury to the holder of a medal properly awarded to him to have duplicates thereof made at any of the mints of the United States from gold, silver, or bronze upon the payment by him for the same of a sum equal to the cost thereof.

"That in aid of the Negro Development and Exposition Company of the United States of America, to enable it to make an exhibit of the progress of the negro race in this country at the said exposition, the sum of one hundred thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated. This sum shall be expended by the Jamestown Tercentennial Commission under rules and regulations prescribed by it and for such objects as shall be approved by both the said Negro Development and Exposition Company of the United States of America and the said Commission: *Provided, however*, That a reasonable proportion of said appropriation shall be expended for a building within which to make such exhibit.

"That except to the extent and in the manner by this act provided and authorized the United States Government shall not be liable on any account whatever in connection with the said exposition, and nothing in this act shall be construed so as to create any liability upon the part of the United States Government, direct or indirect, for any debt or obligation incurred, or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support of or in liquidation of any debts or obligations created by said Tercentennial Commission, or any other board, commission, or any person or persons whomsoever, acting or claiming to act by authority of this act in excess of the appropriations provided for by this act.

"The United States shall in no event be liable, directly or indirectly, upon any ground or for any cause whatsoever in connection with or on account of its participation in said Jamestown Tercentennial Exposition beyond the sums expressly appropriated by the act of March third, nineteen hundred and five, and by this act.

"That all moneys appropriated by this act which the Jamestown Tercentennial Commission is authorized to expend shall be drawn out of the Treasury in such manner and under such regulations as such Commission may determine, subject to the approval of the Secretary of the Treasury; and at the close of the exposition period, and after the work of such Commission is completed, such Commission shall make a complete report of their actions hereunder and a complete statement of all expenditures for each of the purposes herein specified to the President of the United States for transmission to Congress."

And the Senate agree to the same.

On amendments numbered 5 and 47 the committee of conference have been unable to agree.

JAMES A. TAWNEY,
WALTER I. SMITH,
GEO. W. TAYLOR,
Managers on the part of the House

EUGENE HALE,
GEO. C. PERKINS,
JAMES H. BERRY,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

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. 19844) making appropriations for the sundry civil expenses of the Government for the fiscal year 1907, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report as to each of the amendments, namely:

On amendment No. 1: Appropriates $10,000 as proposed by the Senate for rent of building in Cedar Rapids, Iowa.

On amendment No. 2: Appropriates $15,000 as proposed by the Senate for public building at Cheyenne, Wyo.

On amendment No. 3: Appropriates $420,000 as proposed by the House, instead of $440,000 as proposed by the Senate, for repairs to public buildings.

On amendment No. 4: Appropriates $365,000 as proposed by the House, instead of $390,000 as proposed by the Senate, for heating apparatus for public buildings.

On amendment No. 6: Provides for two civilian instructors for the Revenue-Cutter Service as proposed by the Senate.

On amendment No. 7: Authorizes contract to be made for a steam vessel for destroying derelicts, to cost not exceeding $250,000.

On amendment No. 8: Appropriates $5,000 as proposed by the Senate for the International Catalogue of Scientific Literature.

On amendments Nos. 9, 10, and 11, and 12: Makes verbal correction in the text of the bill and provides for an additional counter, at $900, in connection with expenses for distinctive paper for United States securities.

On amendment No. 13: Appropriates $5,000 for salary and ex-

penses for general inspector of supplies for public buildings, as proposed by the Senate.

On amendment No. 14: Appropriates $1,200,000 as proposed by the House, instead of $1,240,000 as proposed by the Senate, for fuel, lights, and water for public buildings.

On amendments Nos. 15 and 16: Increases the amount for pay and allowances of commissioned medical officers and pharmacists of the Public Health and Marine-Hospital Service $25,000; and reduces the amount for pay of other employees in said service $25,000 as proposed by the Senate.

On amendment No. 17: Authorizes the use of $5,000 of the appropriation for the leprosy hospital in Hawaii for constructing a road and landing stage.

On amendments No. 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, and 48, relating to light-houses, beacons, and fog signals: Provides for construction of light-houses, light vessels, and steam light-house tender, as proposed by the Senate, as follows: Stonington breakwater, Connecticut; Cape Mendocino, California; Point Arena, California; Bonita Point, California; Point Pinos, California; Nantucket Shoals, Massachusetts; Ambrose channel, New York; Staten Island, New York; harbor of refuge, Delaware Bay; Pungoteague Creek, Virginia; Brunswick, Ga.; Southwest Pass, Louisiana; harbor of refuge, Milwaukee, Wis.; Niagara River, New York; Isle aux Peches, Michigan; Rock of Ages, Lake Superior; Makapuu Point, Hawaii; Humboldt Bay, California; Twelfth light-house district tender; Columbia River, Oregon, and Hinchinbrook entrance, Prince William Sound, Alaska; and strikes out the appropriation proposed by the Senate of $17,640 for Southampton Shoal light station, California.

On amendment No. 49: Appropriates $525,000, as proposed by the House, instead of $565,000, as proposed by the Senate, for supplies of light-houses.

On amendment No. 50: Appropriates $770,000, instead of $740,000, as proposed by the House, and $800,000, as proposed by the Senate, for repairs of light-houses.

On amendment No. 51: Appropriates $600,000, as proposed by the House, instead of $625,000, as proposed by the Senate, for expenses of light vessels.

On amendment No. 52: Appropriates $600,000, as proposed by the Senate, instead of $550,000, as proposed by the House, for expenses of buoyage.

On amendment No. 53: Appropriates $210,000, as proposed by the House, instead of $225,000, as proposed by the Senate, for expenses of fog signals.

On amendments Nos. 54 and 55: Appropriates $70,000, as proposed by the House, instead of $85,000, as proposed by the Senate, for surveys and resurveys of the Atlantic and Gulf coasts.

On amendments Nos. 56 and 57: Appropriates $5,000, together with unexpended balances, instead of $12,000, as proposed by the Senate, for special surveys by the Coast and Geodetic Survey.

On amendments Nos. 58, 59, 60, 61, 62, and 63: Increases the salary of an accountant from $1,800 to $2,100 and strikes out provision for a property clerk at $1,600 in the Bureau of Fisheries; appropriates $1,600 for an assistant architect and omits $900 for a draftsman, proposed by the Senate, for said Bureau.

On amendment No. 64: Appropriates $250,000, as proposed by the House, instead of $260,000, as proposed by the Senate, for propagation of food fishes.

On amendment No. 65: Appropriates $55,000, as proposed by the Senate, instead of $52,000, as proposed by the House, for maintenance of vessels of the Bureau of Fisheries.

On amendment No. 66: Inserts the provision proposed by the Senate authorizing the Census Office to publish the names of the heads of families returned at the First Census of the United States.

On amendments Nos. 67 and 68: Appropriates, as proposed by the Senate, $3,000 for equipment of the Senate post-office and $950,000 to continue the construction of the Senate office building.

On amendment No. 69: Appropriates $565,000, instead of $573,000 as proposed by the Senate and $500,000 as proposed by the House, for registers and receivers of land offices.

On amendment No. 70: Appropriates, as proposed by the Senate, $14,565 for reproducing plats of surveys in California.

On amendments Nos. 71 and 72: Strikes out the provision proposed by the Senate authorizing details to the Land Office for office examination of surveying returns and inserts the provision proposed by the Senate for surveys in Valley County, Mont.

On amendments Nos. 73, 74, 75, 76, 77, 78, 79, and 80, relating to the Geological Survey: Appropriates $75,000, as proposed by the Senate, instead of $50,000, as proposed by the House, for report of the mineral resources; appropriates $150,000, instead of $200,000, as proposed by the House, for gauging streams and determining the water supply; strikes out of the provision attached to the appropriation for testing coals and lignites the words "or for the purpose of increasing the general efficiency or available supply of the fuel resources in the United States," and appropriates $100,000, as proposed by the House, instead of $125,000, as proposed by the Senate, for survey of forest reserves.

On amendment No. 81: Provides that the additional allowance of the disbursing officer of the Geological Survey for disbursing reclamation funds shall begin after June 30, 1906.

On amendment No. 82: Appropriates $3,000 for protecting the ruin of Casa Grande, in Arizona.

On amendment No. 83: Strikes out the appropriation of $2,500 for Sully's Hill Park, North Dakota.

On amendment No. 84: Includes Aleuts among the other natives of Alaska for education and support under the appropriation of $100,000 made in the bill.

On amendment No. 85: Strikes out the appropriation of $3,705 proposed by the Senate for transportation of pupils from the Carlisle Indian school to their homes in Alaska.

On amendment No. 86: Continues available during 1907 a former appropriation made for removal of Lemhi Indians to Fort Hall Reservation, in Idaho.

On amendments Nos. 87 and 88: Appropriates $9,000, as proposed by the House, instead of $15,000, as proposed by the Senate, for reindeer in Alaska; and strikes out the provision proposed by the Senate for placing a herd of reindeer on the island of Unalaska.

On amendment No. 89: Strikes out the provision proposed by the Senate with reference to horses and vehicles for use of the superintendent of the Government Hospital for the Insane.

On amendment No. 90: Strikes out the provision proposed by the Senate with reference to disbursements for the Government Hospital for the Insane.

On amendment No. 91: Appropriates $5,000, as proposed by the Senate, instead of $4,000, as proposed by the House, for repairs of buildings for the Columbia Institution for the Deaf and Dumb.

On amendments Nos. 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, and 104, with reference to lighting the Executive Mansion and public parks: The price per annum for gas lamps using flat-flame burners is fixed at $18, instead of $20 as proposed by the Senate and $15 as proposed by the House, and for lamps with incandescent burners at $25 per annum, as proposed by the Senate, instead of $20, as proposed by the House; and fixes the rate for electric arc lights per annum at $85, as proposed by the Senate, instead of $80, as proposed by the House.

On amendment No. 105: Appropriates $40,000, as proposed by the Senate, for the erection of a memorial to Gen. Ulysses S. Grant.

On amendment No. 106: Appropriates $2,500, as proposed by the Senate, for unveiling the statue of Gen. George B. McClellan.

On amendments Nos. 107 and 108: Appropriates $825,000, instead of $900,000 as proposed by the Senate and $750,000 as proposed by the House, for military posts, and provides for procurement of plans for an adequate water supply for Fort Harrison, in Montana.

On amendment No. 109: Makes the appropriation heretofore made for constructing sea wall in front of the Government property at Galveston, Tex., available for embankment and fill and other improvements on both Fort Crockett Reservation and the land lying between Thirty-ninth and Forty-fifth streets in said city belonging to the United States.

On amendment No. 110: Strikes out the appropriation of $15,000 proposed by the Senate for a wagon road in the Yellowstone National Park.

On amendments Nos. 111 and 112: Appropriates, as proposed by the Senate, $4,500 for a bridge and $1,500 for partial reconstruction of a bridge in the Chickamauga and Chattanooga National Park, as proposed by the Senate.

On amendment No. 113: Appropriates $19,000, as proposed by the Senate, for treatment of destitute patients in Providence Hospital.

On amendment No. 114: Appropriates $19,000, as proposed by the Senate, for treatment of persons unable to pay therefor in Garfield Hospital.

On amendments Nos. 115, 116, 117, and 118: Relating to the National Soldiers' Homes, appropriates $10,000 instead of $15,000, as proposed by the Senate, for the shop building at the Pacific Branch in California, and makes verbal correction in the text of the bill.

On amendment No. 119: Makes the provision prohibiting bars or canteens.

On amendment No. 120: Strikes out the provision proposed by the Senate making the appropriation for the jail at Nome, Alaska, available for purchase of a building.

On amendment No. 121: Strikes out the appropriation of $1,000 proposed by the Senate for counsel for Mission Indians.

On amendment No. 122: Inserts the provision proposed by the Senate, authorizing the Attorney-General to select and fix the compensation of certain employees under the Spanish Treaty Claims Commission.

On amendment No. 123: Fixes the compensation of two assistants at work on law indexes at $720 as proposed by the House, instead of $600 each as proposed by the Senate.

On amendment No. 124: Strikes out the provision proposed by the Senate, authorizing the printing and distribution of a consolidated index of the United States statutes.

On amendments Nos. 125 and 126: Fixes the salaries of the United States marshals and district attorneys for the southern district of California and the district of Idaho at $4,000 each.

On amendment No. 127: Strikes out the provision proposed by the House with reference to keeping certain United States court records at Harrisburg, Pa.

On amendment No. 128: Inserts a provision, proposed by the Senate, requiring the clerks of United States courts to report and account for all moneys received by them in their official capacity, whether on behalf of the United States or otherwise.

On amendments Nos. 129 and 130: Requires the Commission for the Revision and Codification of the Laws of the United States to submit their final report to Congress, as proposed by the Senate, instead of to the Attorney-General, as proposed by the House.

On amendment No. 131: Appropriates $12,000, as proposed by the Senate, for compensation and expenses of a special master to ascertain amount of embezzlement from the assay office at Seattle, Wash., in the case of the United States *v.* George Edward Adams.

On amendments Nos. 132, 133, and 134, relating to the penitentiary at Atlanta, Ga.: Appropriates $30,000, as proposed by the House, instead of $35,500, as proposed by the Senate, for subsistence, and $15,000, as proposed by the House, instead of $17,500, as proposed by the Senate, for clothing and transportation expenses.

On amendment No. 135: Appropriates $200,000, as proposed by the Senate, for purchase of land and the entire contribution of the United States toward the erection of a building for permanent quarters in Washington for the International Bureau of American Republics and the Columbus Memorial Library.

On amendment No. 136: Appropriates $10,000, as proposed by the Senate, for purchase of manuscript for new edition of the Charters and Constitutions.

On amendments Nos. 137, 138, 139, 140, 141, and 142, relating to public printing and binding, restores to the bill the provision proposed by the House and stricken out by the Senate, providing "for the purchase and installation of, and instruction in, cost, audit, and inventory systems" for the Government Printing Office: Appropriates $5,100,000, as proposed by the Senate, instead of $5,000,000, as proposed by the House, for printing and binding; increases the allotment from the sum for printing and binding for Congress by $100,000, and specifies and limits the amount that may be used for the Census Office to $125,000.

On amendment No. 143: Inserts a provision requiring that before the $1,000,000 for reequipment of the Panama Railroad is paid the obligation of said railroad company for said sum and drawing 4 per cent interest shall be delivered to and accepted by the Secretary of the Treasury.

On amendment No. 144: Places the solicitor of customs and his assistants, provided for in the bill, under the direction of the Attorney-General, as proposed by the Senate, instead of the Secretary of the Treasury, as proposed by the House.

On amendment No. 145: Fixes the salary of the appraiser of merchandise for the port of Chicago at $4,500.

On amendments Nos. 146, 147, and 148: Corrects the numbering of sections in the bill and inserts the provision proposed by the House requiring that certain expenses of the courts in the District of Columbia shall be paid one-half out of the revenues of said District.

On amendment No. 149: Appropriates $1,325,000, instead of $1,450,000, as proposed by the Senate, on conditions which are fully set forth in the conference report, for the Jamestown Exposition.

The committee of conference have been unable to agree on the following amendments:

On amendment No. 5, appropriating $3,000,000 for site for and toward the construction of buildings for the Departments of State, Justice, and Commerce and Labor; and

On amendment No. 47, appropriating $150,000 for a lightship off Swiftsure Bank, entrance to Juan de Fuca Strait.

JAMES A. TAWNEY,
WALTER I. SMITH,
GEO. W. TAYLOR,
Managers on the part of the House.

Mr. TAWNEY. Mr. Speaker, I yield ten minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I am opposed to the adoption of the conference report, for this reason: Senate amendment 78 provided:

That in examinations hereby authorized, of fuel materials for the use of the Government of the United States, or for the purpose of increasing the general efficiency or available supply of the fuel resources of the United States, the Director of the Geological Survey may have the necessary materials collected from any part of the United States where they represent extensive deposits.

Now, if that language had been allowed to remain in the bill, the Geological Survey would have continued these tests in reference to coal all over the United States and all the coal fields; but instead of leaving the language in that way the conferees have stricken out of the Senate amendment this portion of the language:

Or for the purpose of increasing the general efficiency or available supply of the fuel resources of the United States.

So that it now reads merely:

That in examinations hereby authorized of fuel materials for the use of the Government of the United States, the Director of the Geological Survey may have the necessary materials collected—

And so forth. In other words, you have got a provision in this bill appropriating $250,000 for investigation of fuel supplies, and you have limited the investigation to the fuel that is used by the United States Government. It absolutely negatives the whole proposition. You might as well negative the entire proposition. The small amount of coal that is actually purchased and used by the United States cuts no figure. It comes necessarily, the larger portion of it, from a very few coal fields immediately around the points where the Government of the United States has necessity to use fuel. What we want, and what was intended by this House when we made this provision and insisted on this matter staying in the bill, was that the entire fuel supply of the United States should be investigated. But I understand that the gentlemen on the conference committee say that they did not want to investigate this matter, because it was for the use of private individuals, and they struck that portion out because they said it would benefit private individuals. But if you will read on until the last, you will see that by the language used in the Senate amendment that was protected against, because it said:

Provided further, That in publishing the results of these investigations, the materials examined shall not be credited to any private party or corporation, but shall be collected and described as representing such extensive deposits.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. UNDERWOOD. Certainly.

Mr. TAWNEY. The House provision was:

For the continuation of the analyzing and testing of the coals, lignites, and other mineral fuel substances belonging to the United States, in order to determine their fuel value, etc., under the supervision of the Director of the United States Geological Survey, to be immediately available, $250,000.

To that the Senate added an amendment:

Provided, That in examinations, hereby authorized, of fuel materials for the use of the Government of the United States, or for the purpose of increasing the general efficiency or available supply of the fuel resources in the United States, the Director of the Geological Survey may have the necessary materials collected from any part of the United States where they represent extensive deposits; and it shall be the duty of the Director of the Geological Survey to have examined, without charge, the fuels required for use by the Government of the United States, and to give these examinations preference over other work: *Provided further,* That in publishing the results of these investigations, the materials examined shall not be credited to any private party or corporation, but shall be collected and described as representing such extensive deposits.

Now, that language that the House adopted limited the field of this investigation of fuel for the use of the United States.

Mr. UNDERWOOD. The House language limited it to lands of the United States.

Mr. TAWNEY. "Analyzing and testing of the coals, lignites, and other mineral fuel substances belonging to the United States." Now, then, the Senate provision which the conferees have stricken out is, "or for the purpose of increasing the general efficiency or available supply of fuel resources in the United States." That is entirely inconsistent with the House provision. If it contemplates that the Geological Survey is to go into a

general investigation of the extent of the fuel deposits and the efficiency of the fuel supply of the entire United States, it is entirely inconsistent with the provision which the House adopted, because the House provision limited the investigations of coal, lignites, and other fuel substances belonging to the United States. The Senate provision enlarged that investigation so as to include the entire fuel supply and efficiency of the supply throughout the United States.

Now, to accomplish what the gentleman wishes to accomplish, the conferees on the part of both Houses thought the language we retained was sufficient. That language is, "That the Director of the Geological Survey, for the purposse of making examinations, may have the necessary materials collected from any part of the United States." Now, then, they can collect fuel material of all kinds from any part of the United States, and they may test the fuel—may analyze it as they are authorized to do in the House provision. It accomplishes what I supposed the gentleman from Alabama contended for when the matter was before the House, but it does not allow the Geological Survey a roving commission for the purpose of conducting investigations all over the United States in the matter of testing fuel for everybody; but he may collect the fuel from any part of the United States and test it.

Mr. DALZELL. Will the gentleman allow me an interruption?

Mr. UNDERWOOD. Certainly.

Mr. DALZELL. According to the statement of the gentleman from Minnesota, the examinations of the Geological Survey are to be confined to those fuels which are for the use of the United States. That is to say, for actual consumption for purposes of the United States. I want to ask the gentleman from Minnesota if he does not think it is a little ridiculous to appropriate $250,000 to examine fuels that we are going to use in the United States—that we are going to use in our boilers down here in the House?

Mr. TAWNEY. I will say to the gentleman from Pennsylvania that that is exactly what I said when we adopted the gentleman's amendment. He by his own amendment increased the appropriation from $100,000 to $250,000.

Mr. DALZELL. That is what the House had in view and what the Senate had in view, but what the House conferees have emasculated.

Mr. MADDEN. If the chairman will allow me——

Mr. TAWNEY. Certainly.

Mr. MADDEN. Does the chairman of the committee think that under the House language providing for coal tests that the Geological Survey would have no right to make any test except for coal to be used by the Government of the United States?

Mr. TAWNEY. No.

Mr. MADDEN. Is he willing to admit that under the language where it says the Geological Survey shall test coal owned by the United States anybody in the United States, under the language, could hand a sample of its coal to the United States, giving it title to that sample, and get the test required for scientific purposes? That is my understanding of it.

Mr. UNDERWOOD. That is not my understanding of the proposition. If I understood the language of the bill as stated by the gentleman from Illinois, I would be satisfied.

Mr. MADDEN. That is what I understood the original language was.

Mr. UNDERWOOD. If the gentleman will allow me, the language of the House bill limited these investigations to the lands owned by the United States, the public domain, the public lands of the United States.

Mr. YOUNG. It limited it to coal of the United States; it did not say "coal lands."

Mr. UNDERWOOD. Well, I mean coal lands.

Mr. YOUNG. It does not say coal lands; it says coal.

Mr. UNDERWOOD. That would limit it more, even, than I say.

Mr. GAINES of Tennessee. If it was in the land, it would belong to the United States.

Mr. UNDERWOOD. If the gentleman will allow me, this is a limitation practically to the public lands of the United States, because we own no coal otherwise. Why was that limitation put in this bill in the House? It was not because the House wanted it on the bill. It was because the men in this House who want this fuel investigation were met with a point of order and had to accept what they could get on the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. I will ask the gentleman to yield me five minutes more.

Mr. TAWNEY. I yield the gentleman five minutes more.

Mr. UNDERWOOD. Now, we had to take that position, but the business interests of this country want these investigations made. It is in the interest of the development of our foreign trade, and when we consented to this amendment in the bill the House did so in order to authorize the Geological Survey to test the fuels of the United States belonging to all parties. That is the only benefit we can get out of these investigations. It would be simply folly to appropriate $250,000 to investigate the coal that we have down in the bunkers of this cellar or the coal that lies out in the few remaining public lands of the West. What we want to do is to investigate these fuels, develop their use for the citizens of the United States, and let foreign citizens who want to buy our coal know what we have got. I am not at all in sympathy with the proposition even as it stands in the bill of limiting these investigations to great fuel deposits and not letting the individual coal miner get a certificate as to what he has got in his coal mine. I represent a coal district. My district has attempted to get into the trade in South America, to contest the territory of South America with British coals. We can land coal at Mobile cheaper and put it on shipboard cheaper than they can in any port in Wales or England. But I want to tell you this: The Alabama coals are not known. There are very few American coals known to the foreign trade, and when a ship goes into Rio Janeiro or any other South American port to load with coal, that is what it has got to have to finish its trip and carry out its voyage. The cost of the coal is not of so much importance to the shipmaster as the kind of coal he gets. If he buys a coal and fills his bunkers with a coal that is of small horsepower producing capacity, he makes a slow voyage, delays his trip, and costs his shipowners much money.

On the other hand, if he has the best coal for his trip to put in the bunkers of his ship he increases the speed of his vessel and saves that much time in making the voyage. Everyone can see it is very necessary for the ship captain to know what he is getting before he puts the coal in his bunkers. They know the English coals; they know the foreign coals. The foreign nations have a governmental investigation, and the foreign coal that lies in the South American port has a Government certificate behind it that it is a good coal, and when we want to develop our foreign trade and increase our foreign resources why should we deny to our own citizens that which the citizens of foreign countries have when we have to compete with them? Is there a gentleman on the floor of this House who does not want to develop our foreign trade and increase the sale of our coal products? That is the object of this provision. It is to have the coals of the United States investigated by the Government of the United States and a certificate given as to what they represent, so that the shipowner and the ship captain in any port of the world when he seeks to buy American coal will know how much horsepower there is per ton and the fixed carbon there is in that coal, how much fuel supply, and he will know definitely. There is nothing we can do that will aid us more to develop our foreign coal sales and our foreign markets for our coal material than the passage of this bill if you pass it so that we can make an investigation; but you can not do it under the terms of this bill, and I contend that this conference report ought to be voted down and sent back to conference so that it will carry out really what the people in the great manufacturing and producing sections want, and that is an investigation of all the fuel supplies of the country.

Mr. GAINES of Tennessee. Does the gentleman want Congress to make an appropriation to examine all the soils of all the farm lands for sale and publish their report and send it out to the four winds of the world?

Mr. UNDERWOOD. I think the soil investigations have been of great benefit to the people of the United States.

Mr. GAINES of Tennessee. They have investigated in the proper way for a particular purpose; but the gentleman's proposition carried out its full length would require Congress to have these officials go and examine the soil of every farm in the United States, if it is to be sold, and publish their reports and send them broadcast to the people in foreign lands.

Mr. UNDERWOOD. Not at all. It simply authorizes the man who represents the coal mine and the coal supply to send their fuel to the coal-testing plant and have it tested; but under the terms of this law they can not do it.

Mr. GAINES of Tennessee. That is we are to keep men doing this kind of work when these coal owners can employ men to do this work for them?

Mr. UNDERWOOD. Why, it is not their certificate. If you issued a certificate yourself as to what you have got in your

coal, it does not mean and does not carry the weight in the market as if it is issued by the United States.

Mr. MANN. Does the gentleman think we ought to examine all the woolen goods, for instance, for wool, and a Government certificate should be issued?

Mr. UNDERWOOD. I do not.

Mr. MANN. What is the difference?

Mr. UNDERWOOD. Because those are something that anybody can investigate.

Mr. MANN. I can not tell whether an article has good wool in it or not, and I do not think the gentleman can.

Mr. UNDERWOOD. But you can find somebody who can.

Mr. GAINES of Tennessee. You can find some one who can tell about this other matter in Nashville and in Birmingham and everywhere else.

Mr. TAWNEY. If the gentleman will yield to me for a moment, I want to make a statement and then ask unanimous consent to dispense temporarily with the consideration of this conference report. Mr. Speaker, there seems to be some grave misunderstanding in respect to the effect of the Senate amendment as amended in conference. The House provision limits the investigation to the coals, lignites, and other mineral fuel substances belonging to the United States. The Senate enlarged the scope of that investigation, and also authorized the Director of the Geological Survey to have the necessary materials for the making of these tests collected from any part of the United States. In so far as the House conferees were concerned, we felt that that was enlarging the powers of the Geological Survey to the extent to which those who favored this system and policy of paternalism desired, and that there was no necessity of using the language, which was stricken out in conference. Now, in order that the matter may be adjusted, I ask unanimous consent to lay aside for the present this conference report.

Mr. GAINES of Tennessee. What is it the gentleman wants unanimous consent for?

Mr. TAWNEY. To lay aside temporarily the report.

Mr. GAINES of Tennessee. For what?

Mr. DALZELL. I hope that will be granted.

Mr. RYAN. I desire to ask the chairman, on page 85, line 10, "for the investigation of the structural materials belonging to and for the use of the United States, consisting of stones, clays, cements," etc. I want to ask the gentleman whether this "et cetera" gives authority to permit the Director of the Geological Survey to investigate and test the strength of timber and lumber?

Mr. TAWNEY. It certainly will. That was not changed in the Senate, and it is not in conference at all.

Mr. RYAN. I want to ask what that meant. Can the gentleman tell me whether this is for testing the strength of timber?

Mr. TAWNEY. That is not in controversy between the two Houses at all.

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

IMPROVEMENT OF CHANNELS ON NEW JERSEY COAST.

Mr. BURTON of Ohio. Mr. Speaker, I desire to call up a privileged resolution.

The SPEAKER. The gentleman from Ohio calls up the privileged resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the Senate be requested to furnish to the House of Representatives a duplicate copy of bill (S. 6167) authorizing the State of New Jersey to improve the channels along the New Jersey coast under the State authority, the same having been lost or mislaid.

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

EXTENSION OF PUBLIC-LAND LAWS, ETC.

Mr. LACEY. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 12323) to extend the public-land laws of the United States to the land comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12323) to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, 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 and agree to the same.

JOHN F. LACEY,
F. W. MONDELL,
JOHN L. BURNETT,
Managers on the part of the House.

H. C. HANSBROUGH,
REED SMOOT,
A. J. MCLAURIN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The only effect of the Senate amendment is to throw open the Fort Rice Military Reservation, in North Dakota, to free homestead settlement, including the unpatented land on the reservation heretofore settled upon. The land is west of the Missouri River and does not differ materially from the other public land in that region now open to free homestead settlement.

JOHN F. LACEY,
F. W. MONDELL,
JOHN L. BURNETT,
Managers on the part of the House.

Mr. LACEY. Mr. Speaker, I move that the conference report be agreed to.

The question was taken; and the conference report was agreed to.

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

USE OF MAILS BY TOWN TOPICS.

Mr. COCKRAN. Mr. Speaker, I move as a privileged motion to discharge the Committee on Post-Offices and Post-Roads from the further consideration of the resolution introduced on March 8, 1906, concerning the use of the mails by a publication known as "Town Topics" in the city of New York.

The SPEAKER. The gentleman from New York moves to discharge the Committee on Post-Offices and Post-Roads from the consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

Whereas at a court of general sessions of the peace in and for the county of New York, the same being a court of record of the State of New York, one Norman Hapgood was on the 31st day of October, 1905, indicted by a grand jury on a charge of libel, for that he had written and published of and concerning one Joseph M. Deuel, then and now a judge of the court of special sessions in the said city and county of New York, the following words, to wit: "He is part owner and one of the editors of a paper of which the occupation is printing scandal about people who are not cowardly enough to pay for silence;" and

Whereas the said Norman Hapgood on the 31st day of October, 1905, was arraigned upon the said indictment before the said court and entered a plea of not guilty thereto; and

Whereas the said indictment, having been duly transferred from the said court of general sessions of the peace in and for the city and county of New York to the supreme court of the State of New York, came on for trial on the 15th day of January, 1906, in said court, before the Hon. James Fitzgerald, a justice thereof, and a jury; and the said Norman Hapgood having admitted that he had written and published the matter charged in said indictment to be libelous, justified it on the ground that the same was true, and the jury after hearing evidence rendered its verdict that he was not guilty of libel; and

Whereas it appeared from the uncontradicted evidence given on said trial that the paper of which the said Joseph M. Deuel was part owner and one of the editors, the characterization of which as "a paper of which the occupation is printing scandal about people who are not cowardly enough to pay for silence" by the said Hapgood was charged in said evidence to be a libel, is a weekly publication entitled, called, and known as Town Topics; and

Whereas the said verdict of not guilty and the judgment of acquittal entered thereon in favor of said Hapgood is a judicial declaration by a court of competent jurisdiction that the description of Town Topics charged in said indictment to be libelous is in fact true: Now, therefore, be it

Resolved, That the Postmaster-General be, and he is hereby, requested to inform the House of Representatives whether said paper, periodical, or publication entitled, called, and known as Town Topics, so adjudged by a competent court to be "a paper of which the occupation is printing scandal about people who are not cowardly enough to pay for silence," is admitted now to the use of the mails, and whether its said occupation of extorting money by blackmail is in any way facilitated, promoted, or assisted by this Government through the operation of its Post-Office Department.

Mr. OVERSTREET. Mr. Speaker, I make the point of order that this resolution is not privileged, and therefore the motion of the gentleman from New York [Mr. COCKRAN] is not in order.

Mr. COCKRAN. Mr. Speaker, is that point open to discussion?

The SPEAKER. It is in the discretion of the Chair. The Chair will hear the gentleman briefly.

Mr. COCKRAN. I submit myself cheerfully to the discretion of the Chair. Mr. Speaker, the object of this resolution——

Mr. OVERSTREET. Do I understand the Chair is hearing the gentleman on the point of order?

The SPEAKER. Yes.

Mr. COCKRAN. I will state what the resolution is, in order to discuss it.

The SPEAKER. The Chair, in the discretion of the Chair, will hear the gentleman from Indiana state his point of order.

Mr. OVERSTREET. I merely wanted to understand the status. I did not know whether the gentleman was beginning to discuss the merits of the resolution or the point of order, and I merely inquired of the Chair whether the Chair was hearing him on the point of order.

The SPEAKER. Purely so. And the Chair will hear the gentleman from Indiana if he desires, although the Chair has heard the resolution read, and the Chair will hear the gentleman from New York [Mr. COCKRAN] on the point of order.

Mr. COCKRAN. Of course, Mr. Speaker, I suppose it goes without saying that in order to ascertain whether a resolution is privileged or otherwise we must have the nature of the resolution before the Chair and before the House. The object of this resolution, Mr. Speaker, is to ascertain by appropriate inquiry, addressed to the Postmaster-General with a view to possible remedial legislation by this House, whether the Post-Office Department is deliberately lending itself to facilitate the operation of a blackmailing enterprise.

Now, I submit, Mr. Speaker, this resolution, stated in these terms, presents a question of the very highest privilege. That its terms are justified will be apparent from the slightest scrutiny of the facts which it recites. I have placed before the House and before the committee no statement of fact on my own authority. I have no personal knowledge of the transactions to which I ask the attention of gentlemen on both sides to consider. I have placed before the House an exemplified copy of an indictment found by a grand jury in the court of general sessions of the peace in and for the city and county of New York, against one Norman Hapgood, charging him with libel for having written and published in a paper called Collier's Weekly these words of a certain publication, or rather of a certain person: "He is part owner and one of the editors of a paper of which the occupation is printing scandal about people who are not cowardly enough to pay for silence." I have submitted the plea of not guilty, interposed by Hapgood on his arrangement, and set out the fact that as he had a right to do under our Constitution, the defendant acknowledged having written and published these words and proceeded to justify them on the ground that they were in fact true.

Testimony was taken on the issue thus raised, and on that testimony the jury, after an absence, I think, of five minutes, returned with a verdict of not guilty, and the defendant was thereupon discharged by the court, which was, in effect, a judgment that this description of the publication was not a libel, but was accurate and truthful.

Several months ago I presented these facts to the House of Representatives, with the records which substantiated them, and at the same time I presented a resolution asking the Postmaster-General to inform us whether the paper so adjudged to be engaged in printing scandal is admitted to the mails, and whether its business of extorting blackmail is facilitated and promoted by this Government through its Post-Office Department.

Mr. Speaker, this is very different from a question asking the Department of Justice if it had pursued some particular wrongdoer for the perpetration of some offense or asking some other Department if it had used all its power to prevent the commission of something which may be considered criminal. It is not a question asking the Post-Office Department to decide whether certain actions are in themselves wholesome or unwholesome—moral or immoral. The nature of this enterprise is determined to be not one occasionally lapsing into crime, but a steady, organized scheme of blackmail. Here is a resolution calling attention to a solemn finding of fact, not that this paper has libeled one, two, or thirty persons—I admit no question of privilege would be presented to this House by the fact that a publication which occasionally, or even frequently, became an engine of blackmail was using the mails—but when a competent tribunal of a sovereign State solemnly adjudges the entire publication, the whole enterprise to be merely a scheme of blackmail, the question is presented whether this Government itself is aiding the commission of crime.

This is not a case of a department standing idle while crime is perpetrated and failing to prevent it. It is a case of active participation by Government in the crime itself. This publication is carrying on its occupation of blackmail now as I speak, not solely through the vice of its promoters, not simply by the skill of its editors, but through the active assistance of this Government, of which, Mr. Speaker, this House is an integral part. I submit to the House of Representatives that it is a question of the highest privilege whether this Government—in which we have an important share—can through one of its Executive Departments, created by our laws, supported by our appropriations, deliberately lend itself—actively contribute to a scheme of blackmail—make itself the most effective feature in that scheme of blackmail—for without the mails this enterprise of crime would be wholly ineffective.

I repeat, Mr. Speaker, that I make not the slightest assertion of fact on my own authority. I know nothing of this paper; I have never seen but one copy of it in my life, and that was twenty years ago. I do not know the editor. I have never seen him, to my knowledge. I can not have any personal feeling whatever about the question I submit to the House. I am not without pity for the wretch who, having some gift of expression, seems to be without means of employing it to gain a living by any other means than blackmail. I have nothing but sympathy for the unfortunates who, by reason of some blemish in their lives, become exposed to the blackmailers' pursuit and pay money to escape his exposure. The only persons revealed by these proceedings for whom I have an utter abhorrence are the degenerates [loud applause] whose appetite for scandal and whose eagerness to learn something evil of their neighbors lead them to buy such a sheet and thus make this scheme of blackmail effective. And, sir, I hope I will not have to link with these wretches the Government of the United States as an agency to aid the blackmailer in preying upon the fears of the weak or even on the apprehension of the guilty. [Loud applause.]

I do not think I am violating the confidence of the committee when I say that the gentleman from Indiana has held out to me all through the session a hope that before adjournment some favorable action would be taken on this resolution. We have discussed freely the only objection he seemed to entertain, which is that the statute does not give the Postmaster-General power to deal with this class of offenders.

Now, I submit to this House no statute is necessary to give to the Postmaster-General power to declare that the mail service of the United States shall not be used as an agency of crime. Will the gentleman from Indiana pretend that if it were known I was using the mail service to circulate poisonous articles or to send explosive bombs among innocent people whom I regarded as enemies that the passage of a special law would be necessary before the Postmaster-General could exclude me from the use of a great public facility which I was prostituting to crime? Here is a judgment of a court, and a decision that the occupation of this paper is one steady continuous crime. Yet the gentleman from Indiana would have us believe that the Post-Office Department has no power to authorize its officers, its postmasters, and its mail carriers to keep their hands clean of this infamy, which at this very moment is being perpetrated through their agency.

Mr. Speaker, at this moment the desks of Members are flooded with remonstrances from all over the country against the action of the Post-Office Department in excluding from the mails publications which, compared with this one, are models of cleanliness and decorum. Every day the Postmaster-General excludes from the mails some citizen, and absolutely destroys his means of living, on a suspicion that he may contemplate fraud, even though he denies the imputation, and there is not one scintilla of truth that he has injured anybody. This Department of the United States Government can condemn a man who may be perfectly honest to a fate worse than imprisonment. If a State by sentencing a man to imprisonment deprives him of an opportunity to make his own livelihood, it charges itself with responsibility for his support.

Without any hearing, without any formal accusation of crime, without an opportunity to advance proof of innocence, any citizen may be excluded from the mails on a mere suspicion of the Postmaster-General, condemned to a fate worse than imprisonment; for while this exclusion from the right to free communication with his fellows makes the whole country his prison house, the burden of supporting himself is forced on the shoulders of the victim, while the means of gaining that support is denied to him. And yet, Mr. Speaker, the gentleman from Indiana [Mr. OVERSTREET] would say that admission to the mails of the books of a publisher solemnly adjudged by a competent court to be engaged in the business of blackmail does not present a question of privilege. I ask this House if a system under which citizens are deprived of liveli-

hood, deprived of property, deprived of character, deprived of the means of making a livelihood in the future, on the mere suspicion of the Postmaster-General that they abuse the mails, can be tolerated in this country, when the same mails are open to a publication which the solemn judgment of a court of competent jurisdiction in a sovereign State declares to be an enterprise organized merely for blackmail?

Mr. Speaker, I would be glad if the gentleman from Indiana could present here any evidence that the committee inquired into the facts on which this resolution is based or that the Post-Office Department had undertaken to examine them, and on information collected by its own agents had reversed the judgment of the State courts. I admit its competence to review any decision by a State court on a collateral proceeding or of any tribunal except one having jurisdiction of its own operations; but I challenge the gentleman from Indiana to impugn in the slightest degree the conclusions of fact reached by this State court on the character of this publication. I challenge him to say, upon his own honor, before this House that this publication is anything else than a scheme of blackmail. I challenge him to deny that the United States Government is the most effective agent in the perpetration of its crimes by allowing it to circulate through the mails, and I submit to the Speaker and the House, as a question of the highest privilege, whether this body should not inform itself fully of the course pursued by the Post-Office Department toward this criminal enterprise, and if it be found that the mails are used to facilitate and promote it, to enact adequate legislation to prevent a great arm of the public service from making itself an agency of crime, and to reestablish the honor and dignity of this Government in all its branches. [Applause.]

Mr. OVERSTREET. Mr. Speaker, just a word. The censorship of the press by the Federal Government has never been undertaken. It may be that there are in many cases just grounds for considering the propriety of legislation which might at least approach, in some degree, such censorship.

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

Mr. OVERSTREET. Yes.

Mr. COCKRAN. What about the publication of Lewis, which was censored out of existence?

Mr. OVERSTREET. If the gentleman will permit me, I will state that, as I was just about to do. The statute relative to fraud orders was a law properly enacted by the Congress and now administered by the Postmaster-General. There are some who question the propriety and extent to which that law operates; but those persons interested in such legislation can prepare bills, introduce them, and press them to consideration before the proper committee having jurisdiction of such legislation. If there is any weakness in the law relative to the censorship of the press, it is just as much the province and duty of the gentleman from New York to prepare and introduce and press for consideration a measure upon that point as any other Member of this body. But, Mr. Speaker, there is no such legislation upon the statute books, nor has the gentleman from New York nor any other Member of the House introduced for consideration any legislation affecting that form of censorship. This resolution, Mr. Speaker, is what we may term "a resolution of inquiry," known generally to Members, and which the rules and precedents recognize. But, Mr. Speaker, the point I make is that the resolution of inquiry is not privileged unless the matter referred to in the resolution is privileged, and the resolution does not set out any privileged matter. I waive the preamble, because a long line of precedents establish the truth of the proposition that a preamble is no part of a resolution, and the body of the resolution itself, if this House should pass it, would make of the Post-Office Department an object of ridicule, to be inquired of for an opinion based upon a negative verdict in a criminal prosecution.

The parties referred to in this resolution defended against an indictment, and upon trial before a jury the case went off as the gentleman has indicated. But simply because the jury found for the defendant does not establish all of the evidence which the defendant had introduced, and any lawyer who ever practiced in a justice of the peace court knows that the verdict does not establish all the facts set out in the evidence by the party in whose favor the verdict has been found. I do not care to discuss the question on the merits; that is a matter for the legislation of Congress, but I repeat that it is just as much the duty of the gentleman from New York to introduce and press for consideration a law amending other laws as it is the duty of any Member of the House; but when he introduces a resolution of inquiry, that resolution must be in accordance with the rules and customs of this House. I submit that this resolution is not in line with those precedents.

Mr. COCKRAN. Mr. Speaker, I haven't the slightest idea of submitting to this House a proposal for censorship of the press. I am opposed to any interference whatever with the press. I do not think an action of libel has ever been necessary to vindicate any honest man, though it has often resulted in exposing a rogue, as it has in this instance. I have never known a man to be injured by abuse of the press, but I have known a good many to be injured by indiscriminate praise. The gentleman from Indiana suggests that I should have introduced a bill—proposed some new legislation in the line of my resolution. There is no legislation necessary. We want to know if this publication is a blackmailing enterprise. If it is, it can be excluded from the mails under the law as it stands. The object of this resolution is to get light on the fact as to its use of the mails. That fact being established, there is law enough on the statute books now to deal with it.

The SPEAKER. The Chair is prepared to rule. The only question presented to the Chair under the point of order is whether this motion is a privileged motion under the rules of the House. The motion is to discharge the Committee on Post-Offices and Post-Roads from the consideration of the resolution which has been read. After seven days the motion is privileged, providing the resolution has nothing in it which destroys that privilege.

Now, this resolution is coupled with the preamble, which recites that there was an indictment in a State court for libel, recites that the defendant justified, recites that there was a trial, recites that the defendant was acquitted, and then in the recitation in the last whereas sets forth matter which does not reflect upon the party whom the State of New York alleged had been libeled in very complimentary terms; in fact, to the contrary. The resolution refers to the preamble and certain matters alleged in the preamble, none of which are matters that are privileged under the rules of the House.

A resolution calling for information from the Department upon a question of fact is privileged, and if this resolution alone covered such information it would be privileged. The Chair has no doubt that the preamble destroys the privilege that otherwise would be contained in the resolution, and therefore the Chair sustains the point of order.

Mr. COCKRAN. Would it be in order, Mr. Speaker, to move to strike out the preamble and allow the resolution to stand?

The SPEAKER. That would bring the House to a vote on that very question, and this is a matter not before the House. It was introduced and went to the committee. This is a motion to bring it before the House, and the privilege being destroyed by nonprivileged matter, the Chair sustains the point of order, which, of course, if the ruling of the Chair is correct, prevents the House obtaining possession of the resolution in this way.

Mr. COCKRAN. Would it be competent to ask unanimous consent for the consideration of the resolution?

The SPEAKER. The Chair having sustained the point of order, the gentleman from New York asks unanimous consent to discharge the Committee on Post-Offices and Post-Roads from further consideration of the resolution, and consider it at this time.

Mr. OVERSTREET. I object.

BILLS ON THE PRIVATE CALENDAR.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the order introduced on June 25, 1906, have had the same under consideration and report the following in lieu thereof:

"*Ordered*, That bills on the Private Calendar reported from the Committee on Military Affairs, from the Committee on Naval Affairs, from the Committee on Indian Affairs (except such as propose to confer jurisdiction on the Court of Claims), from the Committee on Public Lands, from the Committee on Merchant Marine and Fisheries, from the Committee on Pensions, and from the Committee on Invalid Pensions shall have, on motion being made to proceed to their consideration in House as in Committee of the Whole, the same privilege as is given by the rules on Fridays to the motion to go into Committee of the Whole to consider bills on the Private Calendar."

Mr. DALZELL. Mr. Speaker, I understand that the gentleman from Missouri [Mr. DE ARMOND] desires to be heard on this resolution.

Mr. DE ARMOND. I would like to make a few remarks on the subject at some point in the proceedings.

Mr. DALZELL. How long a time does the gentleman want?

Mr. DE ARMOND. Five minutes.

Mr. DALZELL. I yield five minutes to the gentleman from Missouri.

Mr. WILLIAMS. Mr. Speaker, has the previous question been demanded?

The SPEAKER. No.

Mr. DALZELL. I understood the gentleman from Mississippi [Mr. WILLIAMS] had no objection to this resolution.

Mr. WILLIAMS. If the gentleman from Missouri [Mr. DE ARMOND] wants further time, I desire that it be yielded to him.

The SPEAKER. The gentleman from Pennsylvania has an hour, if he desires to use it.

Mr. DALZELL. I have yielded already to the gentleman from Missouri as much time as he wants—five minutes.

Mr. WILLIAMS. Is that all the time the gentleman desires?

Mr. DE ARMOND. Yes. Mr. Speaker, we are very near the close of the session now, and a great deal of important business remains on the Calendar, much of which I think ought to be taken up and disposed of. As to the merits of some of these private bills, as to the merits of them in general, or the demerits, I know nothing. I can hardly hope that they will be selected and called up in the order of their merit. I hardly believe that just exactly and only the right committees have been selected as those out of whose work there shall be taken for consideration the particular bills provided for under this order. Without going into comparisons or making enumerations, I think that perhaps there is included in that list one or more committees from which hardly anything of good emanates and from which comes a great deal that is not good. As to some of these committees, I think it is notorious in the House that almost everything that comes from them may well be the subject of suspicion. Whether it is due to inattention on the part of the Members or lack of equipment for the work or to something else, or to many things else, of course I do not know. Possibly there will be selected from the grist of work of the particular committee or committees which I have in view good measures and good measures alone, and if so the exception will be most notable, and this day will deserve to be in the history of certain committees a red-letter day in truth and in fact. Aside from that, however, notwithstanding what I have said is true, a great many persons desire to have different bills on the Private Calendar considered, and desire it for the best of reasons. But there are great interests in this country which desire and urge the consideration of some most important public measures. I have not the time, and if I had unlimited time at my disposal I would not care to consume it in an enumeration of these measures or in going into the merits of any of them. I might remark simply in passing that, among those things that might be considered, but certainly can not be and will not be in this House at this time, if ever, is the eight-hour labor bill. I am not going to spend any time upon that measure, but I am merely saying what is common information, what is known to everybody here and elsewhere, that millions of people, who ought to have some representation and some voice and some consideration in the Congress of the United States, earnestly desire and to the full extent of their ability earnestly urge consideration of this and other measures. While such measures lie unconsidered upon the Calendar, while consideration is contemptuously denied, while the millions who urge them are powerless here, I for one shall oppose, though of course ineffectually, the picking up of a basketful of comparatively small private measures to occupy the time of the House when measures of mighty moment are denied consideration. I know that some selection has to be made by somebody in some way, inasmuch as the bills introduced are so numerous, and indeed the bills reported are so numerous, that it is a physical impossibility to consider, much less to dispose of, all of them. But upon what lines, according to what principles, with a view to what end should selection be made and preference be given? According to my conception of duty, which is somewhat old fashioned perhaps and largely out of use here, important measures—important as they affect the interests of a great many people, important in the estimation of a great many people—are those which ought to have consideration rather than this measure or that measure, however meritorious in itself, but insignificant in comparison, consideration of which may be desired or urged by this Member or by that Member. It is late in the session, but it is not too late to take up, to consider, and to dispose of some of these very great measures now pending upon the Calendar. For the reason that it is not, and for the additional reason that it is convenient, to shove in and fill up a gap, to occupy the time with a lot of little things concerning but a few people—concerning them but to a small degree—it is for these reasons that I am opposed to this rule. [Applause.]

Mr. DALZELL. Does the gentleman from Mississippi want to use some time?

Mr. WILLIAMS. I will take it from the twenty minutes——

Mr. DALZELL. There will not be any twenty minutes on the previous question.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. When a rule is reported from the Committee on Rules and the previous question is called upon it, has not each side the right to twenty minutes to discuss it?

The SPEAKER. Providing there is no debate preceding it.

Mr. WILLIAMS. But can the gentleman cut off the right to discuss it by yielding to somebody before that?

The SPEAKER. If he gets the previous question, he can.

Mr. WILLIAMS. Very well; I will ask the gentleman to yield to me.

Mr. DALZELL. For how long?

Mr. WILLIAMS. About ten minutes—I do not think I will consume five. Mr. Speaker, I agree perfectly with the gentleman from Missouri [Mr. DE ARMOND] that this House now has time, if it chooses, as it very well may, to remain here for a few days longer, to consider some very important matters upon the Public Calendar, which have been sadly, if not criminally, neglected. It has or can make the time to give the House itself, at any rate, an oportunity to consider whether it will or will not vote up or down the so-called "eight-hour law," which, by the way, is not an eight-hour law at all, but an expression upon the part of the Government of the United States that where it goes into the market to employ labor directly or indirectly it shall be labor required to work only eight hours a day. There is in the bill not the slightest effort to interfere with the hours of labor in the States, as a labored effort has been made from certain quarters to make it appear that there is. This House might also consider some of the anti-injunction bills which have been sent to the Committee on the Judiciary. Above all things, Mr. Speaker, because it goes to our own honor, this House ought to have considered, this House has had time to consider, this House ought to remain in session until it has considered, certain bills that have been introduced for the purpose of preventing campaign contributions by corporations to corrupt the people who are corruptible for the success of political parties in this country. [Applause on the Democratic side.] I myself introduced a bill—very moderate in its character, very mild, treading upon no unsafe ground, the constitutionality of which nobody could dispute—merely providing that national banks and other corporations chartered by the Federal Government, and also corporations engaged in interstate and foreign commerce, should be mulct in damages and treated as criminals whenever they contribute to a campaign fund.

There is no doubt about the fact that we ought to put an end to the standing habit of the national banks of contributing to the campaign fund of the party in power, whichever party it is. We ought to stop the contribution by railroads engaged in interstate and foreign commerce. Whether we have constitutional power to go further or not, we have at least the constitutional power of regulating the actions of our own corporate creatures chartered by us and of corporations engaged in interstate and foreign commerce. That is not all, Mr. Speaker. The Senator from South Carolina, Mr. TILLMAN, introduced a bill that has this purpose in view. That bill has passed the Senate; that bill is lying upon the Speaker's desk or else has been sent from the Speaker's desk to the proper standing committee of this House. This House ought under no circumstances to adjourn until that bill passes this House or a bill of intendment like it amended by this House passes this House. [Applause on the Democratic side.] But, Mr. Speaker, that is not the question before this House now. It was proposed by the Committee on Rules to give the Members an opportunity to pass their local and private bills upon the Union Calendar, and for that reason to make of to-day what Friday, private-bill day, ordinarily is. There are forty-odd Members on both sides of this Chamber having bills of very great local importance to their constituents, which will be allowed by this rule to be considered and which without this rule will never be considered at this session of Congress.

If we vote against this rule we do not thereby get any opportunity to consider these other bills of which I have spoken—the anticorporation corruption fund bill or any other. If the defeat of this rule could remotely tend even to get one of those bills before the House for consideration, I would exhaust every possible parliamentary device to defeat this rule. We merely cut off opportunity for individual Members to serve their constituents, by passing the bills upon the Private Calendar, if we defeat this rule. This rule applies to no bills except those of a private character. I, for that reason, as a member of the Committee on Rules agreed that the rule should be reported, because I will be glad to see Members get an opportunity to pass the bills for their constituents, or, rather, to have them considered by the House to be passed, if the House desires to pass them. [Applause on the Democratic side.]

Mr. SULZER. Will the gentleman from Pennsylvania [Mr. DALZELL] allow me five minutes?

Mr. DALZELL. I think we have discussed this question long enough.

Mr. SULZER. I think you ought to allow me five minutes.

Mr. DALZELL. Mr. Speaker, having indulged the gentleman from Mississippi in that which he likes better than anything else, listening to the tones of his own voice, I now ask the attention of the House to the question before it. There are a number of bills on the Private Calendar that have been reported by the various committees outside of the Committee on Claims and the Committee on War Claims that are deserving of the consideration of the House. Under ordinary circumstances, whether we stayed here a week or two weeks or a month or two months, the probabilities are that these bills would not be reached for discussion in the House, and therefore it was thought wise to submit the rule which I proposed a few moments ago, which makes in order the calling up of the bills reported from various committees now on the Calendar of the House. And I will repeat for the information of the House the committees named in the rule: The Committee on Military Affairs, the Committee on Naval Affairs, the Committee on Indian Affairs (except such bills as would propose to confer jurisdiction on the Court of Claims), the Committee on Public Lands, the Committee on Merchant Marine and Fisheries, the Committee on Pensions, and the Committee on Invalid Pensions. If there be sufficient time before adjournment to consider these bills, the opportunity will be afforded by the adoption of this rule. I ask for the previous question.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] asks for the previous question.

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

Mr. SULZER. Division, Mr. Speaker.

The House divided; and there were—ayes 120, noes 35.

So the previous question was ordered.

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

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

Mr. SULZER. Division, Mr. Speaker.

The House divided; and there were—ayes 130, noes 31.

Mr. SULZER. No quorum, Mr. Speaker.

The SPEAKER. The Chair will count.

Mr. SULZER. The Chair has already counted on a division.

The SPEAKER. The Chair has counted. The doors will be closed; the Sergeant-at-Arms will bring in absentees; the yeas and nays will be ordered upon agreeing to the resolution. Those who are in favor of agreeing to the resolution will, when their names are called, answer "aye," and those opposed will answer "no," and those voting present will answer "present," and the Clerk will call the roll.

The question was taken; and there were—yeas 208, nays 23, voting "present" 14, not voting 134, as follows:

YEAS—208.

Acheson	Cushman	Heflin	McKinley, Ill.
Adamson	Dale	Henry, Conn.	McKinney
Alexander	Dalzell	Hepburn	McLain
Allen, N. J.	Darragh	Higgins	McMorran
Bankhead	Davey, La.	Hill, Miss.	McNary
Bannon	Davidson	Hinshaw	Madden
Barchfeld	Davis, Minn.	Hoar	Mahon
Bates	Davis, W. Va.	Houston	Marshall
Beall, Tex.	Dawson	Howard	Martin
Beidler	Denby	Howell, N. J.	Maynard
Bell, Ga.	Dickson, Ill.	Hubbard	Miller
Bennet, N. Y.	Dixon, Ind.	Huff	Minor
Bennett, Ky.	Dresser	Humphrey, Wash.	Moon, Pa.
Bishop	Driscoll	Humphreys, Miss.	Moon, Tenn.
Bonynge	Dunwell	Hunt	Mouser
Boutell	Dwight	Jenkins	Murphy
Brooks, Colo.	Ellis	Jones, Wash.	Needham
Broussard	Esch	Keifer	Norris
Brownlow	Fitzgerald	Keliher	Olcott
Brundidge	Fletcher	Kennedy, Ohio	Olmsted
Burke, Pa.	Flood	Kinkaid	Otjen
Burke, S. Dak.	Floyd	Kitchin, Wm. W.	Overstreet
Burleson	Foss	Klepper	Padgett
Burnett	Foster, Ind.	Lacey	Parker
Burton, Del.	Foster, Vt.	Lafean	Parsons
Byrd	French	Lamb	Patterson, S. C.
Calder	Fulkerson	Law	Payne
Calderhead	Gaines, W. Va.	Lee	Perkins
Campbell, Kans.	Garrett	Le Fevre	Pollard
Candler	Gilbert, Ind.	Lever	Ransdell, La.
Capron	Gill	Lilley, Conn.	Reeder
Cassel	Gillespie	Lilley, Pa.	Reynolds
Clayton	Goulden	Lindsay	Rhodes
Cockran	Graff	Littauer	Richardson, Ala.
Cocks	Graham	Livingston	Rixey
Cole	Greene	Loud	Roberts
Conner	Griggs	Loudenslager	Robinson, Ark.
Cooper, Pa.	Grosvenor	Lovering	Rodenberg
Coudrey	Hamilton	McCall	Ruppert
Cousins	Hardwick	McCleary, Minn.	Ryan
Cromer	Haskins	McCreary, Pa.	Schneebeli
Crumpacker	Haugen	McGavin	Sherley
Curtis	Hayes	McKinlay, Cal.	Sherman
Sims	Southard	Tawney	Watkins
Smith, Cal.	Southwick	Taylor, Ala.	Webber
Smith, Iowa	Sperry	Thomas, Ohio	Weems
Smith, Md.	Spight	Townsend	Wiley, N. J.
Smith, Samuel W.	Stafford	Underwood	Williams
Smith, Pa.	Steenerson	Volstead	Wilson
Smith, Tex.	Stevens, Minn.	Waldo	Wood
Smyser	Sullivan, Mass.	Wallace	Young
Snapp	Sulloway	Wanger	Zenor

NAYS—23.

Bartholdt	Garber	Kitchin, Claude	Russell
Bartlett	Gilbert, Ky.	Lamar	Sheppard
Bowie	Hay	Lloyd	Southall
Clark, Fla.	Henry, Tex.	Macon	Sulzer
Clark, Mo.	James	Patterson, N. C.	Trimble
De Armond	Jones, Va.	Pou	

ANSWERED "PRESENT"—14.

Andrus	Cooper, Wis.	Glass	Samuel
Burleigh	Currier	Gudger	Sparkman
Butler, Pa.	Fuller	Johnson	
Chapman	Gaines, Tenn.	Kline	

NOT VOTING—134.

Adams	Fowler	Lewis	Shackleford
Aiken	Gardner, Mass.	Little	Shartel
Allen, Me.	Gardner, Mich.	Littlefield	Sibley
Ames	Gardner, N. J.	Longworth	Slayden
Babcock	Garner	Lorimer	Slemp
Bede	Gillett, Cal.	McCarthy	Small
Bingham	Gillett, Mass.	McDermott	Smith, Ill.
Birdsall	Goebel	McLachlan	Smith, Ky.
Blackburn	Goldfogle	Mann	Smith, Wm. Alden
Bowers	Granger	Meyer	Stanley
Bowersock	Gregg	Michalek	Stephens, Tex.
Bradley	Gronna	Mondell	Sterling
Brantley	Hale	Moore	Sullivan, N. Y.
Brick	Hearst	Morrell	Talbott
Broocks, Tex.	Hedge	Mudd	Taylor, Ohio
Brown	Hermann	Murdock	Thomas, N. C.
Buckman	Hill, Conn.	Nevin	Tirrell
Burgess	Hitt	Page	Towne
Burton, Ohio	Hogg	Palmer	Tyndall
Butler, Tenn.	Holliday	Patterson, Tenn.	Van Duzer
Campbell, Ohio	Hopkins	Pearre	Van Winkle
Chaney	Howell, Utah	Powers	Vreeland
Dawes	Hughes	Prince	Wachter
Deemer	Hull	Pujo	Wadsworth
Dixon, Mont.	Kahn	Rainey	Watson
Dovener	Kennedy, Nebr.	Randell, Tex.	Webb
Draper	Ketcham	Reid	Weeks
Edwards	Knapp	Rhinock	Weisse
Ellerbe	Knopf	Richardson, Ky.	Welborn
Fassett	Knowland	Rives	Wharton
Field	Landis, Chas. B.	Robertson, La.	Wiley, Ala.
Finley	Landis, Frederick	Rucker	Woodyard
Flack	Lawrence	Scott	
Fordney	Legare	Scroggy	

So the resolution was adopted.

The following pairs were announced:

For this session:

Mr. FASSETT with Mr. HOWARD.

Mr. WANGER with Mr. ADAMSON.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. CURRIER with Mr. FINLEY.

Mr. CHAPMAN with Mr. HOPKINS.

Mr. HULL with Mr. SLAYDEN.

Until further notice:

Mr. LITTLEFIELD with Mr. PATTERSON of Tennessee.

Mr. HITT with Mr. LEGARE.

Mr. LE FEVRE with Mr. CLAUDE KITCHIN.

Mr. WELBORN with Mr. GUDGER.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. SLEMP with Mr. GLASS.

Mr. VREELAND with Mr. FIELD.

Mr. LONGWORTH with Mr. STEPHENS of Texas.

Mr. FULLER with Mr. RICHARDSON of Kentucky.

Mr. HUGHES with Mr. REID.

Mr. EDWARDS with Mr. BROOCKS of Texas.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. DEEMER with Mr. KLINE.

Mr. SOUTHARD with Mr. HARDWICK.

Mr. BUTLER of Pennsylvania with Mr. GARNER.

Mr. HILL of Connecticut with Mr. BUTLER of Tennessee.

Mr. BIRDSALL with Mr. HEARST.

Mr. ANDRUS with Mr. THOMAS of North Carolina.

Mr. BABCOCK with Mr. LITTLE.

Mr. DOVENER with Mr. SPARKMAN (except seeds and pilot bill).

On this day:

Mr. BURLEIGH with Mr. MCDERMOTT.

Mr. WEEKS with Mr. STANLEY.

Mr. WACHTER with Mr. PAGE.

Mr. WATSON with Mr. WILEY of Alabama.

Mr. STERLING with Mr. WEISSE.

Mr. SCOTT with Mr. SMITH of Kentucky.

Mr. WM. ALDEN SMITH with Mr. SHACKLEFORD.

Mr. MURDOCK with Mr. SMALL.

Mr. MUDD with Mr. RAINEY.

Mr. MANN with Mr. RUCKER.

Mr. LAWRENCE with Mr. WEBB.
Mr. KNOWLAND with Mr. PUJO.
Mr. HALE with Mr. MOORE.
Mr. GRONNA with Mr. LEWIS.
Mr. GILLETT of Massachusetts with Mr. GREGG.
Mr. FORDNEY with Mr. GRANGER.
Mr. DAWES with Mr. GOLDFOGLE.
Mr. BOWERSOCK with Mr. ELLERBE.
Mr. ADAMS with Mr. AIKEN.
Mr. HEDGE with Mr. TALBOTT.
Mr. DRAPER with Mr. ROBERTSON of Louisiana.
Mr. LAW with Mr. REID.
Mr. KNAPP with Mr. TOWNE.
Mr. KETCHAM with Mr. RANDELL of Texas.
Mr. BINGHAM with Mr. BOWERS.
Mr. BEDE with Mr. BRANTLEY.
Mr. PEARRE with Mr. VAN DUZER.
Mr. GARDNER of Michigan with Mr. RHINOCK.
Mr. BUCKMAN with Mr. MEYER.

The result of the vote was then announced as above recorded.

The SPEAKER. The doors will be opened.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 20409. An act to authorize the Minneapolis, St. Paul and Sault Ste. Marie Railway Company to construct a bridge across the Red River;

H. R. 20287. An act to authorize George Hammons, Charles Vannice, and F. A. Lyons to construct a bridge across Kentucky River at Beattyville, Ky.;

H. R. 18601. An act granting an increase of pension to Edward A. Barnes; and

H. R. 19814. An act authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers and sailors orphans' homes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, with the amendments of the Senate thereto and the message of the Senate of June 27, 1906, notifying the House of the agreement of the Senate to the conference report thereon.

RETURN OF SUNDRY CIVIL BILL AND CONFERENCE REPORT TO THE SENATE.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
June 28, 1906.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, with the amendments of the Senate thereto, and the message of the Senate of June 27, 1906, notifying the House of the agreement of the Senate to the conference report thereon.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

RAILROAD RATE BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for present consideration of the conference report on the railroad rate bill.

Mr. GAINES of Tennessee. I object. Let it lie over and be printed in the RECORD, so that we can read it.

The SPEAKER. Does the gentleman present the report for printing?

Mr. SHERMAN. Mr. Speaker, I do not present it for printing. I have asked unanimous consent for its consideration, and if it is not granted I shall not present it.

Mr. GAINES of Tennessee. Let it lie over under the rules.

Mr. WILLIAMS. What is this that is presented for present consideration?

The SPEAKER. The gentleman from New York asks for the present consideration of the conference report which he holds in his hand, on the rate bill.

Mr. WILLIAMS. Mr. Speaker, I suppose the gentleman wants this simply to avoid the usual twenty-four hours?

Mr. SHERMAN. Yes.

Mr. WILLIAMS. I will object. We had such an unfortunate experience the last time when the bill was laid before the House that I think it would be better that it should go over for twenty-four hours, so that the House may read the report in the RECORD and understand it fully.

RESIGNATION OF HON. TIMOTHY D. SULLIVAN.

The SPEAKER laid before the House the following letter; which was read and ordered to lie on the table:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 27, 1906.

Hon. JOSEPH G. CANNON,
Speaker House of Representatives, Washington, D. C.

SIR: I have this day transmitted to the governor of the State of New York my resignation as a Member of the House of Representatives of the Fifty-ninth Congress for the Eighth district of New York, to take effect July 27, 1906.

Respectfully, yours, TIMOTHY D. SULLIVAN.

PRIVATE CALENDAR.

The SPEAKER. Under the special order, the House will proceed to the consideration of bills on the Private Calendar.

HEIRS OF CHARLES W. DAKIN AND THOMAS J. HENNESSY.

The first business was the bill (H. R. 15909) to reward the widow and minor son of Capt. Charles W. Dakin and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the United States Army transport *Meade*.

The bill was read, as follows:

Whereas Capt. Charles W. Dakin and Hoseman Thomas J. Hennessy, both of the fire department of the city and county of San Francisco, lost their lives while bravely fighting a fire on board of the United States Army transport Meade in the harbor of San Francisco, Cal., on the night of January 31, 1906; and

Whereas they met their deaths not from some untoward accident, but solely as a result of their heroism in sticking to their post in the presence of great and evident danger; and

Whereas by their deaths their widows and orphans were left practically penniless: Therefore

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, as a reward for the bravery and heroism shown by the late Capt. Charles W. Dakin and Thomas J. Hennessy, both of the San Francisco fire department, in fighting a fire on board the United States Army transport Meade in the harbor of San Francisco, Cal., on the night of January 31, 1906, to the widow and minor child of the said Capt. Charles W. Dakin the sum of $5,000 and to the widow and minor children of the said Thomas J. Hennessy the sum of $5,000.

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

TONEY E. PROCTOR.

The next business was the bill (H. R. 11978) to reimburse Toney E. Proctor for services as appraiser of the town of Wagoner, Ind. T.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Toney E. Proctor, out of any money in the United States Treasury not otherwise appropriated, the sum of $2 per day in lieu of subsistence while acting as appraiser of the town of Wagoner, Creek Nation, Ind. T., from August 13, 1899, to April 23, 1901.

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

STEPHEN TEICHNER.

The next business was the bill (H. R. 8041) authorizing a patent to be issued to Stephen Teichner for certain lands therein described.

The bill was read.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to substitute a similar Senate bill favorably reported by a House committee and on the Calendar.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to substitute a similar Senate bill favorably reported and on the House Calendar. Is there objection?

There was no objection.

The bill referrd to (S. 92) was read, as follows:

Be it enacted, etc., That the entry of Stephen Teichner, of the west half of the northwest quarter of section 35, in township numbered 152, of range 75, in the Devils Lake land district, North Dakota, held for cancellation by the Commissioner of the General Land Office and ordered canceled by the Secretary of the Interior, be, and the same is hereby, allowed, and permitted to remain of record as of the date of said entry, so that title to said land may inure to the benefit of his grantees as far as he may have conveyed the same: *Provided*, That the money paid for said lands shall not have been withdrawn, or if withdrawn shall again be paid at said land office, and that thereupon a patent shall issue in the name of said Stephen Teichner for said land.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

By unanimous consent, the bill H. R. 8041 was ordered to lie on the table.

WILLIAM H. BEALL.

The next business was the bill (H. R. 5651) for the relief of William H. Beall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to place on the records as having been

honorably discharged the name of William H. Beall, late a paymaster's steward on gunboat Fairplay, and issue to him a discharge to bear date of August 15, 1863.

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

MICHAEL SHEEHAN.

The next business was the bill (H. R. 13895) to correct the naval record of Michael Sheehan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to remove from the rolls and records in the Navy Department the record of desertion now standing on said rolls and records against Michael Sheehan, late landsman on the Potomac flotilla, and grant a certificate of honorable discharge, to date July 4, 1865: *Provided*, That the passage of this act shall not serve to entitle him to any bounty or allowance.

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

JAMES H. OLIVER.

The next business was the bill (S. 1864) for the relief of James H. Oliver, a commander on the retired list of the United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint James H. Oliver, now a commander on the retired list of the United States Navy, to the grade of commander on the active list of the United States Navy: *Provided*, That the said James H. Oliver shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of that grade: *Provided further*, That the said James H. Oliver shall be carried as additional to the number of the grade to which he may be appointed under this act or at any time thereafter promoted: *And provided further*, That said James H. Oliver shall not by the passage of this act be entitled to back pay of any kind.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CAPT. SIDNEY F. SHAW.

The next business was the bill (H. R. 2997) for the relief of Capt. Sidney F. Shaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sidney F. Shaw, late captain in the Fifteenth Regiment of West Virginia Infantry and acting chief engineer of the Department of West Virginia, out of any money in the Treasury not otherwise appropriated, the pay, emoluments, and allowances of a captain of cavalry from the 3d day of April, 1864, to the 19th day of June, 1865, less the amount heretofore paid him for service for that time and any allowance that he may be entitled to as a chief engineer for that time.

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

FRANCIS J. CLEARY.

The next business was the bill (S. 4593) for the relief of Francis J. Cleary, a midshipman in the United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Francis J. Cleary, now a midshipman in the United States Navy, to the grade and rank of ensign on the active list of the Navy, to take rank with the members of his class according to proficiency as shown by order of merit at the date of final graduation: *Provided*, That the said Cleary shall be an additional number in the grade of ensign, and in any grade in which he may hereafter be advanced.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PAY CLERK WALTER DELAFIELD BOLLARD, UNITED STATES NAVY.

The next business was the bill (H. R. 7741) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy.

The bill as amended by the committee was read, as follows:

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and is hereby, waived in the case of Walter Delafield Bollard, United States Navy.

The amendment recommended by the Committee on Naval Affairs was agreed to.

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

STEPHEN M. HONEYCUTT.

The next business on the Private Calendar was the bill (H. R. 3498) for the relief of Stephen M. Honeycutt.

The Clerk read the bill, as follows:

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 Stephen M. Honeycutt, private of Company E, Third Regiment North Carolina Mounted Volunteer Infantry, was enrolled, that is, enlisted and mustered into the military service of the United States, on the 25th day of March, 1864, and honorably discharged at Knoxville, Tenn., on the 8th day of August, 1865.

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

HARRY A. YOUNG.

The next business on the Private Calendar was the bill (H. R. 15673) for the relief of Harry A. Young.

The Clerk read the bill, as follows:

Be it enacted, etc., That Harry A. Young shall be held and considered to have been mustered into the military service of the United States in the office of assistant surgeon of the battalion of Utah Light Artillery, with the rank of captain, on the 18th day of January, 1899, and to have held said office and rank until he was killed in action on the 6th day of February, 1899.

With the following amendment:

In line 6 strike out the word "captain" and insert the word "first lieutenant."

The amendment was agreed to.

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

JOSHUA T. REYNOLDS.

The next business on the Private Calendar was a bill (H. R. 8478) for the relief of Joshua T. Reynolds.

The Clerk read the bill, as follows:

Be it enacted, etc., That Joshua T. Reynolds shall hereafter be held and considered to have been honorably discharged from the military service of the United States on the 10th day of February, A. D. 1864, as captain of Company F, Ninth Regiment Pennsylvania Reserve Infantry, otherwise known as the Thirty-eighth Regiment Pennsylvania Volunteers: *Provided*, That no pay, bounty, or other emolument shall accrue by reason of this act.

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

JOHN B. FORD.

The next business on the Private Calendar was the bill (H. R. 8375) for the relief of John B. Ford.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to enter the name of John B. Ford as a private soldier upon the original muster rolls of Company A, Seventh Regiment Iowa Volunteer Cavalry, from the 22d day of September, 1862, to the 23d day of June, 1863, the last being the date of his release from said service, and that there be issued to him a certificate of honorable discharge by the War Department, his muster having been prevented by disease contracted in the line of duty in said company after his enlistment therein and without fault on his part.

With the following committee amendments:

Strike out all after the enacting clause and insert the following:

"That John B. Ford be held and considered to have been mustered into service as a private of Company A, Seventh Regiment Iowa Cavalry Volunteers, as of date of September 22, 1862, and to have been honorably discharged as of date of April 27, 1863, and an honorable discharge be issued in accordance with this act."

The committee amendment was agreed to.

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

BARK HOMEWARD BOUND.

The next business on the Private Calendar was the bill (H. R. 11932) to grant American registry to the bark *Homeward Bound*.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation be, and he is hereby, authorized to register as an American vessel the bark Homeward Bound, now sailing under a limited American register.

Mr. SULZER. Mr. Speaker, I want some information about this bill. Is this to give an American registry to a foreign-built ship?

Mr. GROSVENOR. It is to give an American register to a foreign ship.

Mr. SULZER. Why? What are the reasons?

Mr. GROSVENOR. The gentleman had better get some one in favor of the bill to answer his question.

Mr. HINSHAW. Mr. Speaker, I know something about the merits of this bill. It came before the Committee on Merchant Marine and Fisheries. It was a foreign vessel, but decided to have been wrecked in American waters on the coast of California, and was repaired in America. She is owned by a man who lives in San Francisco—Captain Ellis—and this is the only property he owns. I can not give the exact amount of the repairs, but they constituted something more than one-half of the value of the vessel.

Mr. SULZER. Where was the vessel wrecked?

Mr. HINSHAW. As I understood the testimony, she was wrecked out in the Pacific—that is, it was injured in the Pacific—but it could proceed in a straight line to San Francisco, and when it became necessary to turn it, it then was found that it was wrecked, and it was declared before the authorities before whom it was tried to have been technically wrecked in American waters. I think that was so decided by the Department in Washington, by the Attorney-General's Department.

Mr. SULZER. What application, if any, has been made to the Commissioner of Navigation to grant an American register to this bark?

Mr. HINSHAW. I am not sure about that. The bark was admitted to a limited American register by the last Congress, and this is only to give it an additional register to entitle it to enter the coastwise trade. If I understand, the vessel can now ply between the Philippines and the United States.

Mr. GOULDEN. She can now ply between the Philippines and the United States under her register granted by the last Congress.

Mr. SULZER. Mr. Speaker, I do not like this practice, but on the assurance of my colleague from New York [Mr. GOULDEN], who is on the committee, and who tells me that it is a most meritorious bill, I shall not object. However, I want to state that a short time ago, I believe, a bill passed this House which I am informed is now law, that gives the Commissioner of Navigation, in certain cases, authority to grant registration to foreign-built ships. I am not sure about it, but I do not think that the Committee on Merchant Marine and Fisheries should discriminate now and then by bringing in bills granting American registration to a foreign-built ship and put it under the American flag. I do not like the looks of it, but this time I shall refrain from objecting. There should be a general law or none at all.

Mr. GROSVENOR. I want to state to the gentleman from New York that there is no such law as he refers to. The law referred to by him has been repealed, so that there can be no registry except by act of Congress. This is the least objectionable of any of the bills that have come from the committee within my knowledge.

Mr. SULZER. It is a personal discrimination.

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

AMERICAN REGISTER FOR STEAMERS MARIE AND SUCCESS.

The next business was the bill (H. R. 7014) to provide American registers for the steamers *Marie* and *Success*.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamers Marie and Success, wrecked in the waters of Cuba and the Isthmus of Panama, respectively, and purchased and wholly owned by the Merritt & Chapman Derrick and Wrecking Company, of New York City, incorporated under the laws of the State of West Virginia, to be registered as vessels of the United States whenever it shall be shown to the Commissioner of Navigation that the repairs on each of the said vessels amount to three times the actual cost of each of the said wrecks to the owner.

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

GALEN E. GREEN.

The next business was the bill (H. R. 3393) granting an honorable discharge to Galen E. Green.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, required to give to Galen E. Green, late first lieutenant of the Seventh Wisconsin Battery, an honorable discharge, to date on the 15th day of January, 1864, the same as though the name of said Green had been borne on the rolls of the Army to the date last named.

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

HAROLD L. JACKSON.

The next business was the bill (H. R. 16069) authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint Harold L. Jackson, now a captain on the retired list of the Army, to be a major on the retired list of the Army with the rank and pay of said office.

Mr. YOUNG. Mr. Speaker, I ask unanimous consent to substitute for the bill just read the Senate bill 4965, an exactly similar bill, and to lay the House bill on the table.

The SPEAKER. The gentleman from Michigan asks unanimous consent to substitute a similar Senate bill on the Calendar. Is there objection?

There was no objection.

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

Without objection, the House bill (H. R. 16069) was laid on the table.

ROBERT B. TUBBS.

The next business was the bill (H. R. 11153) to correct the military record of Robert B. Tubbs.

The Clerk read as follows:

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 Robert B. Tubbs, late of Company I, Eighth Regiment Michigan Cavalry, and issue to said Robert B. Tubbs, or his heirs, an honorable discharge from said service as of the date when said company was mustered out of the service of the United States.

The committee amendment was read, as follows:

In line 4, after the word "to," strike out down to and including line 9 and insert in lieu thereof the following:

"Grant an honorable discharge to Robert B. Tubbs, late a lieutenant of Company I, Eighth Michigan Cavalry Volunteers, to date August 22, 1863."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

ALLEN V. REED.

The next business was the bill (H. R. 7676) authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy.

The Clerk read as follows:

Be it enacted, etc., That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint Allen V. Reed, now a captain on the retired list of the Navy, to be a rear-admiral on the retired list of the Navy, with the rank and pay of said office, the appointment to date from the 22d of November, 1898.

The committee amendments were read, as follows:

Lines 5 and 6, strike out the words "rear-admiral" and insert "commodore."

Line 7, strike out all after the word "office."

Amend the title so as to read: "A bill authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a commodore on the retired list of the Navy."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

The title was amended.

CHARLES H. STOCKLEY.

The next business was the bill (H. R. 9577) for the relief of Charles H. Stockley.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dismissing Charles H. Stockley from the service as second lieutenant of Company G, Purnell Legion, Maryland Infantry Volunteers, and to issue a certificate of honorable discharge for him to date from the 7th day of May, 1864, and the said Charles H. Stockley shall hereafter be held and considered to have been honorably discharged from the military service of the United States on said date.

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

THOMAS ROSS.

The next business was the bill (H. R. 12105) for the relief of Thomas Ross.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place the name of Thomas Ross, deceased, on the records as a captain of Company H, Ninth West Virginia Volunteer Infantry, and grant him an honorable discharge: *Provided, however*, That nothing shall accrue to the said Thomas Ross or his personal representatives as pay, bounty, or other emolument by virtue of this act.

The committee amendment was read, as follows:

Line 5, strike out the word "captain" and insert the word "private."

Mr. BANNON. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "records," in line 5, insert the following:

"As though mustered into the military service of the United States."

Mr. GARRETT. Mr. Speaker, I would like to ask what committee this bill comes from?

The SPEAKER. The Committee on Military Affairs.

Mr. GARRETT. Is it a unanimous report?

Mr. BANNON. Yes.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

MISSIONARY BAPTIST CHURCH, ROCK SINK, FLA.

The next business was the bill (S. 1725) granting certain lands to the Missionary Baptist Church, of Rock Sink, Fla.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey to the trustees of the Rock Sink Missionary Baptist Church, of Rock Sink, Fla., and their successors, in trust, the following-described land for use for school, church, and cemetery purposes: The south half of lot 11, section 13, township 8 south, of range 13 east; and when no longer used for said purposes the same shall revert to the United States.

The committee amendments were read, as follows:

In line 4, after the words "directed to," insert the words "sell and," and after the word "convey," in line 4, insert the words "at one dollar and twenty-five cents an acre," and in line 6 strike out the words "in trust," and in lines 6 and 7 strike out the words "for use for school,

church, and cemetery purposes," and in lines 9 and 10 strike out the words and punctuation " ; and when no longer used for said purposes the same shall revert to the United States."

Amend the title so as to read: "A bill to sell land for cemetery and other purposes to Missionary Baptist Church, of Rock Sink, Fla."

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

The SPEAKER. Without objection, the title will be amended.

There was no objection, and it was so ordered.

JAMES B. MULFORD.

The next business was the bill (H. R. 3357) granting an honorable discharge to James B. Mulford.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to correct the military record of, and grant an honorable discharge to, James B. Mulford, late a private in Company B, Seventy-ninth Ohio Volunteer Infantry.

The committee amendment was read as follows:

Strike out all after the enacting clause and insert the following:

"That James B. Mulford be held and considered to have been mustered into service as a private of Company B, Seventy-ninth Regiment Ohio Volunteer Infantry, as of date of August 18, 1862, and to have been honorably discharged as of date of October 21, 1862, and that the Secretary of War is hereby authorized and directed to issue an honorable discharge in accordance with the provisions of this act."

Mr. SLAYDEN. Mr. Speaker, I should like to ask the gentleman who is in charge of the bill if the report of the committee was unanimous. I can not now identify the case.

Mr. DAWSON. I would say that it was a unanimous report.

Mr. GARRETT. Mr. Speaker, I would like to ask the gentleman the circumstances in regard to this bill, briefly.

Mr. DAWSON. Mr. Speaker, this soldier enlisted and was regularly enrolled at Hopkinsville, Ohio, but owing to some fault of the mustering officer the muster rolls were not signed. Mr. Mulford with the remainder of his company and regiment moved over into Kentucky, where it was found, on account of this defect in the muster roll, it was necessary to muster the company again. This bill makes provision for his muster as of date of the first enrollment, which was about sixty days prior to this second muster in.

Mr. GARRETT. Does the bill provide to muster him in and muster him out?

Mr. DAWSON. At the time of the second muster in Mr. Mulford was sick in the hospital and was rejected by the medical officer.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. DAWSON. Mr. Speaker, I ask unanimous consent to print in the RECORD a letter recently received relative to this bill.

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

The letter is as follows:

WILTON JUNCTION, IOWA, *June 6, 1906.*

To the honorable Senate and House of Representatives of the United States at Washington, D. C.

GENTLEMEN: At a regular meeting of Henry Seibert Post, No. 250, Department of Iowa, Grand Army of the Republic, the following resolution was unanimously adopted:

Resolved, That we, as members of the Grand Army of the Republic, do most heartily indorse the efforts being put forth by our worthy Congressman, the Hon. ALBERT F. DAWSON, in behalf of our worthy citizen and comrade, J. B. Mulford, and pray that justice may be done him in a special act of Congress granting him an honorable discharge from the services of the United States Army, and we, your petitioners, would ever pray.

M. D. ALLEN, *Post Commander.*

Attest:

C. A. CURTIS, *Post Adjutant.*

GEORGE H. KEATING.

The next business was the bill (H. R. 3507) to correct the military record of George H. Keating.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of George H. Keating, late a private in Company G, Ninth New York Volunteer Infantry, so as to show that the said George H. Keating was duly and regularly mustered into the service of the United States as a private in said company and regiment, to date the 4th day of May, 1861, and that he faithfully served with said company and regiment until the 20th day of May, 1863, and that he was then honorably mustered out of such service.

The amendment in the nature of a substitute was read, as follows:

That George H. Keating be held and considered to have been mustered into the United States military service as a private in Company G, Ninth New York Infantry Volunteers, as of date of May 18, 1861, and honorably discharged from said service as of date of May 20, 1863, and that an honorable discharge be issued in accordance with this act: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN ALSPAUGH.

The next business was the bill (S. 1211) to correct the military record of John Alspaugh.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to enter the name of John Alspaugh on the muster-in rolls of Company E, One hundred and fifty-third Ohio National Guard Volunteers, as of May 2, 1864, thereby substituting the said John Alspaugh for one Elias Alspaugh, who the records erroneously show was mustered in as a member of said organization, though performing no service therein.

Mr. GARRETT. I would like to ask the gentleman in charge of the bill if this is a unanimous report?

Mr. YOUNG. The report is not only unanimous, but there is nothing in the bill except that the man's name was given wrong in the muster roll, and it is simply to correct the name.

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

[Mr. HAUGEN addressed the House. See Appendix.]

JOHN ALLEN.

The next business was the bill (H. R. 17122) to correct the military record of John Allen.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to revoke the dishonorable discharge which was issued in the case of Private John Allen, Company I, Thirty-second Infantry, United States Volunteers, and, if in his judgment the circumstances attending the separation of said Allen from the military service warrant it, to issue an honorable discharge as of the date of his actual separation from the military service.

Mr. SULZER. Mr. Speaker, a parliamentary inquiry. I would like to know if this is Private John Allen, formerly a Member of the House?

The SPEAKER. The gentleman will have to inquire of Tupelo.

Mr. SULZER. In my opinion, there is only one Private John Allen in all the land.

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

WILBUR C. STEPHENS.

The next business was the bill (H. R. 4279) to correct the military record of Wilbur C. Stephens.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and instructed to correct the military record of Wilbur C. Stephens, late of Company C, Purnell Legion Maryland Infantry, and to grant him an honorable discharge from said regiment.

The amendment was read, as follows:

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 as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

DANIEL B. MURPHY.

The next business was the bill (H. R. 13142) for the relief of Daniel B. Murphy.

The Clerk read as follows:

Be it enacted, etc., That Daniel B. Murphy, late adjutant of the Twenty-fifth Regiment New Jersey Volunteer Infantry, shall be held and considered to have been honorably discharged from said regiment on February 18, 1863, and that the Secretary of War shall issue to him an honorable discharge as of that date: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

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

JAMES D. VERNAY.

Mr. PARKER. Mr. Speaker, I desire to return to Docket No. 3178, Senate bill 2325, for the relief of James D. Vernay. That bill was reported with the request of the Senate that it be returned to the Senate, and by mistake it was taken out of the Calendar and sent to the file room, where I rescued it. I move that the bill be returned to the Senate, pursuant to their request.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MARION WESCOTT, F. F. GREEN, ETC.

The next business was the bill (H. R. 19500) for the relief of Indian traders Marion Wescott, F. F. Green, and J. I. Leige, assignee of Joseph C. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to examine and audit the accounts of licensed Indian traders Marion Wescott and F. F. Green and of J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin at the Green Bay Agency, who purchased supplies and goods, wares, and merchandise of said traders

and said Gauthier after the year 1880, and which have not been otherwise paid for.

SEC. 2. That the said Secretary shall cause to be paid, out of the funds due to said Menominee tribe of Indians in the hands of the United States Government, such sums as he shall find to be justly due and owing from such Menominee Indians to the said Marion Wescott and F. F. Green as such licensed Indian traders, and to the said J. A. Leige as assignee of Joseph F. Gauthier, a Menominee Indian, who likewise traded with his tribe, to D. H. George, as receiver of said Wescott, Green, and Leige, duly appointed by the circuit court of Shawano County, Wis., and shall charge the same, when so paid, to such Menominee tribe of Indians in his settlements with them.

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

JAMES M. DARLING.

The next business was the bill (H. R. 8631) for the relief of James M. Darling.

The Clerk read as follows:

Be it enacted, etc., That James M. Darling shall hereafter be held and considered to have been honorably discharged from the military service of the United States on July 11, 1864, as captain Company H, Fifty-seventh Pennsylvania Infantry Volunteers.

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

FRANK HOLWAY ATKINSON.

The next business was the bill (H. R. 16763) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Frank Holway Atkinson.

The Clerk read as follows:

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and is hereby, waived in the case of Frank Holway Atkinson, in consideration of his honorable service in the Navy during the Spanish war.

Mr. FOSS. Mr. Speaker, I ask that the Senate bill now on the Speaker's table be substituted for this, and that the House bill be laid upon the table.

The SPEAKER. The gentleman from Illinois [Mr. Foss] asks unanimous consent that the Senate bill on the Speaker's table, similar to the one on the House Calendar, just read, be substituted therefor. Is there objection?

There was no objection.

Mr. GARRETT. Mr. Speaker, what are the circumstances that justify this?

Mr. FOSS. This is simply a waiving of the age limit in view of the meritorious services of this man in the Spanish-American war.

Mr. GARRETT. Is it a unanimous report?

Mr. FOSS. A unanimous report.

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

The SPEAKER. Without objection, the House bill will lie upon the table.

There was no objection.

SURG. JULIAN TAYLOR MILLER.

The next business was the bill (H. R. 18007) to authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy with the rank of lieutenant (junior grade), to take rank and position at the foot of the list whenever, before the expiration of his present acting commission, he shall successfully pass the examination prescribed by law for the appointment of medical officers of this grade.

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

EDGAR P. SWETT.

The next business was the bill (H. R. 16670) to indemnify Edgar P. Sweet, of Alger County, Mich., for homestead lands or granting other lands in lieu thereof.

The Clerk read as follows:

Be it enacted, etc., That there is hereby granted to Edgar P. Sweet, of Alger County, Mich., 160 acres of the unreserved public land of the United States, in the State of Michigan, such as he shall select and notify to the Secretary of the Interior, in subdivisions not less than 40 acres, the same to be in lieu of land held by him but awarded by the United States General Land Office to the Cleveland Cliffs Company.

SEC. 2. That such selection shall not be made of any land lawfully held by any other person at the time of such selection as a homestead entry, or to which any other person shall have at such time any lawful claim.

SEC. 3. That immediately upon the notification to the Secretary of the Interior it shall be the duty of the Secretary of the Interior to immediately issue patent or patents, as the case may be, to said Edgar P. Sweet, for the lands so selected and notified.

SEC. 4. That this act shall take effect and be in force from and after its passage.

The following committee amendments were read:

That the Secretary of the Interior is hereby authorized and directed to issue to Edgar P. Swett a patent for 160 acres of contiguous, nonmineral public land, subject to homestead entry, to be selected by the said Edgar P. Swett within two years of the passage of this act, to indemnify said Swett on account of a previous entry made by him which was held invalid.

Amend the title so as to read: "A bill to indemnify Edgar P. Swett."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

GEORGE H. CHASE.

The next business was the bill (H. R. 14634) for the relief of George H. Chase.

The Clerk read as follows:

Be it enacted, etc., That George H. Chase, late second-class fireman, U. S. S. New York, be held and considered as one and the same person as George H. Eaton, and to have been honorably discharged from the United States service as of date of July 26, 1896.

Also the following committee amendment:

In line 6 strike out the words "honorably discharged" and insert in lieu thereof the words "granted an ordinary discharge."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

SURG. REUBEN A. CAMPBELL.

The next business was the bill (S. 369) to authorize the appointment of Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy with the rank of lieutenant (junior grade), to take rank and position at the foot of the list, whenever, before the expiration of his present acting commission, he shall successfully pass the examination prescribed by law for the appointment of medical officers of this grade.

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

TINCUP, COLO.

The next business was the bill (S. 1476) granting certain lands to the town of Tincup, Colo., for cemetery purposes.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a patent to be issued to the town of Tincup, Colo., from and out of the Leadville Forest Reserve, for the west half of the southeast quarter of the southeast quarter of section 7, township 15 south, range 81 west of sixth principal meridian, for cemetery purposes, such patent to issue only after the filing of due proof with the Land Department of the incorporation of said town; and said patent to contain a clause that in case the land, or any portion thereof, shall be devoted to other than cemetery uses, the land shall thereupon revert to the United States.

Also the following committee amendment:

Strike out lines 11, 12, 13, and 14, except the three first words in line 11, and substitute therefor the following: "and the payment of the sum of $1.25 per acre as purchase price therefor."

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

FLAGSHIP NIAGARA.

The next business was the bill (H. R. 13669) to provide for raising Commodore Perry's flagship *Niagara*.

The Clerk read as follows:

Be it enacted, etc., That for the expense of digging out and raising the hulk of Commodore Perry's flagship Niagara, and removing it to public grounds within the limits of the city of Erie, and erecting a suitable building in which it may be deposited and kept on free exhibition to the public there is hereby appropriated the sum of $20,000, or so much thereof as may be required, out of any money in the Treasury of the United States not otherwise appropriated; said flagship to be raised and placed in a building to be erected on the grounds of the Pennsylvania Soldiers and Sailors' Home, and all said work of raising and housing the vessel and payment therefor to be performed under specifications and directions approved by the Secretary of the Navy; and the trustees of the said Soldiers and Sailors' Home are hereby made custodians of said flagship, conditioned that it shall be kept on free exhibition in the building aforesaid, under such rules as the Secretary of the Navy may prescribe, free from any expense to the Government of the United States.

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

TOBE HOLT.

The next business was the bill (H. R. 16659) to remove the charge of desertion against Tobe Holt.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert as follows:

"That Tobe Holt, alias Lewis Holt, be held and considered to have been honorably discharged from Company K, One hundred and tenth United States Colored Infantry, on May 6, 1864."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill to correct the military record of Tobe Holt."

J. F. WISNEWSKI.

The next business was the bill (H. R. 4554) to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisnewski.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of absence without leave and reported desertion standing against J. F. Wisnewski, late of Company K, Second Kentucky Volunteer Infantry, on the records of the War Department, and to issue to said J. F. Wisnewski, now of Buffalo, N. Y., a certificate of honorable discharge.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That J. F. Wisnewski, late captain of Company K, Second Kentucky Infantry, be held and considered to have been honorably discharged said service on August 18, 1862, and that the Secretary of War be authorized to issue an honorable discharge in accordance with this act: *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 as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HEZEKIAH DAVIS.

The next business was the bill (S. 4197) authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis.

The bill was read, as follows:

Be it enacted, etc., That for the purpose of giving to the widow title to pension and the arrears of pay due the soldier for his services in the Oregon Indian war of 1855 and 1856, the Secretary of the Treasury be, and he is hereby, authorized and directed to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, now on file in the office of the Auditor for the War Department, the name of Hezekiah Davis, and such entry shall show that the said Hezekiah Davis was enlisted as a private by W. H. Farrar, at The Dalles, Oreg., on the 1st day of March, 1856, and was discharged on the 19th day of May, 1856, as shown by the original roll and records on file in the office of the adjutant-general of the State of Oregon.

SEC. 2. That when the name of Hezekiah Davis has been entered on the roll of Captain Humason's company, as authorized and directed, his widow, Elizabeth C. Davis, shall be granted the pay due said soldier for his services and pension under the act of June 27, 1902, in the same manner as such claims are granted to the widows of Indian war volunteers whose names now appear on the original company rolls and records of the various Indian wars: *Provided*, That nothing in this act shall be construed as granting a pensionable status to the said Elizabeth C. Davis to date prior to the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DISTRICT COURT FOR CHINA.

Mr. DENBY. Mr. Speaker, I send to the desk for printing under the rule the conference report on the bill (H. R. 17345) creating a United States court for China, and prescribing the jurisdiction thereof.

The SPEAKER. The report will be printed under the rule.

JAMES DEVLIN.

The next business was the bill (H. R. 20220) to correct the military record of James Devlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed 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: *Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs be relieved from the consideration of the bill S. 6492, and that it be put on its passage.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the similar Senate bill, and that the same be substituted for the House bill. Is there objection?

There was no objection.

The Senate bill was ordered to a third reading, read the third time, and passed.

The SPEAKER. Without objection, the House bill will lie on the table.

There was no objection.

PELEG T. GRIFFITH.

The next business was the bill (S. 1166) to correct the military record of Peleg T. Griffith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause the records to be so amended as to remove the charge of absence without leave from the military record of Peleg T. Griffith, late captain Company F, One hundred and seventeenth United States Colored Troops, and that an honorable discharge be granted the said Peleg T. Griffith: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

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

THOMAS F. CALLAN.

The next business was the bill (S. 5028) to remove the charge of desertion from the military record of Thomas F. Callan, alias Thomas Cowan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against the name of Thomas F. Callan, alias Thomas Cowan, late of Company I, Second United States Infantry, to amend his military record accordingly, and to grant said Thomas F. Callan an honorable discharge as of date of August 28, 1864: *Provided*, That no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

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

HELEN G. HIBBARD.

The next business was the bill (S. 6268) granting a pension to Helen G. Hibbard.

The bill was read, as follows:

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 Helen G. Hibbard, widow of James M. Edminster, late of Company E, Ninth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

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

WILLIAM C. LONG.

The next business was the bill (S. 6301) granting an increase of pension to William C. Long.

The bill was read, as follows:

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 C. Long, late of Company I, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

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

EDWARD S. BRAGG.

The next business was the bill (S. 6365) granting a pension to Edward S. Bragg.

The bill was read, as follows:

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 Edward S. Bragg, late brigadier-general, United States Volunteers, and pay him a pension at the rate of $50 per month.

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

JAMES W. WATSON.

The next business was the bill (S. 1291) for the relief of James W. Watson.

The bill was read, as follows:

Be it enacted, etc., That the balance due from the Merchants' National Bank of Helena, Mont., to James W. Watson, amounting to $13,113.69 be, and the same is hereby, allowed by the Office of Indian Affairs and the accounting officers of the Treasury Department, and said accounts of James W. Watson, late acting United States Indian agent, Crow Agency, Mont., be credited therewith, allowing him to be fully discharged from any further liability therefor.

SEC. 2. That the said James W. Watson, after the balance of his accounts shall have been passed upon by the court before which they are now pending, be authorized and allowed to submit the same to the Office of Indian Affairs, for the purpose of correcting his record at that Office.

SEC. 3. That the said Watson be, and he is hereby, authorized and empowered to show before the court the expenditure of said moneys charged against him under the act of July 4, 1884, and other acts or parts of acts, by supplemental vouchers, or facts, or other testimony, which evidence shall be accepted by the court, such as showing to the satisfaction of the court the expenditure of said sum so charged back for the uses, purposes, benefit, and good of said agency and the Indians thereof.

SEC. 4. That this act shall take effect and be in full force and effect from and after its passage and approval.

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

CHARLES W. HELD.

The next business was the bill (H. R. 18380) to complete the naval record of Charles W. Held.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby directed to so amend the naval record of Charles W. Held, late landsman, United States Navy, on United States receiving ship North Carolina

and United States ships St. Louis and Canonicus, as to show him honorably discharged, to date from June 30, 1865.

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

ANN THOMPSON.

The next business was the bill (S. 4899) granting an increase of pension to Ann Thompson.

The bill was read, as follows:

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 Ann Thompson, widow of Samuel Thompson, late of Captains Evans and Aiken's companies, New Hampshire Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

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

ABEL W. PAYNE.

The next business was the bill (H. R. 7235) granting an increase of pension to Abel W. Payne.

The bill was read, as follows:

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 Abel W. Payne, late of Company L, Sixteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

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

JACOB KINKERLY.

The next business was the bill (H. R. 19611) granting an increase of pension to Jacob Kinkerly.

The bill was read, as follows:

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 Jacob Kinkerly, late of Company A, Twelfth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

With the following amendment:

Strike out "forty" and insert "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

JOHN M'DONOUGH.

The next business was the bill (S. 6381) granting an increase of pension to John McDonough.

The bill was read, as follows:

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 bill was ordered to a third reading, and was accordingly read the third time, and passed.

THOMAS H. KENT.

Mr. SHERMAN. Mr. Speaker, I think the Clerk inadvertently passed Calendar No. 3784, on page 35 of the Calendar, the bill (H. R. 8825) for the relif of Thomas H. Kent.

The SPEAKER. That is the bill sending the matter to the Court of Claims?

Mr. SHERMAN. Yes.

The SPEAKER. That was excepted from the order.

CORNELIUS O'CALLAGHAN.

The next business was the bill (H. R. 15027) to remove the charge of desertion against Cornelius O'Callaghan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion against Cornelius O'Callaghan, late of U. S. S. Minnesota, and issue to him an honorable discharge from the Navy of the United States.

The following amendment recommended by the committee was read:

Strike out "an honorable" and insert "a."

The amendment recommended by the committee was agreed to.

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

LAKE SCHUTTE CEMETERY CORPORATION.

The next business was the bill (S. 6256) to authorize the Lake Schutte Cemetery Corporation to convey lands heretofore granted to it.

The bill was read, as follows:

Be it enacted, etc., That the Lake Schutte Cemetery Corporation, of Dunseith, N. Dak., be, and the same is hereby, authorized and empowered to sell and convey in fee simple all or any part of the south half of the northwest quarter of section 30, township 162 north, range 72 west, in the State of North Dakota, and that the person or persons to whom the same shall be conveyed shall take and hold the lands so conveyed free and clear of any limitation placed on the use thereof by the act under which said lands were granted to said corporation.

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

STEAM YACHT WATURUS.

Mr. SHERMAN. I move to transfer the bill (S. 6004) to provide an American register for the steam yacht *Waturus* from the House Calendar to the Private Calendar.

The motion was agreed to.

The next business was the bill (S. 6004) to provide American register for the steam yacht *Waturus*.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation be, and he is hereby, authorized and directed to cause the foreign-built steam yacht Waturus to be registered as a vessel of the United States: *Provided*, That said vessel shall not at any time hereafter engage in the coasting trade under penalty of forfeiture.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANNUAL REPORT OF THE PHILIPPINE COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith the Annual Report of the Philippine Commission for the year 1905. The recommendations set forth in the accompanying letter of the Secretary of War have my cordial approval.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 28, 1905.*

The message and accompanying documents was ordered to be printed and referred to the Committee on Insular Affairs.

BRIDGE ACROSS THE WABASH RIVER.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20451) to authorize William C. Brown, Charles E. Schaff, Hadley Baldwin, William M. Duane, and John Q. Van Winkle to construct a bridge across the Wabash River.

The Clerk read the bill, as follows:

Be it enacted, etc., That William C. Brown, Charles E. Schaff, Hadley Baldwin, William M. Duane, and John Q. Van Winkle, their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Wabash River, southeasterly and near the city of Mount Carmel, Wabash County, in the State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. OVERSTREET. Mr. Speaker, I have an amendment which I am directed by the committee to offer.

The Clerk read as follows:

In line 4, after the word "Van Winkle," insert the following words: "and such other persons as they associate with themselves."

The amendment was agreed to.

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

On motion of Mr. OVERSTREET, the title was amended.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I have three Senate pension bills, and I ask unanimous consent that the Committee on Invalid Pensions may be discharged from the further consideration of the same, and that the bills be considered at this time.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

GEORGE B. BARNES.

The Clerk read the bill (S. 4185) granting an increase of pension to George B. Barnes.

The Clerk read the bill, as follows:

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 George B. Barnes, late of Company F, One hundred and eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

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

FRANCIS D. GARNSEY.

The Clerk read the bill (S. 6359) granting an increase of pension to Francis D. Garnsey.

The Clerk read the bill, as follows:

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 per month in lieu of that he is now receiving.

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

ELLA E. KENNEY.

The Clerk read the next bill, S. 6471, as follows:

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 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 pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

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

BRIDGE ACROSS CONTROLLER BAY, ALASKA.

The SPEAKER laid before the House the bill (S. 6522) to authorize the Alaska Pacific and Terminal Company to construct a railroad trestle across tide and shore land in Controller Bay, in the Territory of Alaska.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Alaska Pacific Railway and Terminal Company, a corporation organized under the laws of the State of Washington, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad trestle and approaches thereto across the tide and shore lands in Controller Bay from the mainland to Whale Island, in the Territory of Alaska, the mainland terminus and approaches of said railroad trestle to be located at or near a point 600 feet east of the southeast corner of United States survey No. 572, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to have some explanation of this bill.

The SPEAKER. The bill is in charge of the gentleman from Arkansas [Mr. BRUNDIDGE], who does not seem to be present in the Chamber.

Mr. GAINES of Tennessee. If he brings it up, Mr. Speaker, I have no objection to it.

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

RIGHT OF ENTRY UNDER DESERT LAND LAW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20019) restricting the right of entry under the desert-land law to surveyed public land and limiting the right of assignment of such entries.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act the right to make entry of desert lands under the provisions of the acts approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories," as amended by the act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," shall be restricted to surveyed public lands of the character contemplated by said acts, and no such entries of unsurveyed lands shall be allowed or made of record: *Provided, however*, That any individual qualified to make entry of desert lands under said acts who has, prior to survey, taken possession of a tract of unsurveyed desert land not exceeding in area 320 acres in compact form, and has reclaimed, or has in good faith commenced the work of reclaiming same, and has marked upon the ground the exterior boundaries of such tract, shall have the preference right to make entry of such tract under said acts within ninety days after the filing of the approved plat of survey in the district land office.

SEC. 2. That from and after the date of the passage of this act no assignment of an entry made under said acts shall be allowed or recognized, except it be to an individual who is shown to be himself or herself qualified to make entry under said acts of the land covered by the assigned entry; and no assignment to any incorporation or association shall be authorized or recognized.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this relates to desert lands entry, and there has been a great deal said at different times about that law.

Mr. MONDELL. Mr. Speaker, this bill is intended to correct or modify some provisions of the desert-land act and meet some criticisms which have been made. It limits entries to surveyed lands for one thing, and provides that no assignment may be made except to an individual who is a qualified entry man. It is approved by the Department and is in the nature of an improvement of the act and the limitation of it.

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

PETRIFIED FOREST NATIONAL PARK.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8966) to set apart certain lands in the Territory of Arizona as a public park, to be known as "The Petrified Forest National Park," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby reserved from settlement, entry, sale, or other disposal, and set apart as a public reservation, all those certain tracts, pieces, or parcels of land lying and being situate in the Territory of Arizona and particularly described as follows:

Townships 16 and 17 north, ranges 23 and 24 east, Gila and Salt River meridian, Arizona.

SEC. 2. That said public park shall be known as the The Petrified Forest National Park, and shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to prescribe such rules and regulations and establish such service as he may deem necessary for the care and management of the same. Such regulations shall provide specially for the preservation from injury or spoliation of the mineralized or fossilized formations or deposits, natural curiosities, and wonders within said park.

SEC. 3. That the Secretary of the Interior be, and is hereby, authorized, in the exercise of his discretion, to rent or lease, under rules and regulations to be made by him, pieces or parcels of ground within said park for the erection of such buildings as may be required for the accommodation of visitors.

SEC. 4. That all funds arising from the privileges granted hereunder shall be covered into the Treasury of the United States as a special fund, to be expended in the care of said park.

SEC. 5. That all persons who shall unlawfully intrude upon said park, or who shall, without permission, appropriate, injure, or destroy any of the mineralized or fossilized formations or deposits found therein, or other natural wonders or curiosities therein, or commit unauthorized waste in any form upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall, upon conviction, be fined in the sum of not more than $5,000, or be imprisoned for a period of not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 6. That in cases in which a tract covered by an unperfected bona fida claim or by a patent is included within the limits of said park, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government, and may select in lieu thereof a tract of surveyed, vacant, nonmineral land open to settlement in the Territory of Arizona, not exceeding in area the tract covered by his claim or patent; and no charge shall be made in such cases for making the entry of record or issuing patent to cover the tracts selected: *Provided*, That in cases of unperfected claims the requirements of the laws respecting settlement, residence, improvements, and so forth, are complied with on the new claims, credit being allowed for the time spent on the relinquished claims.

With the following committee amendment:

Strike out the words "Townships 16 and 17 north, ranges 23 and 24 east," in lines 8 and 9 on page 1, and insert in lieu thereof the following:

"Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 in township 17 north, range 2 east; also sections 4, 5, 6, 7, 8, and 9 in township 16 north, range 24 east; also sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, and 18 in township 16 north, range 23 east, and sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 in township 17 north, range 23 east."

The SPEAKER pro tempore (Mr. BOUTELL). Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. SULZER. Mr. Speaker, I ask the gentleman from Iowa [Mr. LACEY] to yield to me.

Mr. LACEY. Mr. Speaker, I yield to the gentleman from New York.

Mr. SULZER. Mr. Speaker, when the gentleman from Pennsylvania [Mr. DALZELL] reported the special rule this morning to take up for immediate consideration certain private bills I desired time to speak in opposition to the adoption of the rule. I wanted to be heard then, not so much because I was opposed to its private bills, but because I was more interested in passing some public bills, but the gentlemen controlling the time declined to yield to me and hence I had to bide my time to say what I desired to say.

So, sir, I take advantage of this interval to express now what I wanted to speak about then, and that is, that, in my judgment, it would have been better for the people of the country generally, especially the toilers, if the Committee on Rules had brought in this morning a special rule to take up for consideration a few public bills—measures of much moment, of great merit, and affecting all the people of the land. Many of these public bills have been pending in this House since the beginning of this session, and several of them have been pending in Congress for the past dozen years. They are of more importance to the producers and toilers of our country than any other legislation which we can consider now, or which we have considered heretofore, important as some of it has been.

Let me say that I have no objection to the consideration of these private bills; perhaps many of them are good bills and ought to be passed, but they affect only a single person, or, at most, a few individuals, and they could have been considered at any time for the past month. Now, in the closing days of the session, a special rule is brought in to put them all through in a batch—in a few hours—so that Members will not be able to understand them and distinguish the good ones from the bad ones. I am opposed to these special rules to put through private bills, good, bad, and indifferent, by the wholesale.

But if a special rule was to be brought in at all to consider

pending bills and measures, it should be a rule to consider some of the bills that the people generally are in favor of and want to see enacted into law—legislation of vital importance, of far-reaching effect, and concerning the welfare of the producing masses of our country.

The bills that I seek to have called up, considered, and passed are bills which affect millions and millions of people throughout the length and breadth of the land. They are public bills, measures in the interest of the many, bills that I favor, and that every friend of humanity favors, and which are demanded by the working people in every State and the toilers from one end of the country to the other.

A SAD COMMENTARY.

It is a sad commentary on legislation to-day in Congress that the bills in the interest of the few are always taken up and considered and put through and become laws, while the bills in the interest of the many, the bills for the working people, the bills for organized labor, the bills for the toilers and the producers of our country, the bills for the people who earn their bread in the sweat of their brow, are quietly smothered in committees or delayed and put off until it is too late in the session to pass them. It is the old, old story of everything for the few and nothing for the many; everything for the rich and nothing for the poor. It is about time organized labor awoke to the necessity of looking after its own interests in legislative halls, by going into politics, and enforcing its demands for popular legislation at the ballot box. As a friend of organized labor, my advice is organize, agitate, and put none but friends guard.

In the words of Wendell Phillips:

> I rejoice at every effort workingmen make to organize. I stand in the presence of a momentous power. If I have 100,000 men represented before me who are in earnest, who get hold of the great question of labor and, having hold of it, grapple with it, rip it open, invest it with light, gathering the facts, piercing the brains about them, and crowding those brains with facts, then I know, sure as fate, though I may not live to see it, that they will certainly conquer this nation in twenty years. That is your power, gentlemen. If you do your duty, and by that I mean standing together and being true to one another, you will decide all elections.

IMPORTANT LEGISLATION NEGLECTED.

Now, gentlemen, among the popular measures I desire to call to the attention of the House, some of which are sleeping on the Calendars, but most of which have been throttled in the Republican committees, are the following:

1. The anti-injunction bill—smothered in the Judiciary Committee.
2. The eight-hour bill—reported the day before yesterday from the Committee on Labor, although it was ordered to be reported over a month ago.
3. The election of Senators in Congress by the direct vote of the people—smothered in the committee.
4. The publicity of campaign expenses bill—recently reported to the House.
5. The letter carriers' bill—throttled in the committee.
6. The bill to regulate the hours of railway trainmen—dead in the committee.
7. The bill for the relief of the *Slocum* survivors—strangled in the committee.
8. The bill to prevent convict-made goods from competing with the goods manufactured by honest labor—sleeping in the committee.
9. The bill of the Civil Service Retirement Association to provide a pension fund out of their own salaries—pigeonholed in the committee.
10. The bill granting just rights to the sailors of the country—asleep in committee.
11. The bills to provide for greater safety on inland navigation and to prevent a repetition of terrible catastrophes like the *Slocum* disaster—strangled in committee.

And there are others of almost as much importance, but I am sorry to say because these bills are opposed by great corporate and financial interests it is absolutely impossible, apparently, to get them considered in this House—to have them brought to a vote so that the Members will be compelled to go on record and vote for them or vote against them. Such is the Republican policy—secretly opposed to granting labor's demands, but lacking the courage to say so honestly and do so openly.

These bills, sir, are all of great public moment. They affect the people of the entire country, and it is a shame and a disgrace that those who have introduced them, that those who favor them, that those who have been advocating them day in and day out from the beginning of this session down to the present time can not get them reported from the committee; or, if by any chance they are reported from the Committee, can not get them considered in this House.

The working people of the country understand the situation at Washington. They know the men and the political party responsible for the defeat, year in and year out, of the legislation so devoutly wished for by the toilers of the land, and I predict that in the coming campaign the working people will have something to say, and those who have been instrumental in defeating these bills will be held responsible by the voters who demand the enactment of this beneficial legislation.

THE "ANTI-INJUNCTION" BILL.

Mr. Speaker, in the time at my disposal it is impossible for me to discuss the merits of the various measures I have enumerated. I shall, however, touch briefly on a few of them. Among them I want to discuss for a few moments the so-called "anti-injunction bill." That bill has been pending in the Committee on the Judiciary ever since the beginning of this session of Congress. A great many hearings have been held, and it has been hopefully expected by the friends of the measure that it would be reported favorably and passed before we adjourned. At the last moment, however, what did the Committee on the Judiciary do? Report the bill? Not at all. By a party vote it referred the bill to a select committee of three to consider it hereafter, and hereafter, my friends, is a long, long time. [Applause on the Democratic side.]

I am in favor of this anti-injunction bill, and in every Congress since I have been in Washington I have introduced a bill to do away with the glaring evils desired to be abolished, and have advocated the measure week in and week out, only to have it smothered by the Republicans in the Committee on the Judiciary.

This year a determined effort was made by the friends of this reform to secure proper legislation, and the labor organizations of the entire country agreed upon a bill which, to my mind, is a fair and just bill in every way, and to all interests concerned. I dropped my own bill and took up the bill requested by organized labor, and every friend of the toilers of the country believed that at last we were to have some legislation on this very important question, one of the most important questions, in my opinion, of the day.

OPPOSED TO BLANKET INJUNCTIONS.

Mr. Speaker, I am opposed to the abuse of the writ of injunction—a writ only intended for the protection of property rights, but which has been perverted through the interpretation of some of the Federal judges into an instrument of oppression and for the destruction of personal liberty, especially in disputes between labor and capital, and during strikes between employers and employees. I am opposed to these far-reaching blanket injunctions in labor disputes against John Doe and Richard Roe, covering a multitude of persons, many of whom know nothing about the contents of the restraining order and have never been served with the writ. Mr. Samuel Gompers, president of the American Federation of Labor, concentrated into two sentences a clear description of both the motive behind, and the evil wrought by, these judicial usurpations, when he said:

> That there is a legal remedy for some of the things which an injunction can enjoin, goes without saying; but it is the purpose of the opponents of our legislation on this subject to get rid of the trial by jury in the regular process of the law. Their purpose is to make the judge who issues the injunction the judge, the jury, and executioner, and, indeed, to take away from the workmen enjoined the constitutional right of being tried before a jury of their peers for any crime or offense with which they may be charged.

If some of the Federal judges go on with their extension of the powers of government by injunction those who run can see the beginning of the end of personal liberty in America. I have not the time to cite cases; I have not the time to read decisions; but if I did, I think I could convince every disinterested Member of this House that the writ of injunction has been greatly abused by certain Federal judges in recent disputes between labor and capital. I am with labor in this struggle, and I believe that Abraham Lincoln summed up the equities in the conflict when he said:

> Labor is prior to and independent of capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration.

I agree with the great emancipator, and I declare that the courts must not curtail the rights of labor by the extension of the writ of injunction.

As Mr. Justice Bradley said in Boyd *v.* United States (116 U. S., 659):

> It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon.

Sir, I say, tyranny on the bench is as objectionable as tyranny on the throne. [Applause.] To enjoin people from as-

sembling peaceably to discuss their grievances is a violation of constitutional rights; to restrain members of labor organizations who are struggling to secure better conditions from talking to each other or peaceably meeting on the street is judicial usurpation. Such an abusive use of the restraining power of the Federal courts endangers, not only the right of trial by jury, but the right of constitutional liberty, and if Congress does not promptly put an end to it by defining and limiting the power of the Federal courts in the use of the writ of injunction, our boasted constitutional freedom will ere long degenerate into a farce. [Applause.]

In recent years some of the Federal courts have gone far beyond the limits intended by the framers of the Government in granting these blanket injunctions against entire communities. I am opposed now, always have been, and always will be, to government by injunction, and I declare that the time is at hand when Congress must take action in regard to the matter, or our liberties will be destroyed. [Applause.]

As that able thinker, distinguished writer, and profound lawyer, Mr. T. Carl Spelling has most truly said:

Rome changed from a republic to an empire by abuse on the part of the tribunes of power to enjoin. First, they used it to forbid, next to command; then came the emperor. The next use of the power may be to forbid competition. The doctrine that a right to do business is property is dangerous. The Roman tribunes of course abused this power as all unusual and inordinate power will be abused; and the people, unable to return to former conditions because the Roman employers' associations opposed and exerted an undue influence in the Roman senate, cried out *ave imperator*.

EX-SENATOR TURNER ON THE POWER TO ENJOIN.

In this connection, sir, I desire to quote what Hon. George Turner, a former Senator from the State of Washington, recently said in regard to the abuse of this power to enjoin.

It is beyond the power of the courts to attempt to enjoin strikes or to control labor organizations in their efforts to make labor strikes effective, so long as such efforts do not go to the destruction or injury of property. Men must have liberty in this country to work or not as they please and to use lawful means to induce others to refrain from working if it is to their interest to do so. This liberty is a matter of constitutional right and can not lawfully be interfered with by any form of legal procedure. An employer has no property or property right in the labor which he employs, and he has no right to come into a court of equity to invoke its jurisdiction simply because he has been deprived of such labor through the efforts of third persons.

Undoubtedly if those efforts are unlawful and result in injury, the injured party may have damages in a civil action, but equity does not interfere in a case where the common law gives a remedy in damages. Equity only interferes where, by the course of its established procedure, it is proper for it to interfere, and it has been established by the wisdom of the great men who have presided in courts of equity since their foundation that it is not proper to interfere with the personal conduct of individuals except where that conduct affects property or property rights.

These principles are laid down in the text-books and are illustrated by the decisions of the courts. The cases of In re Sawyer (124 U. S., 200) and Northern Pacific Railroad *v.* Whalen (149 U. S., 157) well illustrate them. In re Debs (158 U. S., 564) does not depart from those principles. In that case there was actual interference with physical property, actual injury and destruction of property, which property constituted an interstate highway, thus constituting a nuisance which the United States, as the sovereign, had the right, under a well-recognized head of equity, to apply to the courts to abate and enjoin.

There is no denying, however, that a number of the inferior courts of the United States have departed from these principles in dealing with labor troubles, and in doing so have set some bad precedents. Their action is an illustration of the old adage that "hard cases make bad law," and is a strong argument against any legislation which might be construed as a recognition of such a practice.

Mr. Speaker, I think Senator Turner has summed up the whole matter in a nutshell, and he has done it very much better than I could possibly do it. I am opposed, in these labor disputes, to making the courts the judge, the jury, and the executioner. I am opposed to the courts legislating, adjudicating, and executing. It is contrary to our theory of government; and I believe that this Republican Congress will be recreant to its duty if it does not pass at this session some legislation to prevent the further abuse of the writ of injunction. The Republicans in Congress can not escape their responsibility for the defeat of this anti-injunction bill so earnestly pleaded for by the toilers of the country and by every friend of organized labor. I dare the Republicans in this House to give us a chance to vote on the bill before we adjourn. [Applause on the Democratic side.]

THE "EIGHT-HOUR BILL."

Now, Mr. Speaker, another bill I want to call to the attention of the House is the so-called "eight-hour bill." This eight-hour measure has been pending in Congress ever since I came here. I have introduced it myself session after session. I have been before the committee time and time again and argued in favor of it. Sometimes it has been reported. Once or twice it has passed the House, only to be killed in the Senate, and the truth is, to my personal knowledge, the Republicans in Congress have been fooling the workingmen of the country regarding this measure for the past dozen years, and intend to keep on fooling them.

I am a friend of the toilers of the country, and I want to tell them very frankly that organized capital is against organized labor in this struggle for an eight-hour law, and that while the Republicans control Congress organized capital's voice will always be more potent in shaping legislation than the humble cry of the toiler, the feeble efforts of the wage-earner, and the modest appeals of the producer.

No measure in recent years has been so stubbornly resisted by organized greed as the heroic efforts of organized labor to place upon the statute books of the country this humane bill making eight hours a legal day's work. Over a month ago the minority of the Committee on Labor stole a march on the majority of the committee and ordered a favorable report of this bill, but the chairman of the committee neglected to make the report in accordance with the instructions of a majority of a quorum of the Committee on Labor until the day before yesterday. Then the gentleman from New Jersey [Mr. GARDNER], the chairman of the Committee on Labor, reluctantly filed a report, knowing that it would be too late for the bill to pass the House this session and become a law. He held back the report in violation of every rule and every precedent until a couple of days before the time he knew the Congress was going to adjourn. Did he do this on his own responsibility, or was he told to do it? If he was told to do it, who told him? Let us have the facts regarding this betrayal of labor. [Applause.]

If the Republicans in this House—the men, I mean, who rule the destiny of the House and who control legislation in this House—wanted to do something for all the people, something in the interest of the wage-earners and for organized labor, why did they not bring up this eight-hour bill to-day and give us a chance to vote on it, or bring in a special rule to have it considered, as they did in regard to these other petty little private bills? That is the question the Republicans will be asked to explain in the coming campaign by the voters who want something done for all the people.

This eight-hour bill is demanded by every labor organization in the country, and, take it all in all, it is the one measure they are more interested in passing than any other single act of legislation they are contending for at the present time; and it is a very simple and a very harmless measure after all. If it were a law it would do no injury to any employer of labor, but, on the contrary, in my opinion, it would be for the best interest of both capital and labor.

I am in favor of making eight hours a legal day's work on all Government work. In my judgment, no man in this country ought to be compelled to work more than eight hours a day. That is long enough. I believe if this bill becomes a law it will do more to benefit the workers and the toiling masses of the country than any other thing we can do for them at this time by way of legislation.

THE EIGHT-HOUR WORKDAY A BOON TO ALL.

Mr. Speaker, I want to say that I am a friend of the wage-earner. I want to see, and I hope the day is not far distant when we all shall see the eight-hour workday the law all over the land and rigidly enforced in every State, every city, every town, and every village in the country. I believe it will be beneficial to the laborer, advantageous to the community in which he lives, and for the best interests of the Government. Too long hours make the wage-earner a poor workman. Shorter hours, in my opinion, will produce better results all around and for all interests concerned. Every writer on political economy confirms this conclusion, and so great an authority as John Stuart Mill lays it down as a fundamental principle that any scheme for the amelioration of the social condition of the wage-earner which does not proceed on this proposition as its foundation is for all permanent purposes a delusion and a snare.

I am now, always have been, and always will be an advocate of shorter hours for a legal working day. The history of the past teaches us that every reduction in the hours constituting a day's work has resulted beneficially. We have gone on steadily, step by step, shortening the hours of labor and toil from sixteen hours to fourteen hours a day, from fourteen hours to twelve hours a day, from twelve to eleven hours, from eleven to ten hours, from ten to nine hours, and now we should go from nine to eight hours a day, and in every instance it has been for the better. Statistics conclusively prove that every decrease in the number of hours constituting a legal workday has been for the advancement of the toilers and the progress of the masses.

These reductions in the hours of labor have decreased intemperance, increased knowledge, made better homes, happier and better-clothed wives and children, brighter and more prosperous firesides, and in every way benefited the social relations, promoted happiness and contentment, and improved the moral, economical, and financial condition of the laboring and producing masses of our land. [Applause.]

REPUBLICANS RESPONSIBLE FOR DEFEAT OF EIGHT-HOUR BILL.

I charge the Republicans in Congress with being responsible for the defeat of the eight-hour bill for the past ten years. They can not deny it. The Republican party can not escape the responsibility for the continued smothering of this measure in Congress year in and year out.

If the Republicans are honest and sincere in what they say to the working people on the stump, I challenge them here and now to bring up the eight-hour bill and give the Members of the House an opportunity to vote for it. Let those who are in favor of it vote for it, and those who are opposed to it vote against it. Let us have a record vote on the measure. The Republican leaders who have charge of the legislation of the House can give us an opportunity to vote on the bill now if they want to do it. If the Republicans refuse to accept the challenge, they must take the blame for the defeat again of the commendable eight-hour bill. [Applause.]

ELECTION OF SENATORS BY DIRECT VOTE.

Now, Mr. Speaker, let me say, in the brief time at my command, a few words in favor of another measure that organized labor demands and which the people throughout the country generally favor, and that is my joint resolution to amend the Constitution so that Senators in Congress shall be elected by a direct vote of the people. This is a very important measure and it should have been reported and passed long ago. The people of this country, in my opinion, will never secure the reforms they desire until they control directly the election of United States Senators.

Ever since I have given attention to this question of the election of United States Senators I have been of the opinion that the best interests of the States, and of all the people generally, will be conserved by the election of United States Senators directly by the people at a general election. The more I have studied the question the more confirmed is my conviction that the Federal Constitution should be amended so that the people shall directly, and in the first instance, elect their United States Senators.

Long before I came to Congress I favored this change in our fundamental law, and one of the first things I did when I was sworn in as a Member of the Fifty-fourth Congress was to introduce a joint resolution to amend the Constitution so that United States Senators should be elected by the people and not by the legislatures of our respective States, and I have introduced the same resolution at the beginning of every Congress ever since that time, and, I might add, with the same result—the Republicans killed it.

I am a Democrat of the Jefferson school. I trust the people, and I believe in the people. I believe with him that governments derive their just powers from the consent of the governed. In this matter of the election of United States Senators, I want to restore to the people the right now delegated to the legislatures by the framers of the Constitution, so that the Senate, as well as this House, will be directly responsible to the people, and the Government become more and more a pure democracy, where brains, fitness, honesty, ability, experience, and capacity, and not wealth alone, shall be the true qualifications for the upper branch of the Federal Legislature.

In my judgment the people can and ought to be trusted. If the people can not be trusted, then free government is a failure, and our institutions are doomed.

There can be no doubt that the sentiment in favor of this change is increasing every year, and that a majority of the people now demand the right to vote directly for the election of United States Senators, and the demand of the people for this reform is growing more popular every year, and it is destined to come, in my judgment, in the very near future.

I am opposed to delegating away the rights of the people, and where they have been delegated away I would restore them to the people. For one hundred years and more this distrust of the people by some of the founders of the Republic as embodied in our Federal Constitution has stood as fixed and immutable as the laws of the Medes and the Persians. It is time to destroy this distrust and get back to first principles.

I am a friend of the Constitution and share in the patriotic sentiment which is prompt to challenge almost every proposition to amend it. But, sir, I sincerely believe the man who would boldly point out the defects in our great Magna Charta and honestly seek to remedy them is a better friend of the Constitution than he who will not see its faults, or, seeing them, endeavors to justify them from motives of mistaken zeal. [Applause.]

The election of United States Senators by a direct vote of the people is a step in advance and in the right direction. I hope it will speedily be brought about. It is the right kind of reform, and I hope will be succeeded by others until this Government becomes indeed the greatest, the best, and the freest Government the world has ever seen, where the will of the people shall be the supreme law of the land.

I challenge the Republicans here and now to pass this resolution to elect United States Senators by a direct vote of the people.

THE LETTER CARRIERS' BILL.

Mr. Speaker, I see that my time is getting short, and I will hurry along. Another bill I desire to call to the attention of the House is the letter carriers' bill. This bill is desired by every letter carrier in the land as a matter of right and of justice, and it is indorsed by every labor organization throughout the country. It is essentially a labor bill, in the interest of the hardest-worked and poorest-paid employees of the Federal Government. Why don't the Republicans bring in a special rule to pass the letter carriers' bill? If this House were allowed to vote on it, I undertake to say, and I know whereof I speak, that the bill would pass by an overwhelming majority. I challenge the Republican leaders in this House to give us a chance now to vote on this bill.

I am proud to say that I introduced the letter carriers' bill in this House at the beginning of this Congress. I have introduced the same bill in every Congress for the past ten years, but it never gets out of the committee of the gentleman from Indiana [Mr. OVERSTREET]. It is there now. It is sleeping in that committee, and it will never wake up—never come out. I am satisfied the Republicans on the Post-Office Committee will never report it favorably.

A FRIEND OF THE LETTER CARRIERS.

This measure to pay the letter carriers living wages is a most commendable bill. Why should it not be reported? Why should it be smothered in the committee? Why should it not be presented to the House and the Members given an opportunity to vote for it or against it? We want a record on this bill. We want to fix responsibility. We want to find out who are the friends and who are the enemies of the letter carriers. I am now, always have been, and always will be a friend of the letter carriers. I am proud to say that. They are my friends and I am their friend. The Government in all its service has no more honest, no more tireless, no more faithful employees. Their claims are just and should be recognized, and, take my word for it, sooner or later they will be recognized and granted.

The letter carriers and the post-office clerks, and all other persons whose salaries are fixed, do not get any benefit from the Dingley high-tariff law; for nearly all the necessaries of life they have to buy now they have to pay about 30 per cent more by reason of this Republican tariff law than they did ten years ago, and their salaries remain the same.

These letter carriers are the most efficient, the hardest worked in all the country's service, and the poorest paid. The letter carriers of the land are compelled to toil day in and day out—in sunshine and in storm, in winter and in summer, in all kinds of weather—long, long weary hours, and taking all other employees in the various Departments of the Federal Government as a basis for comparison, it can not be denied that the letter carriers render the most and the hardest work for the smallest remuneration.

I plead to-day, as I have pleaded in the past, for justice for the deserving letter carriers. Their request for living wages is the demand of humanity. My heart goes out to them. I can not refrain from making this appeal in their behalf for simple justice. How I wish it were in my power to aid them, to pass and enact into law this bill they all want, they all pray for; this bill that is so fair and so just, that appeals to every right-thinking citizen in all the land, and that challenges adverse criticism. How much time and money we waste here for useless and worthless things. It is terrible when one soberly considers it all—and then, again, so much for the few, so little for the many. How easy for the monopolies and the powerful to pass a bill—a bad bill—and how difficult for the poor and the weak, the many, to pass a bill—a good bill. [Applause.]

How poorly, how miserably the letter carriers are paid! And yet, take them all in all, they are courteous, long suffering, uncomplaining, honest, assiduous, and industrious. How few of our citizens ever think of their trials, their wants, their health, and their families and little ones at home. Under the present law they do not, and can not, earn enough, no matter how long they have been in the service of the Government or how many hours a day they labor, to keep body and soul together. And what do they get? A mere pittance a month that is not enough to economically support one man. It is a disgrace, a crying shame. Many of these letter carriers have wives and children—little homes—and these wives and children in many cases are to-day in want.

The head of the household does not get paid enough by the Government to live halfway decently. But it is not the Gov-

ernment's fault, it is the fault of the Republican leaders here in Congress. I want to appeal to the Republicans of this House, in the name of justice and fair play, in the name of decency, that when they are doing so much for organized capital, so much for criminal syndicates, so much for monopolies, for God's sake to do something for the poor letter carriers. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

THE BILL FOR THE RELIEF OF THE SLOCUM SURVIVORS.

Mr. SULZER. Mr. Speaker, I regret my time has expired. I wanted again to call attention to my bill for the relief of the *Slocum* survivors—beaten by the Republicans in the Committee on Claims; and to the civil-service retirement bill—insulted and kicked to death in the committee by the Republicans; but I will speak about these other bills at some other time. However, before I take my seat, I ask unanimous consent to extend my remarks by taking in as part of my speech a letter recently sent out by Hon. Samuel Gompers, president of the American Federation of Labor, asking that this session of Congress give some heed to the legislation I have enumerated and to report it favorably or unfavorably from the committees, so that the House of Representatives could have an opportunity to vote one way or the other on the respective bills. He asked for bread in the name of the toilers of the land, and the Republicans have given him a stone in the name of the organized capital and greed of the country. [Long applause on the Democratic side.]

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MR. GOMPERS'S LETTER.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., April 7, 1906.

To all trade unionists of America:

DEAR SIRS AND BROTHERS: The bill of grievances printed below, formulated and adopted by the executive council of the American Federation of Labor, is expressive of the decision which organized labor of America has made manifest in its various conventions and union meetings. The presidents of all affiliated international unions were invited to meet the executive council at the headquarters of the American Federation of Labor March 21, 1906, and participate in a conference concerning matters affecting labor's interests Congressionally and administratively. The presidents or their duly credentialed representatives participated, and unanimously and enthusiastically indorsed and signed the document and participated with the executive council in the presentation and reading thereof.

Some garbled accounts of this matter have appeared in the press. In order that our fellow trade-unionists may be in possession of the document in its original form, and that their actions may conform thereto, this is presented to you in its entirety.

Let the inspiring watchword go forth that—

We will stand by our friends and administer a stinging rebuke to men or parties who are either indifferent, negligent, or hostile, and wherever opportunity affords to secure the election of intelligent, honest, earnest trade-unionists, with clear, unblemished, paid-up union cards in their possession.

Fraternally, yours,

SAML. GOMPERS,
President American Federation of Labor.
FRANK MORRISON,
Secretary American Federation of Labor.

LABOR'S GRIEVANCES.

WASHINGTON, D. C., *March 21, 1906.*

Hon. THEODORE ROOSEVELT,
President of the United States.

Hon. WM. P. FRYE,
President pro tempore, United States Senate.

Hon. JOSEPH G. CANNON,
Speaker House of Representatives, United States.

GENTLEMEN: The undersigned executive council of the American Federation of Labor, and those accompanying us in the presentation of this document, submit to you the subject-matter of the grievances which the workmen of our country feel by reason of the indifferent position which the Congress of the United States has manifested toward the just, reasonable, and necessary measures which have been before it these past several years, and which particularly affect the interests of the working people, as well as by reason of the administrative acts of the executive branches of this Government and the legislation of the Congress relating to these interests. For convenience the matters of which we complain are briefly stated, and are as follows:

The law commonly known as the "eight-hour law" has been found ineffective and insufficient to accomplish the purpose of its designers and framers. Labor has, since 1894, urged the passage of a law so as to remedy the defects and for its extension to all work done for or on behalf of the Government. Our efforts have been in vain.

Without hearing of any kind granted to those who are the advocates of the eight-hour law and principle, Congress passed and the President signed an appropriation bill containing a rider nullifying the eight-hour law and principle in its application to the greatest public work ever undertaken by our Government, the construction of the Panama Canal.

The eight-hour law in terms provides that those intrusted with the supervision of Government work shall neither require nor permit any violations thereof. The law has been grievously and frequently violated; the violations have been reported to the heads of several Departments, who have refused to take the necessary steps for its enforcement.

While recognizing the necessity for the employment of inmates of our penal institutions, so that they may be self-supporting, labor has urged in vain the enactment of a law that shall safeguard it from the competition of the labor of convicts.

In the interest of all of our people, and in consonance with their almost general demand, we have urged Congress for some tangible relief from the constantly growing evil of induced and undesirable immigration, but without result.

Recognizing the danger of Chinese immigration, and responsive to the demands of the people, Congress years ago enacted an effective Chinese-exclusion law; yet, despite the experience of the people of our own country, as well as those of other countries, the present law is flagrantly violated, and now, by act of Congress, it is seriously proposed to invalidate that law and reverse the policy.

The partial relief secured by the laws of 1895 and 1898, providing that seamen shall not be compelled to endure involuntary servitude, has been seriously threatened at each succeeding Congress. The petitions to secure for the seamen equal right with all others have been denied, and a disposition shown to extend to other workmen the system of compulsory labor.

Under the guise of a bill to subsidize the shipping industry, a provision is incorporated, and has already passed the Senate, providing for a form of conscription which would make compulsory naval service a condition precedent to employment on privately owned vessels.

Having in mind the terrible and unnecessary loss of life attending the burning of the *Slocum* in the harbor of New York, the wreck of the *Rio de Janeiro* at the entrance to the bay of San Francisco, and other disasters on the waters too numerous to mention, in nearly every case the great loss of life was due to the undermanning and the unskilled manning of such vessels, we presented to Congress measures that would, if enacted, so far as human law could do, make impossible the awful loss of life. We have sought this remedy more in the interests of the traveling public than in that of the seamen, but in vain.

Having in mind the constantly increasing evil growing out of the parsimony of corporations, of towing several undermanned and unequipped vessels called "barges" on the high seas, where, in case of storm or stress, they are cut loose to drift or sink and their crews to perish, we have urged the passage of a law that shall forbid the towing of more than one such vessel unless they shall have an equipment and a crew sufficient to manage them when cut loose and sent adrift, but in vain.

The antitrust and interstate-commerce laws, enacted to protect the people against monopoly in the products of labor, and against discrimination in the transportation thereof, have been perverted, so far as the laborers are concerned, so as to invade and violate their personal liberty as guaranteed by the Constitution. Our repeated efforts to obtain redress from Congress have been in vain.

The beneficent writ of injunction intended to protect property rights has, as used in labor disputes, been perverted so as to attack and destroy personal freedom, and in a manner to hold that the employer has some property rights in the labor of the workmen. Instead of obtaining the relief which labor has sought, it is seriously threatened with statutory authority for existing judicial usurpation.

The Committee on Labor of the House of Representatives was instituted at the demand of labor to voice its sentiments, to advocate its rights, and to protect its interests. In the past two Congresses this committee has been so organized as to make ineffectual any attempt labor has made for redress. This being the fact, in the last Congress labor requested the Speaker to appoint on the Committee on Labor Members who, from their experience, knowledge, and sympathy would render in this Congress such service as the committee was originally designed to perform. Not only was labor's request ignored, but the hostile make-up of the committee was accentuated.

Recently the President issued an order forbidding any and all Government employees, upon the pain of instant dismissal from the Government service, to petition Congress for any redress of grievances or for any improvement in their condition. Thus the constitutional right of citizens to petition must be surrendered by the Government employee in order that he may obtain or retain his employment.

We present these grievances to your attention because we have long, patiently, and in vain waited for redress. There is not any matter of which we have complained but for which we have in an honorable and lawful manner submitted remedies. The remedies for these grievances proposed by labor are in line with fundamental law and with the progress and development made necessary by changed industrial conditions.

Labor brings these its grievances to your attention because you are the representatives responsible for legislation and for failure of legislation. The toilers come to you as your fellow-citizens who, by reason of their position in life, have not only with all other citizens an equal interest in our country, but the further interest of being the burden bearers, the wage-earners of America. As labor's representatives, we ask you to redress these grievances, for it is in your power so to do.

Labor now appeals to you, and we trust that it may not be in vain. But if perchance you may not heed us, we shall appeal to the conscience and the support of our fellow-citizens.

Very respectfully,

SAMUEL GOMPERS, JAMES DUNCAN, JAMES O'CONNELL, MAX MORRIS, D. A. HAYES, DANIEL J. KEEFE, WM. D. HUBER, JOSEPH F. VALENTINE, JOHN B. LENNON, FRANK MORRISON, executive council American Federation of Labor.

List of representatives of labor associated with the executive council of the American Federation of Labor in the presentation of labor's grievances, March 21, 1906:

John G. Schmidt, Bakery and Confectionery Workers International Union of America.

Rudolph Schirra, Bakery and Confectionery Workers International Union of America.

Thomas H. Lockwood, Pocket Knife Blade Grinders and Finishers National Union.

Thos. R. Keenan, Brotherhood of Boiler Makers and Iron Ship Builders of America.

Peter L. Mitchell, Brotherhood of Boiler Makers and Iron Ship Builders of America.

James F. Speirs, Brotherhood of Boiler Makers and Iron Ship Builders of America.

John R. P. Krey, Iron Molders Union of North America.

Ed. F. Weber, International Association of Glass House Employees.

Hugh Falvey, American Brotherhood of Cement Workers.

F. C. Gengenback, American Brotherhood of Cement Workers.

P. H. Malloy, American Brotherhood of Cement Workers.

J. J. Crowley, The Granite Cutters International Association of America.
John Lyons, The Granite Cutters International Association of America.
Frank McArdle, International Brotherhood of Foundry Employees.
Cornelius P. Shea, International Brotherhood of Teamsters.
Thos. C. Fox, International Brotherhood of Teamsters.
J. E. Toone, International Brotherhood of Teamsters.
James F. Fitzgerald, Pulp, Sulphite, and Paper Mill Workers.
Timothy Healey, International Brotherhood of Stationary Firemen.
N. A. James, International Brotherhood of Stationary Firemen.
H. E. Burns, International Brotherhood of Stationary Firemen.
F. N. Nuse, International Brotherhood of Stationary Firemen.
Christian Schlag, International Brotherhood of Stationary Firemen.
William McPherson, International Carriage and Wagon Workers.
William M. Merrick, Plumbers, Gas Fitters, Steam Fitters and Steam Fitters' Helpers of the United States and Canada.
Joseph H. Gallagher, Plumbers, Gas Fitters, Steam Fitters and Steam Fitters' Helpers of the United States and Canada.
John R. Alpine, Plumbers, Gas Fitters, Steam Fitters and Steam Fitters' Helpers of the United States and Canada.
P. H. Cummins, International Brotherhood of Blacksmiths.
J. W. Kline, International Brotherhood of Blacksmiths.
Charles T. Smith, International Steel and Copper Plate Printers' Union of North America.
E. L. Jordan, International Steel and Copper Plate Printers' Union of North America.
T. L. Mahan, International Steel and Copper Plate Printers' Union of North America.
William Dodge, Paving Cutters' Union of the United States and Canada.
James J. Dunn, Glass Bottle Blowers' Association of the United States and Canada.
William Launer, Glass Bottle Blowers' Association of the United States and Canada.
Frank Feeney, International Union of Elevator Constructors.
Charles Hank, International Brick, Tile, and Terra Cotta Workers' Alliance.
Henry Nolda, Upholsterers' International Union of North America.
Charles E. Lawyer, International Tin Plate Workers' Protective Association of America.
George Powell, International Tin Plate Workers' Protective Association of America.
W. J. McSorley, International Union of Wood, Wire, and Metal Lathers.
R. V. Brandt, International Union of Wood, Wire, and Metal Lathers.
W. S. Crown, American Federation of Musicians.
C. P. Huestis, American Federation of Musicians.
Charles Derlin, American Federation of Musicians.
Thomas F. Ryan, Amalgamated Sheet Metal Workers' International Alliance.
Daniel L. Desmond, Amalgamated Sheet Metal Workers' International Alliance.
Joseph A. Daly, Amalgamated Sheet Metal Workers' International Alliance.
W. F. Gilmore, Amalgamated Society of Carpenters and Joiners.
George G. Griffin, United Brotherhood of Carpenters and Joiners.
William M. Lewis, Brotherhood of Painters, Decorators, and Paperhangers of America.
Frank X. Noschang, Journeymen Barbers' International Union.
Thomas O. Hughes, International Union of Slate Workers.
G. M. Huddleston, International Slate and Tile Workers' Union of America.
Ben Russell, International Slate and Tile Workers' Union of America.
Thomas F. Tracy, Cigar Makers' International Union of America.
J. A. Roberts, Cigar Makers' International Union of America.
Martin Hellmuth, Amalgamated Meat Cutters and Butcher Workmen of North America.
W. E. Thompson, International Ceramic, Mosaic, and Encaustic Tile Layers and Helpers' Union.
C. O. Pratt, Amalgamated Association of Street and Electric Railway Employees of America.
T. C. Parsons, International Typographical Union.
John P. Murphy, Boot and Shoe Workers' Union.
John J. Binder, International Union of United Brewery Workmen.
John Mangan, Steam Fitters' International Union.
James M. Cumming, Steam Fitters' International Union.
Charles N. Isler, Steam Fitters' International Union.
Henry Fischer, Tobacco Workers' International Union.
William Feenie, United Powder and High Explosive Workers of America.
James G. McGrindle, United Powder and High Explosive Workers of America.
Andrew Furuseth, International Seamen's Union of America.
J. L. Feeney, International Brotherhood of Bookbinders.
Rodney L. Thixton, International Stereotypers and Electrotypers' Union of North America.
Michael J. Shea, International Stereotypers and Electrotypers' Union of North America.
James F. Splann, International Stereotypers and Electrotypers' Union of North America.
F. M. Ryan, International Association of Bridge and Structural Iron Workers.
P. J. McArdle, Amalgamated Association of Iron, Steel, and Tin Workers.
Martin Higgins, International Printing Pressmen's Union.
John Golden, United Textile Workers of America.
J. T. Carey, International Brotherhood of Paper Makers, etc.
Thomas Mellor, International Brotherhood of Paper Makers, etc.
H. B. Perham, The Order of Railroad Telegraphers.
Jere F. McCarthy, Central Labor Union, Washington, D. C.
Charles W. Winslow, Central Labor Union, Washington, D. C.
John B. Colpoys, Central Labor Union, Washington, D. C.
Shelby Smith, Allied Printing Trades Council, Philadelphia, Pa.
John Fitzpatrick, Chicago Federation of Labor.
P. J. Flannery, Interior Freight Handlers and Warehousemen's International Union.

A. F. OF L. POLITICAL POLICY.

That as our efforts are centered against all forms of industrial slavery and economic wrong, we must also direct our utmost energies to remove all forms of political servitude and party slavery, to the end that the working people may act as a unit at the polls of every election.

That the American Federation of Labor most firmly and unequivocally favors the independent use of the ballot by the trade unionists and workingmen, united regardless of party, that we may elect men from our own ranks to make new laws and administer them along the lines laid down in the legislative demands of the American Federation of Labor, and at the same time secure an impartial judiciary that will not govern us by arbitrary injunction of the courts, nor act as the pliant tools of corporate wealth.

Mr. LACEY. Mr. Speaker, I would like to have the attention of the House for a few minutes upon the bill itself. This House has passed this bill three times. It passed it in the Fifty-sixth Congress, the Fifty-seventh Congress, and the Fifty-eighth Congress, but, for some reason I have never been able to learn why, the bill has not received favorable action at the other end of the Capitol, and we want to send the bill over again, and I hope it will receive the attention its merits deserve. We have just in this Congress attempted to legislate for the preservation of Niagara Falls. The shores of those falls long since passed into private ownership, until it takes a heroic remedy now to protect this most wonderful piece of American scenery, justly classed as one of the wonders of the world. The petrified forest of Arizona is most of it in public ownership. The geological history of that great curiosity is one of intense interest. Millions of years ago that region was covered by the ocean. There was an arm of the sea, perhaps, in that vicinity. Floating upon that ocean were large numbers of trees, coniferous trees, of a prehistoric type, none of which to-day are found alive in America. They floated down pre-Adamite rivers, floated upon ancient arms of the sea, until the roots and limbs were worn off, and they became waterlogged and sank to the bottom of the sea, where they were gradually covered up by a deposit of sandstone and then were turned into hard agate of all the colors of the rainbow. Thousands of acres of these trees were thus buried under from 40 to 60 or 80 feet of sandstone. Subsequently the land rose from the bottom of the sea to from 7,200 to 7,300 feet above the ocean. The weather then began to wear away the sandstone. A stream carved its way through this standstone, uncovering a large portion of this old forest, and there they lie prone upon the old sea bottom, thousands of acres of these trees, some of them 150 feet long, many of the logs 5 feet in diameter, out upon the desert in Arizona, and men come from all parts of the world to see this most remarkable of all the natural wonders of the continent. Visitors have been using dynamite and inserting it in the logs in order to get crystals from within. The Department of the Interior and the Commissioner of the Land Office have repeatedly requested the passage of an act of this character that would enable the Government to take care of this great curiosity and place it alongside the wind cave, the crater lake, the geysers of the Yellowstone, and natural curiosities and wonders of that class, that are not merely national in their character, but are world wide in their interest. This bill has passed the House, as I have said, three times, each time unanimously, and I only take this much of the time of the House in order to place before it and before the country the necessity of the preservation of these remarkable remains while they are still within the control of the United States Government. This land should be set apart for our children and our children's children forever.

Mr. TAWNEY. Will the gentleman yield?

Mr. LACEY. Certainly.

Mr. TAWNEY. What is the purpose of this bill? Is it to convert this petrified forest into a national park?

Mr. LACEY. Not to convert it into a national park, but to include it in a national park that will preserve it forever.

Mr. GAINES of Tennessee. What is it good for? Will it not preserve itself?

Mr. LACEY. I am glad my friend from Tennessee [Mr. GAINES] asked that question. Not very many years ago some ingenious man found that it was practicable to use mummies for paint, and they were collected and ground up, and Egyptian ancestors were converted into paint for the use of the artists and the workmen of to-day. Some years ago some one made the discovery that these trees could be ground up into emery powder, and they built a mill out there and proposed to convert these wonders of the Arizona desert into emery. The mill still stands, but fortunately for our reputation it was discovered that there was a stone in Canada much nearer to the market that could be ground up into emery, and that did not have to be transported such a great distance to market, and would come in competition with this emery. Consequently it proved not to be a successful commercial venture, and these curiosities have thus been preserved by the mere accident of the failure of a commercial venture. The attempt has been made to turn Niagara Falls into money in the form of power, and these trees, unless protected, will disappear, at least will be destroyed in their present form, and become mere broken chips and blocks scattered over the desert.

Mr. GAINES of Tennessee. How do you propose to do it, and how much is it going to cost?

Mr. TAWNEY. Will the gentleman permit another question?

Mr. LACEY. Certainly.

Mr. TAWNEY. Has the gentleman from Iowa ever visited this forest?

Mr. LACEY. I have.

Mr. TAWNEY. What is the area of it?

Mr. LACEY. The area proposed here is about 25,000 acres.

Mr. TAWNEY. Now, it consists principally of sand and a few trees that are lying there and all broken up into small pieces.

Mr. LACEY. Has the gentleman visited it?

Mr. TAWNEY. Yes; I was there last summer.

Mr. LACEY. The gentleman only visited a small portion of it, if he says it consists of trees broken up. There are three parts to this forest.

Mr. TAWNEY. I was in three parts. They told me that was all there was of it. I do not know.

Mr. LACEY. There was one of the parts where the old sea bottom had been eroded below the original bed on which the trees rested. Where this occurred they have broken into blocks. They look like the cuts for staves or shingles; and in the other parts the erosion is not so deep, and the trees lie in their original form upon the bottom.

Mr. GAINES of Tennessee. Will the gentleman state how he proposes to preserve these, and how much money he wants?

Mr. LACEY. We do not want any money. We want to set this apart simply as a permanent reserve. It is useless for agriculture.

Mr. GAINES of Tennessee. Want to put a fence around it?

Mr. LACEY. No; it needs no fence around it. It simply needs the protection of the law.

Mr. GAINES of Tennessee. Do you want an officer to take charge of it?

Mr. LACEY. There ought to be a custodian in charge of it.

Mr. TAWNEY. As a matter of fact, the Interior Department does now prevent the carrying off or removal of any part of these petrified trees.

Mr. LACEY. They are trying to do it now as far as practicable.

Mr. TAWNEY. The land is all owned by the Government?

Mr. LACEY. No; there are some lands that may be exchanged by the consent of the Secretary. Some portion, or the bulk, of this land is owned by the Government.

Mr. TAWNEY. Some of these petrified trees project out of the bank away up 50 feet from the surface. Is it proposed to preserve those?

Mr. LACEY. In some places the sandstone has been eroded from a part of the tree, and you will see old logs protruding from the sandstone bank and projecting, not thoroughly exposed. There is one of these that is known as the "Natural Bridge."

Mr. GAINES of Tennessee. Now, if you can get some good man from Tennessee as an officer to take care of that, or from Iowa——

Mr. LACEY. No, sir; I fear we could not do that, because Tennesseans are not adapted to the care of fossils.

Mr. GAINES of Tennessee. I take that as a compliment.

Mr. LACEY. It is so intended.

Mr. DALZELL. I would like to ask the gentleman to yield to me for a privileged report.

Mr. LACEY. We will dispose of this bill in a moment. I call for a vote on the bill.

I will insert in my remarks the report upon the bill, which will describe the proposed park more fully:

[House Report No. 4638, Fifty-ninth Congress, first session.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 8966) to set apart certain lands in the Territory of Arizona as a public park, to be known as the Petrified Forest National Park of Arizona, beg leave to submit the following report and recommend that said bill do pass with amendments, viz:

Strike out the words "townships 16 and 17 north, ranges 23 and 24 east," in lines 8 and 9, on page 1, and insert in lieu thereof the following:

"Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, in township 17 north, range 2 east; also sections 4, 5, 6, 7, 8, and 9, in township 16 north, range 24 east; also sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, and 18, in township 16 north, range 23 east, and sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, in township 17 north, range 23 east."

One of the most remarkable of the natural curiosities of the American Continent is known as the Petrified Forest, or Chalcedony Forest, of Arizona. This region has not been extensively visited by the American public. When properly cared for and supplied with suitable accommodations for visitors, it will take its place with the Yellowstone, Yosemite, and Mount Ranier national parks. It is not far distant from the Grand Canyon of the Colorado, which is one of the wonders of the world.

We will quote from the report of Prof. Lester F. Ward, paleontologist of the United States Geological Survey. Mr. Ward's report will soon be published, and we only make such quotations from it as will explain the importance and necessity of the proposed park. The Territorial legislature of Arizona in 1895 recommended the establishment of this proposed park. This request led to Mr. Ward's examination, which he made last year.

In a letter written by Mr. Richard Rathbun, Acting Secretary of the Smithsonian Institution, to the Commissioner of the Land Office, in which the suggestion is made that Mr. Ward be directed to make the examination, occurs the following:

"The region near Holbrook, Apache County, Ariz., known as the 'Petrified Forest,' 'Chalcedony Park,' and 'Lithodendron (stone trees) Valley,' is of great interest, because of the abundance of its beautiful petrified conifer trees, as well as its scenic features. The trees lie scattered about in great profusion, but none stand erect in their original place of growth, as do many in the Yellowstone National Park. The National Museum possesses three splendid trunks collected there by Lieutenant Hegewald at the request of General Sherman."

The best popular account of this region is given by Mr. George F. Kuntz, and is as follows:

"Among the great American wonders is the silicified forest, known as 'Chalcedony Park,' situated about 8 miles south of Corrizo, a station on the Atlantic and Pacific Railroad, in Apache County, Ariz. * * * The locality was noticed in 1853 by the Pacific Railroad exploring survey. * * * There is every evidence to show that the trees grew beside some inland sea. After falling they became water-logged, and during the decomposition the cell structure of the wood was entirely replaced by silica from sandstone in the walls surrounding the great inland sea.

"Over the entire area trees lie scattered in all conceivable positions and in fragments of all sizes, the broken sections sometimes resembling a pile of cart wheels. * * * A phenomenon perhaps unparalleled, and the most remarkable feature of the park, is a natural bridge formed by a tree of agatized wood spanning a canyon 45 feet in width. In addition to the span, fully 50 feet of the tree lies on one side, making it visible for a length of over 100 feet."

Mr. Ward in his report, among other things, says:

"SCENIC FEATURES.

"With regard to the first of these, viz, the scenic aspect, I can safely say that it has never been exaggerated by any who have attempted to describe this region. The pictures given in the letter of the Assistant Secretary of the Smithsonian Institution, above quoted, are not overdrawn, and the more or less glowing descriptions of Möllhausen, Marcou, Newberry, and other explorers fall far short of what might truly be said from this point of view. These petrified forests may properly be classed among the natural wonders of America, and every reasonable effort should be made not only to preserve them from destructive influences, but also to make their existence and true character known to the people.

"Some of the most important considerations that can be urged in favor of the importance of this region, compared with other petrified forests, rests upon its geological relations. In the first place, it is much more ancient than the petrified forests of the Yellowstone Park, of certain parts of Wyoming, and of the California Calistoga deposits. These latter are of the Tertiary age, while the Arizona forests belong far back in the Mesozoic time, probably to the Triassic formation. The difference in their antiquity is therefore many millions of years. Scattered blocks of silicified wood do indeed occur in the Trias at other points, but this is the only region in which they are in such abundance as to deserve the name of a petrified forest.

"In the second place, there is no other petrified forest in which the wood assumes so many varied and interesting forms and colors, and it is these that present the chief attraction to the general public. The state of mineralization in which much of this wood exists almost places them among the gems and precious stones. Not only are chalcedony, opals, and agates found among them, but many approach the condition of jasper and onyx. The degree of hardness attained by them is such that they are said to make an excellent quality of emery.

"LOCATION OF THE PETRIFIED FORESTS.

"It should be understood that petrified or silicified wood occurs in great quantities throughout the Triassic terrane of Arizona, New Mexico, and Utah, and there are hundreds of places where the logs are massed together or even piled one upon another; but the particular region known as the Petrified Forest of Arizona lies in the area between the Little Colorado and the Rio Puerco, 15 miles east of the junction, 17 miles east of Holbrook, and 6 miles south of Adamana station, on the Santa Fe Pacific Railroad, which measurements terminate on the outer edge of the area, on the west and north sides. It is about 8 miles square, and falls chiefly within township 17 north, range 24 east, but extends a short distance on the south into township 16 north, and on the west into range 23 east.

"The region consists of the ruins of a former plain having an altitude above sea level of 5,700 to 5,750 feet. This plain has undergone extensive erosion to the maximum depth of 700 feet, and is cut into innumerable ridges, buttes, and small mesas, with valleys, gorges, and gulches between. The strata consist of alternating beds of clay, sandstone shales, and massive sandstones. The clays are purple, white, and blue, the purple predominating, and the white and blue forming bands of different thickness between the others, giving the cliffs a lively and pleasing effect. The sandstones are chiefly of a reddish-brown color and closely resembles the brownstones of the Portland and Newark quarries on the Potomac River and at Manassas, in Virginia, but some are light brown, gray, or whitish in color. The mesas are formed by the resistance of the massive sandstone layers, of which there are several at different horizons, to erosive agencies, and vary in size from mere capstones to small buttes or tables several miles in extent, stretching to the east and to the northwest.

"The drainage of the area is to the south, and in the middle of it, having a nearly due southern course, but winding much among the buttes, is the famous Lithodendron Creek, so named by Lieutenant Whipple in 1853. It is dry most of the year, but has a gravelly bed, often 20 feet in width, and by digging holes in this gravel to a depth of 4 or 5 feet water will accumulate and stand in these holes.

"The valley of this creek is narrow in the northern and central parts of the area, and there are several short branches or affluents, but at the southern end if broadens out and its rugged, spurred, and canyoned slopes are highly picturesque. Here is located its principal petrified forest, and this is the region that has been characterized by some as Chalcedony Park. The petrified logs are countless at all horizons, and lie in the greatest profusion on the knolls, buttes, and spurs, and in the ravines and gulches, while the ground seems to be everywhere studded with gems consisting of the broken fragments of all shapes and sizes and

exhibiting all the colors of the rainbow. When we remember that this special area is several miles in extent, some idea can be formed of the enormous quantity of this material that it contains.

"THE NATURAL BRIDGE.

"Besides the fact that this bed lies wholly within the petrified-forest area, there is another important circumstance which serves to give it special prominence. One of the most celebrated objects in the whole region is the well-known Natural Bridge, mentioned by so many travelers and referred to in the documents quoted at the beginning of this report, consisting of a great petrified trunk lying across a canyon and forming a natural footbridge on which men may easily cross. This occurred on the northeast side of the above-mentioned mesa, near its rim, and the bed in which it lies is the coarse sandstone which holds all the petrified wood. The Natural Bridge therefore possesses the added interest of being in place, which can be said of but very few of the other petrified logs of the region.

"It was observed in the southwestern exposure and at other points that all the petrified logs and blocks lying in the sandstone or only recently washed out of it are surrounded by a coating of the sandstone firmly cemented to the exterior. The absence of this coating from most of those in the principal forest is due to their long exposure to the climatic influences, which ultimately disintegrate and detach the sand rock adhering to them and strip them clean to the body of the trunks themselves. That this process requires ages of time is proved by the fact that the Natural Bridge is still coated over a large part of its surface by the remains of the cemented sand rock, in which it was once completely embedded. This is true chiefly of the lower portion, and farther up the trunk it has nearly all disappeared. The trunk is in an excellent state of preservation and is complete to its base, where it is abruptly enlarged, showing the manner in which the roots were attached. This portion still lies partially buried in the sandstone, which is the same in character as that which still adheres to the lower 20 feet.

"The canyon or gulch has a due north direction and is very precipitous, beginning only 200 yards above the bridge and rapidly broadening in its descent. At the point where the bridge crosses it it is about 30 feet wide, but the trunk lies diagonally across and measures 44 feet between the points where it rests upon the sides of the canyon. The angle is nearly 45°, and the tree lies with its roots to the southeast and its top to the northwest. The canyon is here about 20 feet deep, and from its bottom and sides several small trees are growing, some of which rise considerably above the bridge. The trees are mostly cedars, but there is one cottonwood (*Populus angustifolia*). The root is quite near the brink of the canyon, but rests on a solid ledge for a distance of 4 feet, so that there is no probability that, in this dry region, it will be endangered by further erosion. The total length exposed is 111 feet, so that more than 60 feet of the upper part lie on the left bank of the canyon. At about the middle of the canyon and above where the coating of sandstone still adheres it measures 10 feet in circumference, giving a diameter of over 3 feet. At the base it is now 4 feet in diameter, but the thickness of the incrustation is not accurately known. At the extreme summit the diameter is reduced to 18 inches. As in the case of practically all the petrified logs of the region, there are no indications of limbs or branches at the top. The significance of this fact will be noted later.

"A general characteristic of the petrified trunks, not only of this region and of the general Triassic terrane of Arizona and New Mexico, but of all petrified forests, is their tendency to break across in sections or blocks of greater or less length. All travelers have remarked this, and the sketches made by Möllhausen and in the Pacific Railroad reports show them thus divided. Some observers have noted the fact that the Natural Bridge has several of these transverse cracks, and all the good photographic views of it show them. I counted four, but most of them seem to be as yet only partial, and do not probably extend entirely through the trunk. There is one, however, near the left bank that has the appearance of doing so, and the trunk is probably only kept from parting at this point by the mechanical adjustment which causes the adjacent faces to perform the office of a keystone to an arch. Any considerable shrinkage, due to climatic or other causes, would overcome this influence and the entire bridge would crash to the bottom of the canyon or roll down the escarpment in a number of huge segments.

"An examination of the relation of the Natural Bridge to the gulch which it spans shows clearly that the entire trunk was primarily embedded in the sandstone bed covering this entire region, and that with the progress of erosion which ultimately carried the entire plain to the north, as well as in other directions, leaving this small mesa, it was at last exposed and lay for a great period near the rim of the escarpment. At first it was only partially buried and later came to lie on the surface of the ground. As the land rises somewhat to the south of it, rills were formed above, and in times of heavy rain or floods it obstructed the flow of the water, forming a sort of a dam. The water lying against it long after it had ceased to overflow, it tended to disintegrate the rock upon which it lay until eventually it found its way through beneath at some point. The smallest opening of this nature would soon become a free passage for the water, and a simple continuation of the process of erosion would ultimately result in the formation of the entire gorge as it exists to-day."

We also include the following from Doctor Newberry's statement:

"I have examined these specimens with some care to determine, if possible, whether they had grown on the spot, as those of Lithodendron Creek are supposed to have done by the members of Captain Whipple's party, or whether they had been transported to their positions. In all that came under my observation I failed to notice any evidence of their having grown in the vicinity. All the trunks are stripped of their branches and exhibit precisely the appearance of those transported to some distance by the agency of water. In confirmation of this view I should say I found in the marls, with the entire trunks, rounded and water-worn fragments of wood, in some instances silicified and in others converted into lignite.

"I gathered the same impression from all the specimens of silicified wood which I observed in this formation in western New Mexico, viz, that all had been transported, but not far removed from their place of growth."

Continuing his report, Professor Ward says:

"The indications therefore all point to some degree of transportation of this material by water antecedent to petrifaction, and the great amount of it at this particular place argues for the existence of such a condition as would arrest the process and cause the floating logs to accumulate in masses, as often happens in great eddies or deltas of rivers. The character of the bed in which they occur also supports this view. The coarse sand and gravel, highly favorable to the process of silicification, denotes the proximity of the land and the cross-bedding bears witness to the existence of rapid and changing currents. As this stratum occupies the highest elevations in this region, the nature of the overlying beds is not revealed, and the question as to whether the period was followed by one of general subsidence can only be settled by a study of the higher plains lying some distance to the east and north, but it is probable that the bed sank and that the finer deposits ultimately buried it at the bottom of the Mesozoic seas there to remain until the Tertiary epeirogenic movement raised the entire country from 5,000 to 6,000 feet above sea level."

No one denies that visitors to this region usually carry away with them as much as their means of transportation will permit, but this consists usually, of course, of the smaller objects that lie in such profusion on the ground. At the first view it might seem that the immense quantity of such objects makes it impossible that any appreciable impression can ever be made upon the whole mass in this way. This is the same kind of reasoning, or rather unreasoning, that has led to the practical extinction of the buffalo and which threatens to exhaust the sources of natural gas. But the class of persons known as "relic hunters" is very large, and the number who will in the future visit the pertified forest is destined greatly to increase. They usually carry with them some concealed tools or instruments, and with these they are perpetually breaking off pieces of objects which they wish to carry away as souvenirs. This way the finest trunks are being hacked to pieces and disfigured. For example, there are several places on the Natural Bridge where this process has been going on until quite large holes or unsightly cavities have been dug in the upper side of the trunk. The small pieces, chips, and blocks that lie in such profusion on the ground vary greatly in form and coloration, and it is of course always the most symmetrical and brilliant that are first picked up, and these will eventually be so culled out that only the plain, unattractive pieces will be left.

Leading citizens and prominent public men in Arizona are sincerely desirous of preserving this interesting spot from vandalism and wanton destruction, and many of them think that this can be best done by making it a national reserve and appointing proper guardians to take charge of it. As they show, the expense of this need not be large. A single mounted ranger, such as now patrol the forest reserves of the Colorado Plateau, would probably be adequate for this purpose for some time to come.

As nearly all visitors must approach the forests by the way of the Santa Fe Pacific Railroad, it is clearly to the interest of the road that they be made as attractive as possible, and there is no doubt that the officers of the road will gladly cooperate with the Government in this matter. A few years ago the nearest railroad station was Corrizo, which is some 6 miles west of north of the upper forest. The inconvenience of this was apparent to the railroad authorities, and they have recently established a station due north of the forests, only 7 miles from the nearest margin and about 8 miles from the Natural Bridge. This station is Adamana, the name being modified from the name of the only person living there, Mr. Adam Hanna, upon whom now falls the duty of conducting parties to the petrified forests. Mr. Hanna derives considerable revenue from this source, especially as it is usually necessary for parties to stay overnight, and he takes care of them. But this house is not convenient to the station and is not adapted for a hotel, and as the number of visitors increases it will be necessary to provide more ample accommodations. There will need to be a hotel with civilized conveniences, and it will eventually be to the interest of the railroad company to provide such, as also suitable conveyances and guides.

This tract of land is unsuitable for cultivation, and has no value outside of its scenic beauty and fossil curiosities. The people of Arizona desire that it should thus be set apart. The wanton destruction by the use of powder and dynamite will continue until the region is protected by law. Reckless men destroy these great curiosities with explosives in search for beautiful crystals from the interior of the trunks of the trees. It would seem that all that would be necessary would be to call the attention of the American Congress to this remarkable region in order to secure its preservation to our posterity.

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1900.

SIR: I have the honor to hand you herewith copy of a letter from the Commissioner of the General Land Office, dated the 6th instant, inclosing a bill entitled "A bill to set apart certain land in the Territory of Arizona as a public park, to be known as 'The Petrified Forest National Park.'"

The reasons for said proposed legislation are clearly set forth in the Commissioner's letter and the accompanying correspondence herewith submitted, and I heartily concur in the Commissioner's recommendation that the bill herewith submitted be enacted into law.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

The CHAIRMAN OF COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 6, 1900.

SIR: On February 11, 1895, the secretary of Arizona forwarded to this Office a certified copy of House Memorial No. 4 of the eighteenth legislative assembly of Arizona, praying that certain lands in Apache County, Ariz., in the vicinity of Holbrook, known as the "Petrified Forest," be withdrawn from entry, with a view to creating a reservation or national park, for the purpose of preserving the natural wonders and curiosities of that region.

In connection therewith your attention is invited to departmental orders of December 15, 1896, and December 15, 1899, authorizing the temporary withdrawal from settlement, sale, or other disposal of townships 16 and 17 north, ranges 23, 24, and 25 east, Gila and Salt River meridian, Arizona, reported to contain valuable deposits of this petrified wood.

I now have the honor to transmit herewith a report upon this subject from the United States Geological Survey, dated May 31, 1898, and also reports made by former Forest Superintendent J. D. Benedict and by Special Agent S. J. Holsinger, under dates, respectively, of December 2, 1898, and November 18, 1899, submitting the results of personal examinations made by them of the locality in question.

These reports show that this petrified forest—the greatest natural wonder of its kind in America—has lain buried for unknown ages under a mantle of sandstone from 15 to 20 feet in thickness, which in places has been worn away by the erosion of the elements; and that the principal breaks in the covering occur in townships 16 and 17 north, ranges 23, 24, and 25 east. (See the diagram accompanying Agent Holsinger's report.)

As presenting more fully the scenic and scientific features of this locality, I desire to invite attention to a report made upon the subject by the paleontologist of the United States Geological Survey, Prof. Lester F. Ward, which was transmitted to the Department by said Bureau December 14, 1899, and is at present retained by the Department. This report submits a copy of the above-mentioned memorial of the legislature of Arizona, and also copy of a report made by the Smithsonian Institution in regard to this petrified forest, July 7, 1899.

In connection with these papers I inclose herewith a letter from the Smithsonian Institution, dated December 15, 1899, transmitting one from Professor Ward respecting the extent of area which should be covered by his report.

The report by Professor Ward states, in regard to this region, as follows:

"With regard to * * * the scenic aspect, I can safely say that it has never been exaggerated by any who have attempted to describe this region. The pictures given in the letter of the Assistant Secretary of the Smithsonian Institution, above quoted, are not overdrawn, and the more or less glowing descriptions of Mollhausen, Marcou, Newberry, and other early explorers fall far short of what might be truly said from this point of view. These petrified forests may be properly classed among the natural wonders of America, and every reasonable effort should be made not only to preserve them from destructive influences, but also to make their existence and true character known to the people.

"Some of the most important considerations that may be urged in favor of the importance of this region, compared with other petrified forests, rest upon its geological relations. In the first place, it is much more ancient than the petrified forests of the Yellowstone National Park, of certain parts of Wyoming, and of the California Calistoga deposits. These latter are of Tertiary age, while the Arizona forests belong far back in Mesozoic time, probably to the Triassic formation. The difference in their antiquity is therefore many millions of years. Scattered blocks of silicified wood do indeed occur in the Trias at other points, but this is the only region in which they are in such abundance as to deserve the name of a petrified forest.

"In the second place, there is no other petrified forest in which the wood assumes so many varied and interesting forms and colors, and it is these that present the chief attraction for the general public. The state of mineralization in which much of this wood exists almost places them among the gems or precious stones. Not only are chalcedony, opals, and agates found among them, but many approach the condition of jasper and onyx. The degree of hardness attained by them is such that they are said to make an excellent quality of emery.

"Perhaps the most prominent of all the scenic features of the region is the well-known Natural Bridge, consisting of a great petrified trunk lying across a canyon and forming a footbridge over which anyone may easily pass. * * *

"It will be obvious from the above that the petrified forests of Arizona constitute an object of interest to all people of culture from both the esthetic and the scientific points of view, and that the immediate region here considered embraces the most striking features that they anywhere present. As stated in the memorial of the Territorial legislature to Congress, and as confirmed by my inquiries and admitted by all, these natural wonders are attracting thousands of visitors annually, most of whom are drawn there by mere curiosity. This characteristic of human nature, however aimless it may sometimes seem, and however destructive it may often be, forms, under a broader culture, the true foundation of all discovery and progress. It needs encouragement and direction rather than suppression, and the policy should be to increase the attractions and to facilitate access to this as well as other extraordinary natural objects; but at the same time the destructive effects, especially such as tend to reduce the interest, mar the beauty, or lessen the instructiveness of the facts, should be prevented by every proper means. * * *

"From all this it will be seen that leading citizens and prominent public men in Arizona are sincerely desirous of preserving this interesting spot from vandalism and wanton destruction, and that many of them think that this can best be done by making it a national reserve and appointing the proper guardians to take charge of it. As they show, the expense of this need not be large. A single mounted ranger, such as now patrol the forest reserves of the Colorado Plateau, would probably be adequate to this purpose for some time to come. * * *"

It appears from the several reports submitted that this region is not only subject to acts of vandalism by tourists, but that the commercial value of the mineralized formation when polished and converted to ornamental uses, or when crushed for abrasive purposes, furnishes a sufficient inducement to invite serious spoliation of some of the most interesting features of the locality, the practice of blowing open the trunks of the trees with giant powder being one of the means resorted to in securing some of the finest crystals.

The reports all agree that efficient protection by the Government is demanded to preserve the objects of interest in this region.

The locality is reported to be a sandy desert, practically worthless for agricultural purposes beyond producing a sparse growth of bunch grass; and the records of this office show that, with the exception of an unperfected homestead entry and three mineral applications, the even-numbered sections in the six above-named townships are vacant, unoccupied public land. The odd-numbered sections have been selected by the Atlantic and Pacific Railroad Company under the grant to that road of July 27, 1886 (14 Stat., 222), which selections have not, however, been approved.

In connection with these selections a question arises whether the mineralized or fossilized deposits in this locality are of such a nature and in sufficient quantities to render the lands subject to entry under the mining laws, and, as such, class them as "mineral lands" within the meaning of that term as used in the exception from the above-mentioned grant to the railroad company.

In regard to this mineralized wood, there has been no ruling, as yet, upon the character of the substance by name. It appears, however, probable, under the decisions in 25 L. D., 233, and 27 L. D., 95, that lands containing this substance to any considerable extent would be enterable under the mineral-land laws.

In 25 L. D., 233, it is held: "That lands containing valuable mineral deposits, whether of the metalliferous or fossiliferous class, of such quantity and quality as to render them subject to entry under the mining laws—that is, where they are more valuable on account of such mineral deposits than for agricultural purposes—are 'mineral lands' within the meaning of that term as used in the exception from the grants to the railroad company and to the State."

The question, however, whether lands in these townships are subject to selection by the railroad, as well as whether the "school" sections therein (sections 16 and 36) will pass to the State whenever the Territory of Arizona is admitted to the Union, is a matter for future determination, and, in the case of each separate section, will depend not only upon the nature of the substance, but also upon the quantity of same found in that particular section, requiring that the merits of the case shall be individually considered in respect to each section.

In the case of the railroad selections the matter is one for determination whenever the selections come up for approval.

It does not appear, therefore, that the question of the Government's title to the odd-numbered sections in these townships and to sections 16 and 36 therein calls for consideration at this time in connection with setting these townships apart as a public park.

In view of the above-shown reasons for taking measures to properly protect the region containing this petrified forest, I have prepared and submit herewith the draft of a proposed bill setting apart as a national park the above-described six townships, containing the largest exposed deposits of this petrified wood, viz: Townships 16 and 17 north, ranges 23, 24, and 25 east, Gila and Salt River meridian; and I earnestly recommend that the bill become a law.

Very respectfully,

BINGER HERMANN,
Commissioner.

The SECRETARY OF THE INTERIOR.

Bills in substantially the same form passed the House of Representatives in the Fifty-sixth, Fifty-seventh, and Fifty-eighth Congresses.

The SPEAKER pro tempore (Mr. BOUTELL). The question is on agreeing to the committee amendment.

The question was taken; and the committee amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONFERENCE REPORTS.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, having had under consideration House resolution 623, submits the following report:

Resolved, That for the remainder of this session section 2 of Rule XXIX be, and is hereby, suspended.

Mr. DALZELL. Now, Mr. Speaker, I call the attention of the House to the language of section 2 of Rule XXIX. Section 2 of Rule XXIX reads thus:

It shall not be in order to consider the report of a committee of conference until such report and the accompanying statement shall have been printed in the RECORD, except on either of the six days preceding the end of a session.

Now, the resolution which I have sent to the Clerk's desk proposes to suspend the operation of the second section of that rule for the balance of this session. If we knew by resolution, as we know otherwise, that we are in the last six days of the session, there would be no necessity for this resolution.

Mr. GAINES of Tennessee. Will the gentleman yield to me?

Mr. DALZELL. Certainly.

Mr. GAINES of Tennessee. How long has that been the rule of the House?

Mr. DALZELL. I think it was adopted in the Fifty-seventh Congress.

Mr. GAINES of Tennessee. It is a very useful rule.

Mr. DALZELL. It is a very useful rule, of course; and the suspension of it for the last six days of the session is also useful; and in the interest of the expedition of public business we ought not now to be compelled to print a conference report to get it considered by the House.

Mr. GAINES of Tennessee. Does not the gentleman think that we ought to know what is in the conference report, particularly one of so much importance?

Mr. DALZELL. I am not talking about any conference report; I am talking about all conference reports.

Mr. GAINES of Tennessee. We are going to take up the railroad-rate matter.

Mr. DALZELL. I hope we will. Now, does the gentleman from Mississippi want any time? If so, how much?

Mr. WILLIAMS. Not over twenty minutes. I myself do not want over five minutes.

Mr. DALZELL. I hope the gentleman will not ask for twenty minutes. There is nothing to talk about for twenty minutes. If the gentleman wants five minutes I will yield it to him.

Mr. WILLIAMS. The gentleman must remember that if he had pursued the usual course and called for the previous question I would have twenty minutes.

Mr. DALZELL. I know; it is not necessary, and I am not doing it. How much time does the gentleman want himself?

Mr. WILLIAMS. I have just told you. I would like to have the gentleman put at my disposal twenty minutes. I do not want more than five minutes myself, and I do not know whether anybody else will want any.

Mr. DALZELL. I yield to the gentleman for ten minutes.

Mr. WILLIAMS. Make it twenty; I may not use it. Give me the time I would be entitled to.

Mr. DALZELL. I think ten minutes is long enough to spend on this. If the gentleman wants more than ten minutes after he has used that much I will consider his proposition.

Mr. WILLIAMS. Mr. Speaker, the generosity of the gentleman from Pennsylvania is so well known that I need not thank him for this particular display of it.

Mr. Speaker, the gentleman has correctly stated what the rule is. He has also correctly stated that if there had been a resolution adopted fixing a day for adjournment then, under the rules, there would be no necessity——

The SPEAKER pro tempore. Will the gentleman from Mississippi suspend to receive a message from the Senate?

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, had further insisted upon its amendments disagreed to by the House of Representatives, had asked a further conference with the House of Representatives, and had appointed Mr. PROCTOR, Mr. HANSBROUGH, and Mr. SIMMONS as the conferees on the part of the Senate.

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 House to the bill (S. 5769) defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," etc., approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903.

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 Senate to the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish the House of Representatives with a duplicate engrossed copy of the bill (S. 6167) to improve the channels along the New Jersey seacoast, in compliance with its request.

CONFERENCE REPORTS.

Mr. WILLIAMS. Mr. Speaker, as I was saying, the gentleman is also correct in stating that if the resolution had been adopted, fixing the time of adjournment, and if that time were within less than six days, this special rule would be unnecessary. The fact, however, remains that no such resolution has been adopted, and that nobody knows with any degree of certainty that we are within six days of the end of the session, although all of us suppose that we are.

Now, Mr. Speaker, I do not know that anybody on this side of the Chamber would have any objection to the adoption of this conference report if they knew what it was. It may be said that they can hear what it is when it is read from the desk. As a matter of practical fact you know that that is not the case. The disorder is so great when a matter of this sort is up that there are not over two-thirds of the Members of the House, and frequently not over one-half, who can possibly hear. This is a most important matter, the most important matter which has been considered at this session. Every sentence and every word and every syllable of this law ought to be weighed. There has been no opportunity whatsoever given to consider any item brought out of conference separately thus far, although we were abundantly assured that that opportunity would be given at some time. One rule has come to prevent it, then another rule, and then there came a conference report that had to be voted up or down, none of the items of which could be considered separately; and now there comes another conference report that has to be voted up or down without separate vote. It is but a poor boon to ask for the House to permit the conference report to be published, so that each Member of the House may read it and know what he is doing, and do it coolly, to-morrow morning, after a night's sleep and reflection, for he may see it in the evening paper and read it and sleep over it to-night.

I would have no objection to the adoption of the rule that is now brought in, if it did not apply to this particular bill. I believe we are, as a matter of fact, within six days of the close of the session; and believing that, I have no sort of opposition to obeying the spirit of the rule, although it is not the letter of the rule, in providing that, after this conference report, it shall not be necessary to print these reports for twenty-four hours.

Now, I understand—and I want this side of the House, especially, to lend me their attention—that the conference report brought in is precisely the conference report that was brought in before, with the exception of the free-pass item, as it is called. I have not had the opportunity to read the conference report in full, and have in my hand only a part of it; but I understand that on the free-pass question this particular conference report brings in the original Senate amendment to the House bill, with one subtraction and one addition. I understand the subtraction is, that whereas the original Senate amendment to the House bill provided that all soldiers of both armies, Union and Confederate, could have free passes granted them, this conference report strikes that out. Then I understand that what it adds to the original Senate amendment is—substantially expressed in my own words—as the opportunity of getting free passes for those engaged professionally in eleemosynary or charitable work. I have no objection in the world to adding that to it. I also understand, from reading this as well as I can, that what was in the original Senate amendment about secretaries of Young Men's Christian Associations is also stricken out. If it is not stricken out, I do not see it here.

Now, Mr. Speaker, I wish to read to the House, so that they may understand it, the pass amendment as it was handed to me as a part of this report. I ask your attention to this, gentlemen, so that you may know what you are voting upon. As for myself, I will say frankly, at the jump, that I have no objection to its passage.

Mr. RICHARDSON of Alabama. Will the gentleman from Mississippi allow me?

The SPEAKER. Does the gentleman from Mississippi yield?

Mr. WILLIAMS. I have only ten minutes.

Mr. RICHARDSON of Alabama. I only wish to correct a misapprehension. The provision in reference to Young Men's Christian Associations applies to railroad Young Men's Christian Associations.

Mr. WILLIAMS. I understand, then, that it simply applies to those who are railroad employees and at the same time members of the Young Men's Christian Associations. I have no objection to that. Of course, the families of employees are included among those who may have passes, because they were in the original Senate amendment. Let me read it:

No common carrier subject to the provisions of this act shall, after January 1, 1907, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its agents, officers, surgeons, physicians, and its attorneys at law; ministers of religion, inmates of hospitals and charitable and eleemosynary institutions, to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for disabled volunteer soldiers, and of Soldiers and Sailors' Homes, including those about to enter and those returning after discharge, and their boards of managers; to necessary care takers of live stock, poultry, and fruit; to employees on sleeping cars and express cars; employees of and to linemen of telephone and telegraph companies; Railway Mail Service employees; post-office inspectors; newsboys on trains; baggage agents; witnesses attending any legal investigation in which the carrier is interested; persons injured in wrecks, and the physicians and nurses attending such person or persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers and their immediate families, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation.

Any common carrier violating this provision shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the United States a penalty of not less than $100 nor more than $2,000, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or 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 States," approved February 19, 1903, and any amendment thereof.

One question I would ask the gentleman from Iowa, the chairman of the committee. The original Senate amendment had in it "or who solicits or accepts for himself or any other person." In the copy I had that is stricken out. Am I correct about that?

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I yield the gentleman five minutes more.

Mr. HEPBURN. I think the gentleman is correct.

Mr. WILLIAMS. Then that is another change from the original Senate amendment that I did not know of when I began my remarks. I think it ought not to have been made. I do

not think a Member of Congress or a Senator or anybody else ought to solicit passes for other people. They can get just as much under obligation to carriers by soliciting for others as they could for themselves. For another reason, Mr. Chairman, I hope this defect may possibly be remedied some day. If Members of Congress or Senators consult their own convenience only, they ought to want to be forbidden by law from soliciting passes. All sorts of people are coming to you all the time and begging you to go to the railroad and solicit favors. For myself, I have always refused to do it upon the ground that, refusing myself to accept any passes, I would not solicit for others what I refused for myself. But Members of Congress who have not pursued that policy tell me that this has been a source of infinite annoyance to them.

Mr. TOWNSEND. Will the gentleman yield?

Mr. WILLIAMS. Certainly.

Mr. TOWNSEND. I would like to ask the gentleman if this provision is carried, for whom could a Member solicit passes?

Mr. WILLIAMS. Mr. Speaker, I frankly believe that the question of the gentleman has thrust the vitals out of the objection. Upon reflection, he might solicit it, but if he got it it would be a crime for the railroad to give it, and so, I suppose, his solicitation would do no good. I thank the gentleman for the question.

Mr. Speaker, I do hope that this resolution will not be passed at this moment so as to include the conference report on this bill. It will be better for everybody if you will have the conference report published in the usual way, so that those who are suspicious—and I do not say I am one of them—can read it for themselves, and can feel satisfied in their own minds that they are doing nothing erroneous in a hurry—can have time to think and act with deliberation. I think it very possible that to-morrow morning, after it has been read, if it be published, there would not be many, if any, votes cast against the conference report; but to hurry it through now is, in my opinion, bad policy, a lack of tact, and a bad showing of justice in addition.

Mr. JAMES. Mr. Speaker, I will ask the gentleman from Mississippi what does the conference report provide relative to common carriers engaging in other business?

Mr. WILLIAMS. As I understand, just what the last conference report did—was to make the pipe lines common carriers, but it does not forbid them from carrying their own oil. It requires them to publish their rates like other common carriers, to expose those rates to the public view, not to change those rates except under the provision of law, to charge reasonable rates, and to charge equal rates to all, and it gives to the Interstate Commerce Commission the same power that it has for restricting and regulating other common carriers, and in case it finds a rate unreasonable to prescribe a reasonable rate in its stead. But the conference report does allow them to carry their own oil.

Mr. JAMES. But it denies, if I understand the position of the conferees——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, the question which the gentleman from Kentucky is about to ask may be better answered by the gentleman from Iowa, the chairman of the committee, when we discuss the resolution itself.

Mr. DALZELL. Mr. Speaker, the gentleman from Mississippi discusses this resolution as though it had reference solely to the conference report on the rate bill. There are a great many other conference reports on other bills that are being held up because of this rule requiring them to be printed, and they are delaying the business of the House. The gentleman appeals to us on the ground that he wants to know what is in the rate bill conference report, and then he goes to work and shows that he knows a great deal more about what is in that report than a great many gentlemen on this side of the House. For years and years, Mr. Speaker, indeed until the Congress before last, conference reports were always considered in this House simply upon their presentation and being read from the Clerk's desk, without any publication in the RECORD at all. I have no doubt that so far as the conference report on the rate bill is concerned the House will have abundant opportunity when it is called up to have it explained to them and to understand all the provisions that are in it. Just as I said before, this is in the interest of the expedition of public business.

Mr. DE ARMOND. I would like to ask the gentleman whether he has any recollection of any other conference report in the history of this House or anywhere else that is parallel with that upon the rate bill?

Mr. DALZELL. Well, I do not know. I suppose it depends on the point of view.

Mr. DE ARMOND. Hasn't it this peculiarity and has it not always had this peculiarity of apparently being written so that nobody except those who wrote it could understand what it meant, and nobody, unless it be with that exception, would know what it was intended to be?

Mr. DALZELL. Possibly it is open to that criticism; I do not know.

Mr. DE ARMOND. Would it not be well, under those circumstances, to give the House a little opportunity by seeing it in print to know what it is and to try and divine for itself what it is intended to be?

Mr. DALZELL. Oh, I think the intelligence of the House is such as to grasp the report and what it means upon hearing the gentlemen who are on the committee.

Mr. SHERMAN. Mr. Speaker, I will ask the gentleman from Pennsylvania to yield to me for a moment. I desire to say that this report is identical, word for word, except amendments 4 and 5, with that presented here last Saturday, and which has been printed in the RECORD. That amendment No. 4 has been read by the gentleman from Mississippi. Amendment No. 5 is identical with the report presented last Saturday, save only that it strikes out the "common carrier" and inserts the word "railroad," and the present report strikes out "common carrier" and inserts the words "railroad company," adding the word "company." With that single exception, and with the substitute amendment in reference to passes, which the gentleman from Mississippi has just read, this report, word for word and syllable for syllable, has been in print in the RECORD for five days. [Applause on the Republican side.]

Mr. DE ARMOND. The trouble about this matter is that the "word for word, syllable for syllable" seem not to be employed as is usually the case to express a plain, distinct meaning, but to cover up and disguise a meaning. As the last report says, the changes are "phraseological." Perhaps it is necessary to employ an extraordinary word in order to get a descriptive term for an extraordinary proceeding. Any man in this House in five minutes can express clearly what he means with regard to either one or any one of these amendments if he desires to do so, and every other man in the House can know what he means by what he has said.

Mr. DALZELL. I suggest to the gentleman from Missouri that twenty-four hours will not correct the phraseology of this report.

Mr. DRISCOLL. I have been very much interested in the antipass provision in this rate bill. I was one of the four who voted against the report last Saturday because I could not vote for that provision as it was. Now, I want to ask the gentleman from Pennsylvania if he thinks the public business will suffer at all by letting this matter stand over until to-morrow morning, or if the rate bill, as to its chances of getting through, will suffer in any way by letting this matter stand until to-morrow until we get a chance to see it as it is now and study over it and prepare to vote on it?

Mr. DALZELL. The gentleman from Pennsylvania thinks that public business will be facilitated by going on now.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. DALZELL. For a question.

Mr. GAINES of Tennessee. This rule covers the rate bill, the pure-food bill, and the meat bill?

Mr. DALZELL. It covers all conference reports that come up.

Mr. GAINES of Tennessee. Are not those new and important matters of legislation——

Mr. COOPER of Wisconsin. Mr. Speaker, I was not in when the gentleman presented the rule. I would like to ask if it be not true, as presented by the gentleman from Tennessee, that a rule has been brought in at this late day in the session that any conference report hereafter presented——

Mr. DALZELL. I will read the gentleman what the rule is.

Mr. COOPER of Wisconsin. I wanted to know what this does.

Mr. DALZELL. I will get the gentleman to understand it if he will have patience. Rule 29 reads thus:

> It shall not be in order to consider a report of a committee of conference until such report and the accompanying statement shall have been printed in the RECORD, except on either of the six days preceding the end of the session.

Now, the gentleman from Wisconsin believes, I suppose all the rest of us do, that we are within less than six days of the end of the session, and the resolution proposes to carry out the spirit of this rule by suspending section 2 for the remainder of the session, so that when conference reports come in they can be considered without being printed for twenty-four hours.

Mr. COOPER of Wisconsin. Will the gentleman permit me to say a word in reply to that?

Mr. DALZELL. Certainly.

Mr. COOPER of Wisconsin. The gentleman says this is an effort to carry out the spirit of the rule. In my judgment this is an effort distinctly and deliberately to violate the spirit of the rule. The rule was passed to do away with abuses which were prevalent in Congresses preceding this and the one in which that rule was enacted. A rule was passed to prevent what has been done here, holding up day after day exceedingly important bills, vitally important bills, until everyone is anxious to get away, the hour of adjournment has practically been fixed, and then bring in a rule that those reports on those bills shall not be printed, and we go to work, worse than a lot of town supervisors ever do in the most ordinary case, worse than anybody anywhere pretending to have ordinary intelligence upon serious problems, to legislate without having read what we are legislating about, and to take it upon the ipse dixit practically of somebody who brings in a report that it contains this or that, that it made this provision in accordance with this section, and leaves out a few words under another section, but "phraseologically" it does not do anything important. We have to take everything for granted without the opportunity to read. The gentleman from Pennsylvania said when he first arose that a number of conference reports were being held up because we are tied down by this rule. Without desiring to impute anything wrongfully by way of motive to the gentleman from Pennsylvania [Mr. DALZELL] or anybody else, because they are well-meaning gentlemen, it is much more reasonable, I think, to say that these reports have been held up, or rather, this rule has been brought in after these reports have been held up, and it is perhaps possible that these reports have been held up with the view to getting this rule. In any event, this rule ought not to be adopted. I am entitled to know, and any other man who legislates here is entitled to know, that he legislates intelligently, and you can not legislate intelligently upon a food bill and upon all of these other things without an opportunity to know and after having read all of the amendments.

Mr. DALZELL. Mr. Speaker, only one word. So far as the assertion of the gentleman from Wisconsin [Mr. COOPER] is concerned—that this is a deliberate attempt to continue an evil—it is untrue. [Applause.] If I thought as meanly of my colleagues in this House as the gentleman from Wisconsin does, I would retire from it. [Applause.]

I ask for the previous question.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 139, noes 75.

So the previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

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

Mr. WILLIAMS. Mr. Speaker, in order to save the time of the House, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 163, nays 87, answered "present" 13, not voting 116, as follows:

YEAS—163.

Acheson	Crumpacker	Hayes	McKinley, Ill.
Adams	Currier	Henry, Conn.	McKinney
Alexander	Curtis	Hepburn	McLachlan
Allen, N. J.	Cushman	Higgins	McMorran
Bannon	Dale	Hinshaw	Madden
Barchfeld	Dalzell	Hoar	Mahon
Bates	Darragh	Holliday	Mann
Beidler	Davidson	Howell, Utah	Martin
Bennet, N. Y.	Davis, Minn.	Hubbard	Michalek
Bennett, Ky.	Dawson	Huff	Miller
Bishop	Denby	Humphrey, Wash.	Minor
Bonynge	Dickson, Ill.	Jenkins	Mondell
Boutell	Dixon, Mont.	Jones, Wash.	Mouser
Bradley	Dresser	Kahn	Mudd
Brick	Dunwell	Keifer	Needham
Brooks, Colo.	Dwight	Kennedy, Ohio	Nevin
Brownlow	Ellis	Kinkaid	Norris
Burke, Pa.	Esch	Klepper	Olcott
Burke, S. Dak.	Fletcher	Lacey	Olmsted
Burton, Del.	Foss	Landis, Chas. B.	Otjen
Calder	Foster, Ind.	Landis, Frederick	Overstreet
Calderhead	French	Lawrence	Parker
Campbell, Kans.	Gaines, W. Va.	Le Fevre	Parsons
Campbell, Ohio	Gardner, Mass.	Lilley, Conn.	Payne
Capron	Gardner, N. J.	Lilley, Pa.	Perkins
Cassel	Gilbert, Ind.	Littauer	Pollard
Chapman	Graff	Loud	Reeder
Clark, Mo.	Greene	Loudenslager	Reynolds
Cocks	Grosvenor	McCall	Rives
Conner	Hale	McCleary, Minn.	Roberts
Cooper, Pa.	Hamilton	McCreary, Pa.	Samuel
Cousins	Haskins	McGavin	Schneebeli
Cromer	Haugen	McKinlay, Cal.	Scott
Sherman	Southard	Tawney	Wanger
Sibley	Southwick	Taylor, Ohio	Weeks
Smith, Cal.	Sperry	Thomas, Ohio	Weems
Smith, Iowa	Stafford	Townsend	Wiley, N. J.
Smith, Wm. Alden	Steenerson	Volstead	Wilson
Smith, Pa.	Sterling	Wachter	Wood
Smyser	Stevens, Minn.	Wadsworth	Young
Snapp	Sulloway	Waldo	

NAYS—87.

Adamson	Ellerbe	Jones, Va.	Robinson, Ark.
Bankhead	Finley	Keliher	Rucker
Bartlett	Floyd	Kitchin, Claude	Ruppert
Beall, Tex.	Garber	Kitchin, Wm. W.	Russell
Bell, Ga.	Garrett	Lamar	Ryan
Bowers	Gilbert, Ky.	Lamb	Sheppard
Bowie	Gill	Lee	Sims
Broussard	Gillespie	Lever	Smith, Md.
Brundidge	Goulden	Lindsay	Smith, Tex.
Burgess	Granger	Lloyd	Southall
Burleson	Gregg	McLain	Stanley
Burnett	Griggs	McNary	Sulzer
Burton, Ohio	Hardwick	Macon	Talbott
Byrd	Hay	Maynard	Taylor, Ala.
Candler	Heflin	Meyer	Trimble
Clark, Fla.	Henry, Tex.	Moon, Tenn.	Underwood
Clayton	Hill, Miss.	Moore	Wallace
Cockran	Houston	Padgett	Webb
Cooper, Wis.	Humphreys, Miss.	Patterson, N. C.	Wiley, Ala.
Davis, W. Va.	Hunt	Patterson, S. C.	Williams
De Armond	James	Pujo	Zenor
Dixon, Ind.	Johnson	Richardson, Ala.	

ANSWERED "PRESENT"—13.

Andrus	Gaines, Tenn.	Howard	Spight
Burleigh	Glass	Kline	
Butler, Pa.	Graham	Pou	
Fuller	Gudger	Sparkman	

NOT VOTING—116.

Aiken	Flood	Legare	Robertson, La.
Allen, Me.	Fordney	Lewis	Rodenberg
Ames	Foster, Vt.	Little	Scroggy
Babcock	Fowler	Littlefield	Shackleford
Bartholdt	Fulkerson	Livingston	Shartel
Bede	Gardner, Mich.	Longworth	Sherley
Bingham	Garner	Lorimer	Slayden
Birdsall	Gillett, Cal.	Lovering	Slemp
Blackburn	Gillett, Mass.	McCarthy	Small
Bowersock	Goebel	McDermott	Smith, Ill.
Brantley	Goldfogle	Marshall	Smith, Ky.
Broocks, Tex.	Gronna	Moon, Pa.	Smith, Samuel W.
Brown	Hearst	Morrell	Stephens, Tex.
Buckman	Hedge	Murdock	Sullivan, Mass.
Butler, Tenn.	Hermann	Murphy	Sullivan, N. Y.
Chaney	Hill, Conn.	Page	Thomas, N. C.
Cole	Hitt	Palmer	Tirrell
Coudrey	Hogg	Patterson, Tenn.	Towne
Davey, La.	Hopkins	Pearre	Tyndall
Dawes	Howell, N. J.	Powers	Van Duzer
Deemer	Hughes	Prince	Van Winkle
Dovener	Hull	Rainey	Vreeland
Draper	Kennedy, Nebr.	Randell, Tex.	Watkins
Driscoll	Ketcham	Ransdell, La.	Watson
Edwards	Knapp	Reid	Webber
Fassett	Knopf	Rhinock	Weisse
Field	Knowland	Rhodes	Welborn
Fitzgerald	Lafean	Richardson, Ky.	Wharton
Flack	Law	Rixey	Woodyard

So the resolution was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. FOSTER of Vermont with Mr. POU.

Mr. GRAHAM with Mr. PAGE.

Mr. HEDGE with Mr. SPIGHT.

Mr. MOON of Pennsylvania with Mr. WEISSE.

For balance of the day:

Mr. RHODES with Mr. HOPKINS.

Mr. FOWLER with Mr. SHERLEY.

Mr. HOGG with Mr. FITZGERALD.

Mr. COUDREY with Mr. RANSDELL of Louisiana.

Mr. DRISCOLL with Mr. LIVINGSTON.

Mr. COLE with Mr. FLOOD.

Mr. AMES with Mr. WATKINS.

Mr. BARTHOLDT with Mr. DAVEY of Louisiana.

On this vote:

Mr. WATSON with Mr. SULLIVAN of Massachusetts.

Mr. BUTLER of Pennsylvania. Mr. Speaker, on this vote I have a pair with the gentleman from Texas [Mr. GARNER]. I have voted in favor of the rule. I desire to withdraw my vote and be marked "present."

The name of Mr. BUTLER of Pennsylvania was called, and he voted "present."

Mr. MOON of Pennsylvania. Mr. Speaker, I was absent in the committee room in connection with the business of the committee.

The SPEAKER pro tempore. Under the rule, the Chair can only recognize gentlemen who were present when their names were called, listening, and did not hear their names as they were called.

Mr. GAINES of Tennessee. Mr. Speaker, I am paired with the gentleman from Maine [Mr. POWERS]. If he has not voted,

then I desire to withdraw my vote in the negative and to be marked "present."

The name of Mr. GAINES of Tennessee was called, and he voted "present."

The result of the vote was then announced, as above recorded.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I present the conference report on the agricultural appropriation bill.

The SPEAKER. The gentleman from New York presents the conference report of the agricultural appropriation bill.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent that the reading of the report may be omitted, and that the statement be read.

The SPEAKER. The gentleman asks unanimous consent that the reading of the report be omitted, and that the statement be read. Is there objection? [After a pause.] The Chair hears none.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seven, 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 7, 8, 10, 17, 18, 36, 38, 39, 54, 56, 58, 74, 78, 81, 90, 91, 92, 94, 95, 96, 97, 131, 137, and 141.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 11, 14, 15, 16, 19, 20, 21, 22, 23, 25, 26, 27, 28, 31, 32, 33, 34, 35, 37, 40, 41, 42, 43, 45, 46, 48, 49, 50, 51, 53, 55, 57, 60, 61, 62, 63, 64, 65, 66, 67, 70, 71, 72, 73, 75, 76, 77, 79, 80, 82, 88, 93, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 128, 129, 132, 133, 134, 136, 138, 139, 140, 142, 143, 144, 148, 149, 151, 154, and 155; and agree to the same.

Amendment numbered 9: 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 in said amendment insert "eighty-nine thousand seven hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "twenty-three thousand four hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one hundred and thirteen thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one hundred and sixty-three thousand and sixty dollars;" 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 lieu of the amount proposed in said amendment insert "four hundred and ninety-five thousand two hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: On page 51, after the word "grades," in line 6, strike out the remainder of the amendment and insert "and for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into interstate or foreign commerce;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "nine hundred and nineteen thousand seven hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In line 17, after the word "advisable," insert the following: "*Provided*, That before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out and insert, after the word "necessary," in line 4, the following: "to ascertain the purity of food products and determine what are regarded as adulterations therein;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "two hundred and twenty-one thousand four hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In line 19 strike out the word "three" and insert in lieu thereof the word "two;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "two thousand four hundred dollars;" and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "nineteen thousand six hundred and ten dollars;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "seventy-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "ninety-four thousand six hundred and ten dollars;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eight hundred and three thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eight hundred and three thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "nine hundred and seventy-four thousand eight hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "fifty-seven thousand six hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "seventy thousand dollars;" and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "eighty-two thousand five hundred dollars;" and in line 25, on page 90, strike out the words "sixty-five thousand" and in lieu of the same insert the words "eighty-two thousand five hundred;" and the Senate agree to the same.

Amendment numbered 152: That the House recede from its

disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following:

"The Secretary of Agriculture may authorize the Forester to expend from the funds herein appropriated for "General expenses, Forest Service," a sum not to exceed two thousand five hundred dollars in the construction of a permanent station building on the Dismal River Forest Reserve, Nebraska."

And the Senate agree to the same.

Amendments numbered 24, 29, 30, 147, and 153:

On amendments numbered 24, 29, 30, 147, and 153 the committee of conference have been unable to agree.

J. W. WADSWORTH,
CHAS. F. SCOTT,
JOHN LAMB,
Managers on the part of the House.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
F. M. SIMMONS,
Managers on the part of the Senate.

STATEMENT.

Amendment No. 1 allows an increase of $580 in the salary of the Solicitor of the Department.

Amendment No. 2 allows the appointment of an inspector, to be under the direction of the Secretary, as confidential agent.

Certain changes were made in the language of the general-expense paragraph of the Bureau of Animal Industry, made necessary by the meat-inspection amendment, which is incorporated into and forms a part of that paragraph. These changes simply avoid duplication, and in no way alter the material provisions of the law.

Amendment No. 31 provides for the employment of two additional clerks at $1,000 each.

Amendment No. 40 provides for the employment of three additional skilled laborers or messengers at $480 each.

Amendment No. 47 provides an additional sum of $30,000 for the use of the Bureau of Plant Industry to extend experiments with rare and new seeds, plants, etc.

Amendment No. 52 makes an appropriation of $15,000 to permit the Secretary of Agriculture to test grains intended for export, and authorizes him to give certificates of inspection when requested by either the consignor or the consignee of grains which enter interstate or foreign commerce.

Amendments Nos. 60 and 61 provide as follows:

"That the forest-reserve special fund provided for in section five of the act approved February first, nineteen hundred and five, entitled 'An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture,' shall continue until otherwise provided by law; but after June thirtieth, nineteen hundred and eight, it shall not be expended except in accordance with specific estimates of expenditures to be made from said fund for the succeeding fiscal year, to be submitted by the Secretary of Agriculture with the estimates of appropriation in the annual Book of Estimates. That ten per centum of all money received from each forest reserve during any fiscal year, including the year ending June thirtieth, nineteen hundred and six, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein: *And provided further*, That there shall not be paid to any State or Territory for any county an amount equal to more than forty per centum of the total income of such county from all other sources."

Amendment No. 64 allows an increase of $200 to the salary of the property clerk of the Bureau of Chemistry.

Amendment No. 71 allows an increase of $15,000 to the appropriation for the Bureau of Chemistry, made necessary in part by the loss of the laboratories at San Francisco.

Amendment No. 87 provides an increase of $7,000 for the lump-sum appropriation for the Bureau of Entomology.

Amendment No. 124 provides for an increase of $15,000 in the appropriation for the Bureau of Statistics to enable the Secretary of Agriculture to collect and compile data relating to the live-stock interests of the country.

Amendment No. 127 allows an increase of $3,840 in the appropriation for the Office of Experiment Stations in order to take care of the additional work which will be imposed upon it by the passage of the Adams Act of March 16, 1906.

Amendment No. 134 provides an increase of $20,000 in the appropriation for irrigation and drainage, your conferees having yielded on this item at the earnest solicitation of Senators and Representatives interested in the work of this office.

Amendmen No. 146 provides an increase of $10,000 for the Office of Public Roads.

In regard to amendment No. 150, the committee of conference was confronted by a peculiar situation and departed from the ordinary and proper province of a conference committee. It was claimed by the conferees on the part of the House that this provision was considered in conjunction with the following one appropriating the same sum ($65,000) for the eradication of ticks transmitting southern cattle fever, and though the Senate were not in any wise a party to that understanding, it would avoid friction and promote harmony if they were continued the same. The conference committee therefore recommends that the increase of $35,000 made by the Senate to the gypsy-moth item be divided, and that it stand at $82,500, and that one-half be added to the appropriation for eradicating the cattle tick, leaving both appropriations at $82,500. We submit this, stating its irregularity, but recommending that the action of the conferees be approved by the House.

Amendment No. 155 seemed to be made necessary by an error in punctuation in the act of March 16, 1906. This act appropriated to agricultural experiment stations established in accordance with the act of Congress approved March 2, 1887, "five thousand dollars in addtion to the sum named in said act for the year ending June 30, 1906." The intention of Congress was to make the first increase of appropriation apply for the fiscal year ending June 30, 1906. The Comptroller of the Treasury decided that the law did not become operative for the year named because of the absence of a comma after the word "act" in the language quoted. To remedy a technical error and to carry out the intention of Congress, and acting in accordance with the suggestion of the Treasury Department, this amendment has been agreed to, making the first appropriation of $5,000 for each agricultural experiment station for the fiscal year ending June 30, 1906.

On amendments numbered 24, 29, 30, 147, and 153 the committee of conference have been unable to agree.

All other amendments agreed to are immaterial, being either corrections of totals, slight rearragements of the clerical force, or corrections of punctuation and verbiage, not altering in any way the intents and purposes of the bill as passed by the House.

J. W. WADSWORTH,
CHAS. F. SCOTT,
JOHN LAMB,
Managers on the part of the House.

Mr. WADSWORTH. I move to agree to the conference report.

The SPEAKER. The gentleman from New York moves that the House do agree to the conference report.

Mr. LLOYD. I would like to ask the gentleman a question. What was done in reference to the appropriation for public roads? Did you accept the Senate amendment?

Mr. WADSWORTH. We divided our judgment on that, sir.

Mr. LLOYD. Mr. Speaker, did the House conferees accept the amendments of the Senate increasing the appropriations for the public roads branch of the service?

Mr. WADSWORTH. No; the difference between the House and Senate was equally divided.

Mr. LLOYD. I am much concerned in this service and indorse the statement of a prominent citizen who said that he could tell the intelligence and progress of the people by the condition of their public roads. The wag on the streets said in reply: "Then judge our people when the weather is dry."

There are several things necessary for road building, such as materials, labor, and skill, but most of all, an enthusiastic public demand. It takes money, and much of it, to build good roads. The people have the money, and if they conclude to spend it in that way, a system of good roads is assured.

There are those who say that the General Government should build the roads, but if so, with the present expenditures in other directions, it is necessary to stop and inquire where the revenue for that purpose is to be obtained. Others say the States should construct the roads. If so, are the people ready to assume the extra burden of taxation which it would impose? The present system is believed by others to be the most advisable and equitable. If so, more money must be raised by local taxation for that purpose if the best results are to be secured. Whatever system may be adopted, the people must meet an increased burden in taxation, and this will be true whether each locality build its own roads or a community plan is adopted.

It is not my purpose in the remarks that I shall make to try

to prove who should build the roads, whether county, State, or General Government, or a combination of two or more of them, but I propose to call attention to what the Federal Government has done, is doing, and what it may do to encourage road improvement.

There is at present, under the direction of the Secretary of Agriculture, a Department of Public Roads. In my judgment it is one of the most important branches of public service, and from it incalculable benefit may come. This great service thus far has been somewhat overlooked, as I see it. Its work has not been fully known or properly appreciated. The people have not urged its enlargement because the scope of its work was not understood. It has been allowed to struggle along with hardly money enough to sustain its existence and with little to expand its work. This branch of service began by establishing a Bureau of Literature by collecting such information as might be gathered affecting the subject of road building and by publishing and distributing to the country such publications as would give information to the general public on the subject of road construction. It employed several road engineers, who have been devoting their time and energy to the testing of road materials and to experimenting with various kinds of road work. Their object has been to find what are the best and cheapest road materials for given localities with their varying conditions of soil, subsoil, and atmospheric phenomena.

One of the most important, and, I believe, most helpful, parts of this service has been the construction of experimental roads in different localities of the United States, which serve as examples of the progress which has been made and gives opportunity to test the practical applications of the scientific researches which that branch of the service has made on the subject of road building.

One of the ills which affects our localities is the fact that our road officers, who in most instances are our best citizens, have little practical knowledge of road building. With the very small amount of money at their command, about all they can do is to engage in what may be termed "patchwork." In the States of the Mississippi Valley, where the people are dependent almost wholly upon dirt roads, this condition exists. I have no reflection to make upon these men, for their work is, to a great extent, patriotic in its character, and is not assumed for the purpose of personal profit. Vast amounts of money are, and must be, expended which, in many instances, do but little, if any, good to the permanent condition of the roads. Any information which could be utilized by these men or would arouse public sentiment to such an extent as that the people would determine to expend more money in each locality for genuine and permanent road building would be welcome, I am sure, by the men who are now responsible for the work that is done on the roads of this country. Most of them I am sure would greatly appreciate any system of instruction which might be given that would assist them in the better discharge of their duty.

It is a complaint frequently made that there is too little of what might be termed permanent work and too much of a temporary character. It is argued with much reason that our road officials should apply more of the funds at their command to the construction of a complete road and less of it to temporary improvements. It is not my purpose, however, to devote myself to the objections to the present system, but to impress, if I may, the fact that out of the public roads department of the General Government may come practical benefit to road overseers and those in charge of the public highways. This service, like almost any other, has grown to be a specialty, and the more it is regarded as a specialty the more necessity will be seen for specialists in this line. One of the chief aims of the Government's service is to furnish engineers who are fully equipped to give instruction to the country on the various questions connected with the public-road system and its maintenance. It is not known now that in numerous cases those in charge of public roads could get much information of practical benefit where extraordinary conditions are met, either in low or marshy districts, in the hill country or level prairie, if they would confer with Government officials about the conditions and kind of road to be improved, the amount of money and labor that could be expended on the improvement. These officials would gladly assist the road overseer in solving the problems and in making superior roads where it is now almost impossible to do so with the information at hand.

With the amount of money now appropriated experimental roads can not be built in every locality. In fact, it is impossible, with the present funds, to make a single test road of a mile's length in each State during the year. By the time the officers are paid, the equipments furnished, the literature distributed, the laboratory work performed, the scientific investigations and tests of soil made, one can readily see that but a very small sum would remain to be used in experimental road building. I believe in the development of this service. I would increase the appropriation with each succeeding year until the country is furnished the expert information and experimental roads which are necessary to inform and instruct the public on this great subject.

It may be inquired, What good will experimental roads do? as they will be built for so short a distance in any one locality? This ought not to be true. The locality will have a test in its midst of the expert knowledge of the Government's engineer and a practical demonstration of what may be done in the construction of a permanent road. Then the community may take it up and prosecute the work as they can secure the means to do so.

The object lesson is before the public. The inspiration for road building is given in the improved condition where the road is built. Its defects will be ascertained, and other work may be simplified and cheapened. Nothing in these progressive days is developed without thought and energy. A short time since I attended the hearings before the Senate Interstate Commerce Committee of prominent railroad men. They were there to discuss the great question of railroad rates and the supervision to be properly exercised over them by the General Government. It is astounding to hear of their vast fund of detailed information. There seems to be nothing connected with the business of the railway that has not been taken into the account. If we could have a few men in each section of our country who understood the building of highways and their maintenance as well as the railroad experts have mastered the question of railroad construction and maintenance, the question of how to build roads would easily be settled. The best public roads can no more be built without expert knowledge and matured plans than can a railroad. The railroads take the place of the great thoroughfares. Prior to the period of the railroads the people were concerned for great interstate highways to span the country. Once such highway was begun at Washington and builded west for several hundred miles, but the necessity for these great arteries of commerce no longer exist. The railroad has superseded them. The important question now is how to reach the railroads with the products of the country. Not a pound of freight reaches a train without the employment of other means of transportation. Of the 300,000,000 tons of the products of the farm which reach the railway for transportation annually there has been an average haul of over 12 miles by some other kind of conveyance, and a very large per cent of that has been carried over dirt roads.

A careful estimate made by the department of public roads shows that the conveyance of each ton of farm products cost $3, or that nearly $1,000,000,000 is expended in getting the crop of the American farmer to the railroad. This is a far greater sum than is given to the railroads for carrying the same products; in fact, more than twice the sum that is paid them. Think of this appalling fact. The people are now interested in railroad rates and concerned for their proper regulation, but how important that proper interest be taken in the question of the public roads. As an example, 40 bushels of wheat may be hauled 12 miles to a railroad station. It takes a day, a hand, and a team to carry it. This service is worth $2.25 to $2.50 per day. The team is fed and the hand buys his dinner, which, together, makes the expense 75 cents more, so that it will take $3 to get 40 bushels of wheat to the train. It is shipped from the railroad station, say, 300 miles to market, and this shipment will cost a less sum than it took to get the 40 bushels of wheat to the railroad station. This initial expense should be reduced, and the best way to reduce it is to perfect the road system. The railroads spend millions of dollars each year in repairing and building up their tracks, and a constant outlay of money is made to better the condition of the roadbeds. Anything like the same interest in public roads would result in a perfected system, and then at least twice as much would be hauled over the public highways as is now carried over them. Instead of paying $3 for hauling the 40 bushels of wheat, 80 bushels could be delivered for the same price. It is safe to say that a perfected road system would save at least 40 per cent of the expense of getting what the farmer raises to the train for transportation. This would amount to over $400,000,000 annually, and is a saving worthy of serious consideration. This is no overdrawn picture, as the public road inquiries and Interstate Commerce Commission have plainly shown.

To secure the perfected road system is no easy task. It can only be secured by persistent agitation. Until the people will it by a determined expression, no great advance will be made in this important work. One man, however serious, can not build them. Others must be interested in order to accomplish it. If the people could be aroused to the necessity of this

achievement, the plan would be evolved. The individual controls the community. Localities influence the counties, the counties determine the action of the State, and the States affect the General Government. Without the individual interest and effort it need not be expected to interest the county, State, or Federal Government.

There are many things that can be accomplished by the individual, but as such he can not build the roads of the country. He might build them around his own farm, but this would be the extent of his jurisdiction. He could not compel his neighbor to do likewise.

It seems to me that there is a misconception of the parties to be interested and benefited by road improvement. Many persons seem to think that the construction of highways is a benefit only to the farmer. He receives more primary benefit, it is true, than any other class or business interest, but every commercial and industrial enterprise is dependent at last upon the success of the farmer. Prosperous farmers make prosperous communities, and everything falls to pieces when the farmer fails. Many business enterprises have already realized this principle, and have shown a disposition to encourage and foster the idea of road development. The railroad companies are taking more interest, perhaps, in public roads than any other class of business, except the bicycle and automobile manufacturers and dealers. The railroad are, in a practical sense, public highways in the nature of toll roads, but they expend millions of dollars annually in perfecting their roadbeds and in adding to the efficiency of the service they render the public. It would be well for all classes of people to profit by this example, and to make the public roads equally well fitted for highways of commerce. The wholesale merchant, the retail dealer, the manufacturer, and the miner are alike interested in the question of good roads. The business of each is dependent largely on them, but every class or condition, whether in business or out, resident of country or city, is the beneficiary of a perfected road system, and should, by vote and financial contribution, encourage the perfection of our highways.

Ten years ago rural free delivery of mail was considered impractical and almost impossible of achievement. Now it is a fixed part of the postal system; and where can be found any considerable number of people who would discontinue this important branch of service? So it would be with road improvement after it had been accomplished. Like the rural mail, it would be considered indispensable, and but few could be found who would then turn back the tide of progress and restore the road condition of to-day.

One step in this onward movement is to encourage the development of the road department of the Agriculture branch of the Government by enlarging the scope of its labors, increasing its force of expert engineers and specialists, and bringing it more in touch with the people, so that they can receive more of its benefit by practical demonstration of its real value.

As Americans we are proud of our country and we rejoice in its achievements. We are filled with patriotic fervor when we think of its progress; but in road building we are behind the procession and are not keeping pace with the achievement of other countries. We have the finest and best-equipped railroads, with a service to the public which surpasses that of any country on the globe, but the local highways, which are lateral roadways leading to the railroads, are in many cases entirely neglected. It is strange, also, to observe that but little real dissatisfaction seems to assert itself on account of this condition. I can not understand why there is not a real spirit and an enthusiastic sentiment in favor of a better road system. Men who are wide-awake in other regards seem to have no interest in this situation. It depends upon the people, after all. Their demands will be met in legislation and practical endeavor if they are earnestly and unitedly made. A system of highways should be constructed, in my judgment, which is not surpassed by any civilized country. Such a system would result in the advancement of the business interests of the people, happiness and comfort would be better secured, a greater concern for education would be brought about, and a loftier moral and religious sentiment ought to pervade the country.

Mr. UNDERWOOD. I would like to ask the gentleman from New York a question.

Mr. WADSWORTH. I yield to the gentleman.

Mr. UNDERWOOD. This is not a full agreement, is it?

Mr. WADSWORTH. It is not.

Mr. UNDERWOOD. It does not include the meat-inspection clause?

Mr. WADSWORTH. It does not include the meat-inspection clause.

Mr. COCKRAN. Do I understand the gentleman to say it includes it?

Mr. WADSWORTH. It does not. That is still in disagreement.

The question was taken; and the conference report was agreed to.

Mr. WADSWORTH. Mr. Speaker, I move now to further insist on amendments 24, 29, 30, 147, and 153. The amendments relate to the meat-inspection clause, and the question of certain totals incidental to the meat-inspection clause.

Mr. WILLIAMS. Do I understand that applies to amendment 29?

Mr. WADSWORTH. I move to further insist on amendment 29.

Mr. WILLIAMS. A parliamentary inquiry.

The SPEAKER. One moment. Let us get the motion straight.

Mr. WADSWORTH. I will repeat it. I move to further insist on amendments 24, 29, 30, 147, and 153.

Mr. WILLIAMS. Now, Mr. Speaker——

The SPEAKER. Wait a minute.

Mr. WILLIAMS. I would like to have a separate vote upon each of these.

The SPEAKER. The gentleman asks a separate vote. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment 24, page 12, lines 6 and 7, after the word "million," strike out the words "five hundred and seventy-five thousand" and insert in lieu thereof "six hundred and seventy-seven thousand two hundred."

Mr. WADSWORTH. Mr. Speaker, let me simply state that this is a question of totals, which will have to depend upon the adoption of the meat-inspection paragraph.

The SPEAKER. Without objection, the motion as to that amendment will be agreed to. The Chair hears no objection.

The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 29, page 15, after line 12, insert: "That the Secretary of Agriculture shall cause to be made, by inspectors"——

Mr. WADSWORTH. That amendment is the meat-inspection paragraph.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. One moment. Twenty-nine is the House provision, is it?

Mr. WADSWORTH. It is.

The SPEAKER. The motion of the gentleman from New York, it seems to the Chair, would be that we insist upon the House amendment.

Mr. WADSWORTH. That is my motion.

Mr. DAVIS of Minnesota. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DAVIS of Minnesota. Can I have a little time to make a statement? I desire at this time——

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

Mr. DAVIS of Minnesota. I desire at this time to move that the House recede from its amendment and substitute amendment 29; and in that connection I desire to offer as a substitute therefor the following proposition, which I understand has been offered by the Senate conferees to the House conferees, and offer it as a substitute.

Mr. WADSWORTH. I make the point of order against that, Mr. Speaker, that it is new matter that has not been considered by either House.

Mr. SULZER. You can not determine that until it is read. Let us have it read.

Mr. WILLIAMS. I ask for order.

Mr. WADSWORTH. I have not yielded the floor, Mr. Speaker.

The SPEAKER. There are only two motions in order. One is to insist and the other is to recede, and still——

Mr. DAVIS of Minnesota. I move to concur in the Senate amendment with an amendment.

Mr. WADSWORTH. I do not yield to the amendment.

Mr. WILLIAMS. A parliamentary inquiry.

The SPEAKER. The House can not very well recede and agree to its own amendment.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker. I have understood the Chair to say that only two motions would be in order. Would it not also be in order, in addition to the two motions which the Chair has suggested, to instruct the conferees in any manner indicated in the motion?

The SPEAKER. Oh, undoubtedly that would be in order, but not until after we had consented to the conference. That would be the time for that.

Mr. WADSWORTH. That opportunity will come to the gentleman from Mississippi later.

Mr. BOWIE. Mr. Speaker, a parliamentary inquiry. Would not a motion to instruct the House conferees to agree to section 29 as amended by the House, with an amendment, take precedence over the motion which the gentleman from New York has just made?

The SPEAKER. Without passing on the parliamentary inquiry, or upon anything that might be presented until it is presented, instructions are only in order after we have asked or agreed to a conference. At that point they would be in order.

Mr. WADSWORTH. Mr. Speaker, I insist upon my motion.

Mr. UNDERWOOD. Mr. Speaker, I understand the motion of the gentleman from Minnesota [Mr. DAVIS] is to recede from the disagreement to the Senate amendment, and to concur in it with an amendment; and as I understand the rules, the House being in disagreement with the Senate, that motion has a tendency to bring the two Houses together more quickly.

The SPEAKER. The gentleman will pardon the Chair. We concurred in the Senate amendment with an amendment to which they have disagreed. The Chair understands the rule to be that the House in the present condition can only insist or recede. With the consent of the House, the Chair will have the following read.

Mr. UNDERWOOD. Mr. Speaker, if the Chair will pardon me——

The SPEAKER. The Clerk will read.

The Clerk read as follows:

But the House can not recede from or insist on its own amendment with an amendment, for the same reason that it can not send to the other House an amendment to its own act after it has passed the act. They may modify an amendment from the House by ingrafting an amendment on it, because they have never assented to it; but they can not amend their own amendment, because they have, on the question, passed it in that form. (9 Grey, 363; 10 Grey, 240.) In Senate, March 29, 1798. Nor, where one House has adhered to their amendment and the other agrees with an amendment, can the first House depart from the form which they have fixed by an adherence. (Jefferson's Manual, Sec. XLV.)

The SPEAKER. And so far as the Chair is informed and believes, these precedents have been followed by both the Senate and House.

Mr. UNDERWOOD. Mr. Speaker, if the Chair will pardon me a moment, I understand we can not amend the amendment that we made to the Senate amendment, but I understand the motion of the gentleman from Minnesota [Mr. DAVIS] is that we recede from our amendment to the Senate amendment, which, of course, we have a right to do, or the two Houses could not get together; and if we can recede from our amendment to the Senate amendment, then it is in order to concur in the Senate amendment, as much so as it would be originally; and if we can concur in the Senate amendment, we can do so with an amendment.

The SPEAKER. But we have already concurred in the Senate amendment with an amendment.

Mr. UNDERWOOD. We can recede from it.

The SPEAKER. If we recede now from the amendment of the House, it leaves the Senate amendment concurred in, and that is the end of the whole matter.

Mr. UNDERWOOD. The point I make is that we can recede from the amendment that we put on the Senate amendment, as the Senate has not accepted it; and then it is in order, after we have receded from our amendment to the Senate amendment, to concur in the Senate amendment with another amendment.

The SPEAKER. Not at all. We have already concurred in the Senate amendment with an amendment, and the Senate has disagreed to our amendment, and we can not change the issue without the consent of the Senate, and perhaps not even with the consent of the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 6443) authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California, and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, California, to the city of Los Angeles, Cal.

The message also announced that the Senate had agreed to the report of committees of conference on the disagreeing votes of the two Houses on 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.

AGRICULTURAL APPROPRIATION BILL.

Mr. WILLIAMS. Mr. Speaker——

Mr. WADSWORTH. What is the purpose of the gentleman?

Mr. WILLIAMS. I want to make a motion to recede from the House amendment and concur in the Senate amendment of the original bill with an amendment.

Mr. WADSWORTH. I make a point of order against that; I do not yield for that purpose.

The SPEAKER. Has the gentleman from Minnesota abandoned his motion?

Mr. DAVIS of Minnesota. No, Mr. Speaker, I have not, unless parliamentary law and the rules of the House prohibit me from pressing it further. I desire for the House to recede from its amendment to the Senate amendment 29 and concur in Senate amendment 29 with an amendment.

Mr. WADSWORTH. I make a point of order against that.

Mr. DAVIS of Minnesota. If the point of order be sustained, I am powerless.

The SPEAKER. The Chair sustains the point of order.

Mr. WADSWORTH. Now, Mr. Speaker, I insist on my motion that we further insist on the disagreement to amendment 29.

The SPEAKER. The gentleman from New York moves to further insist on the disagreement to amendment 29.

Mr. SULZER. Can it be reported, Mr. Speaker?

The SPEAKER. It is 15 pages in length; it is what is known as the meat inspection, and it can not be reported again unless by unanimous consent.

Mr. BOWIE. Will it be in order to make a motion to instruct the conferees?

Mr. BURLESON. Later there will be a proposition and then there will be a square show down.

The SPEAKER. The question is on the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 175, noes 43.

So the motion was agreed to.

Mr. WILLIAMS. Now, Mr. Speaker, I move——

The SPEAKER. But there are still amendments undisposed of.

Mr. WADSWORTH. Mr. Speaker, I move that the House further insist on its disagreement to amendment No. 30.

The Clerk read the amendment.

The motion was agreed to.

The Clerk read the next amendment, No. 147.

Mr. WADSWORTH. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

The Clerk read Senate amendment No. 153.

Mr. WADSWORTH. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

Mr. WADSWORTH. Mr. Speaker, I now move that the House agree to the further conference asked for by the Senate.

The motion was agreed to.

Mr. WADSWORTH. Mr. Speaker, I send the following resolution to the desk.

The Clerk read as follows:

Resolved, That it is the sense of the House that the conferees should not recede from House amendment to the Senate amendment No. 29, relating to meat inspection.

Mr. WADSWORTH. On that I move the previous question.

The SPEAKER. The previous question would cut off debate. The gentleman is entitled to an hour.

Mr. WADSWORTH. Then I withdraw the demand for the previous question. I thought under that demand we were entitled to twenty minutes on a side.

Mr. WILLIAMS. I wish to ask the gentleman from New York whether he is going to give us an opportunity to offer a substitute for the motion he has just made.

Mr. WADSWORTH. A substitute with additional matter is out of order at any time.

Mr. WILLIAMS. A substitute for the same matter.

The SPEAKER. The gentleman from New York has the floor for one hour.

Mr. WADSWORTH. I propose to divide the hour, giving the other side one-half of the time. I want to make one statement. The question between the two Houses is on the question of label and who shall pay the cost of inspection, the Government or the factory. Mr. Speaker, before the Committee on Agriculture all the testimony that we could gather on the point was to the effect that canned goods, so long as the can was not injured by accident, so long as the air did not get into it, would keep indefinitely. So long as the can remains intact the goods would not be spoiled. We had some very interesting testimony

in regard to that before the committee. For instance, in the case of a woman who moved with her parents to Kansas in the early days, the mother loaded up a lot of canned goods which she had put up herself, and seven years afterwards in Kansas those goods were consumed.

The Speaker himself has informed some of us that some canned goods put up in his family five or six years ago are still being consumed. Now, if you put the date on the label, you simply put an impediment to American commerce. These goods are sent all over the world. They are dealt in by the retail dealer and by the wholesale dealer. The retail dealer has a supply on hand. I do not want to take up all the time, but I just want to assure this House that all of the evidence before our committee was to the effect that canned goods remained perfect so long as the can itself remains perfect. The minute the can is made imperfect by a blow or a puncture of some kind, those goods are spoiled, and, so far as the meat goods are concerned, they smell to high heaven. No man need trouble himself about any danger to health from spoiled canned meat.

On the question of the cost I stand simply on this proposition: There are two objects which demand the passage of this bill. First, the protection of our foreign commerce. That certainly is a legitimate Government expenditure. It is just as legitimate as the deepening of harbors and rivers for the furtherance of American commerce. The second proposition is for the benefit of the public health. That is a Government function, and a justified Government expenditure. That, briefly stated, is the platform upon which I stand in regard to this expenditure. Mr. Speaker, we are maintaining to-day a quarantine line from the Atlantic almost to the Pacific against the cattle tick prevalent on southern cattle. That is for the public good. Would it be justice to turn to these cattle owners and tell them that they have got to pay the cost of that quarantine, because they are a menace to the public good? You might go further and take up the agricultural appropriation bill and carry it a little further and say that the benefit that comes from the investigations of the Bureau of Plant Industry ought to be charged to the plant growers; that the appropriation made for the benefit of irrigation ought to be charged to those people in the arid West, and so on indefinitely. I do not want to take up any further time, because there are some other gentlemen who want to speak on this side. Briefly, that is my judgment on this question.

Mr. HINSHAW. I would like to know whether the Committee on Agriculture took testimony to show what would be the ultimate result of taxing the packers, whether the producers of the cattle throughout the great West would bear that expense or the packers themselves.

Mr. WADSWORTH. Undoubtedly the producer and the consumer would pay. In other words, the United States would pay. What difference does it make whether the Government pays it or the consumer or the packer or the producer? It is all the same. We are all to pay taxes for it.

Mr. COCKRAN. Then what is the objection, if it makes no difference?

Mr. WADSWORTH. Here is a can put up in 1885, and the gentleman who brought it here, representing the Franco-German Soup Company, of Jersey City, says if any Member of this House will take that can down and use it and it is not just as good as this one just made he will waive all objections to putting the date on the can.

Mr. HUMPHREY of Washington. If this does not make any difference, what is the objection, to repeat the question of the gentleman from New York [Mr. COCKRAN]?

Mr. WADSWORTH. Mr. Speaker, I now yield half an hour to the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Mr. Speaker, I do not propose to consume much of this time, but desire to make one simple statement as a member of the Agricultural Committee and as one of the House conferees on this bill. There is no necessity for discussing this matter of the date on the cans and labels. I do not think there were three votes in our committee for that proposition, and we are agreed here upon that question. But upon the question of who shall pay the cost of inspection this House is certainly divided in its judgment. Of course being instructed by the vote that was given in this House a few days ago, when we had no opportunity to discuss the question, I voted with my colleagues, the conferees; but now, having come back to the House, I feel at liberty to express my own individual views on this question.

The Senate conferees disagreed with us. After a long conference, discussing this matter for days, they offered an amendment to the bill, and it is almost in the identical language of the amendment that I sent to the Clerk's desk and had read when this bill was reported, though there was no conference between any Senator and myself on that subject. What will you do with this cost? Do you propose to tie the hands of your conferees and thus defeat the entire bill? Will you saddle the people of this country, one-third of whom do not consume any of these products, with all the cost of inspection, or will you put half of it at least upon the packers?

Mr. GILBERT of Kentucky. What is the gentleman's position?

Mr. LAMB. My position is that the packers pay half the cost.

Mr. COCKRAN. Why not have them pay all of it?

Mr. LAMB. This would be as well, perhaps; but inasmuch as the Government pays the cost of foreign inspection now, the minority of the committee thought the packers should be made to pay that part of the cost made necessary by their own neglect and bad methods. I hope we will yet find some way to make them pay this cost, either in this or some other Congress.

I yield five minutes to the gentleman from Minnesota [Mr. DAVIS].

The SPEAKER. How much time does the gentleman yield?

Mr. LAMB. Five minutes.

Mr. DAVIS of Minnesota. Mr. Speaker, in the Committee on Agriculture there was, at least in numbers, a respectable number who did not agree with the majority report. Many questions were debated, discussed, and considered by the committee. The views of the minority were usually given but slight consideration, at least upon the important questions. We of the minority expected, and in fact had promises, that when the committee substitute for Senate amendment No. 29 was brought before the House that we would have an opportunity to fully discuss the same and offer amendments thereto. Thus far the minority have had no opportunity to offer amendments upon these propositions. The chairman of the committee, and I do not allude to him now with anything but the highest respect and regard, says that all the evidence that was offered before the committee on the subject of dating the labels which were to be placed upon the cans was to the effect that the food product contained therein was just as good after a series of five or ten years as it was that day the product was put in the can. I respectfully dissent from the statement. The only evidence that I heard upon that subject in favor of the chairman's proposition was given by a lady newspaper reporter, who testified or stated in a very fascinating manner her experience in her younger days in putting up canned fruits and tomatoes. I will say, however, that at that juncture and at the request of some of the minority members of the committee, Doctor Wiley, Chief of the Bureau of Chemistry of the Agricultural Department, was called up over the telephone by the gentleman from Alabama [Mr. BOWIE], a member of the committee. The substance of his response, as given to us by the gentleman from Alabama [Mr. BOWIE], was that "Canned goods are affected by the can and other processes from the day they are placed in the can;" but in his judgment they do not seriously affect health if they were properly sterilized and hermetically sealed until after the expiration of two years or possibly three years, and after the expiration of that time he thought the food might be deleterious to health.

That, Mr. Chairman, is the only evidence that I know of, except the talk of members of the committee on the subject, of what effect time had upon the product contained in the can. If I am mistaken, I will allow the gentleman from Alabama [Mr. BOWIE], a member of the committee, to correct me. I am not, Mr. Speaker, particularly insisting upon the date being placed upon the label going upon the can. I am not here for that purpose. Yet, in my judgment, the manufacture of canned goods should stand upon the same basis as the manufacture of a hat or suit of clothes or other commodity that lies upon the country merchant's table and becomes out of date, and hence of less value than the new article just placed there.

Mr. GILBERT of Kentucky. Will the gentleman allow me to ask a question?

Mr. DAVIS of Minnesota. Certainly.

Mr. GILBERT of Kentucky. The chairman of the committee, the gentleman from New York, and yourself, and all the other members of the committee so far as I am able to ascertain, concede the main proposition, and that is after the goods have been canned up exposure to the atmosphere will deteriorate the quality of the goods. Now, is not the purchaser entitled to know the length of time that the goods have been canned in order that he may ascertain the probabilities of perforation and atmospheric exposure?

Mr. DAVIS of Minnesota. I certainly think so, and especially so in view of the statement of Doctor Wiley, of the Bureau of Chemistry. Now, Mr. Speaker, on the subject of cost. I represent an agricultural constituency, and at the same time I have contained within the borders of my district the third or fourth

largest meat packing and slaughtering institution in the United States at South St. Paul, Minn.—Swift, Armour & Co.'s magnificent plant—and I am proud of it, and I wish to say that, after having visited that plant on several occasions, I was surprised at the testimony of Mr. Neill and Mr. Reynolds, and especially so if that statement was to be in any way a reproach upon the South St. Paul institution.

Of course I knew nothing about Chicago packing and slaughtering plants; therefore I leave the report for what it is worth as to them. But, Mr. Speaker, on the subject of cost I have contended in the committee, and I shall upon the floor of this House, that the person or persons, men or set of men, who cause any trouble or any damage should pay that cost and expense of needed inspections. I am in favor of and have always advocated that, in the first instance, in order that we might have the best possible inspection and in order that the Secretary of Agriculture should not in any way be hampered by the lack of funds, the Government should supply sufficient to pay all expense.

The SPEAKER. The time of the gentleman has expired.

Mr. DAVIS of Minnesota. I would ask the gentleman from Virginia if he would give me a few more minutes.

Mr. LAMB. I wish I could.

Mr. DAVIS of Minnesota. Give me three minutes more, or two minutes, on the subject of cost.

Mr. LAMB. I will yield two minutes.

Mr. DAVIS of Minnesota. As I was saying, the Government should furnish the funds to make the inspection, as the President says, from the hoof to the can. In other words, when the animal is brought into the stock yards, that the Government inspect it ante-mortem, and inspect the carcass and give it all other necessary inspection, even microscopic if deemed proper; and when such carcass is hanging in the cooling room, if anyone takes that pure carcass and transfers any portion of it to any other department, puts it into cans, cuts it up and mixes it with any ingredients, preservatives, or coloring matter, thereby causing expense in the way of subsequent inspection, the man or company who does that should pay that part of the expense.

Now, Mr. Speaker, I am informed that a proposition has been submitted by the Senate conferees virtually embodying that proposition, namely, that subsequent inspection of meat food products be paid for by the parties who do the canning, and it is embodied in the following, which I read, and ask that the conferees be directed to use their influence, at least in the next conference, to accept and adopt this idea, if not the exact words:

The entire cost of inspection shall be paid from this appropriation, but to reimburse the Treasury for the expense incurred for the inspection of meat food products subsequent to the inspection of the live animal and carcass the Secretary of the Treasury shall, upon the return of the Secretary of Agriculture of the number of animals inspected and examined under the provisions of this act, collect and deposit in the Treasury a fee of 5 cents each for every carcass of cattle inspected and examined and 3 cents for each carcass of sheep, swine, and goats so inspected and examined, and he shall publish the necessary rules and regulations for carrying out this provision.

Summed up, this means that the packer pays the expense for inspecting his canned meat food products, and that the Government pays the cost of inspecting the live animal and the carcass post-mortem, 92 per cent of which is consumed as fresh meats and 8 per cent is put in the canning factory and has caused all of this trouble. [Applause.]

Mr. LAMB. Mr. Speaker, I yield ten minutes to the gentleman from Alabama [Mr. BOWIE].

[Mr. BOWIE addressed the House. See Appendix.]

Mr. WADSWORTH. How much time has the gentleman from Virginia left?

Mr. LAMB. Will my friend use a portion of his time?

Mr. WADSWORTH. I yield four minutes to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, coming from a State largely interested in the production of cattle, sheep, hogs, and goats, I probably look at the issue now before the House from the standpoint of one interested in the stock grower. As far as I am concerned, speaking for that class, you can not make inspection of meats prepared for home or foreign consumption too rigid or too thorough and comprehensive. I have no particular interest in the packeries of this country, but I believe, upon reflection, everyone will admit, Mr. Speaker, the statement made by the gentleman from Alabama was a little extreme, if not unfair and misleading. He speaks of the reports of the inspectors—the Executive inspectors being justified by the conditions that were found in the packeries. He speaks of the packeries in such a way as to embrace them all within the scope of his remarks—is he justified in doing so when it is not claimed that these inspectors went to any point other than Chicago? Mr. Speaker, there are packeries in St. Joe, Kansas City, New York, Fort Worth, Tex., and many other points in the United States that were never visited by these inspectors, and about which they have not and can not say one single derogatory word. Careless statements like these, though unintentionally made, may result in great injury, just as this hysterical crusade has resulted in incalculable injury to the stock grower with no original intent to do him harm.

Mr. Speaker, there is no tie of brotherly love and affection between the cattle grower and the beef packer. We have not felt very kindly toward him in the past when he was engaged in depressing the price of our product. If the President of the United States had directed his energy to the prosecution of those monopolists for putting down the price of our beef, we would gladly acclaim him a faithful and efficient Executive; but when he recklessly or through spite strikes a blow in the dark, which tends to materially injure, if not to destroy, an industry that is so closely linked with the industry of cattle growing, that as a result the interest of the stock grower is seriously menaced, then we protest. We have a right to do so.

I say, Mr. Speaker, and I say it with perfect candor, if I thought we could successfully do so I would put this cost on the packer. But, Mr. Speaker, I assert, and I assert it without any disrespect to my friend from Alabama or my friend from Virginia, any man that has as much sense as a mullet must know that this can not be done. Every man of sense knows if an attempt to put this charge upon the packer is made he will immediately shift the burden onto the shoulders of the grower of cattle and the consumer of beef. [Loud applause.]

Mr. BOWIE. Now, right there, if the gentleman will allow me.

Mr. BURLESON. I have not time or I would yield with pleasure.

Mr. BOWIE. Would you exempt them from all State, municipal, and city taxation because they can put that, too, onto the shoulders of the consumers eventually?

Mr. BURLESON. That is misleading, but, in fact, those charges do affect the price paid to the grower by the packer, as every man here knows.

Now, Mr. Speaker, where should this tax be levied? Shall it be nominally placed on the packer, to be at once by him shifted to the producer, a narrow class, or shall this charge for meat inspection, which is claimed to be done in the interest of the public health, be placed upon the Government, to be paid by all the people? Shall it be so levied that the burden of paying it will fall on a limited few—the stock growers—or is it right and just and fair that for this inspection made at the demand of the people, for the people, be paid by the people?

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

Mr. BURLESON. Is not that right? Is not that just? Who can contend to the contrary?

Mr. Speaker, I will not be deterred from performing a solemn obligation that is placed upon me to discharge my duty to the people I represent, as I see it, by the fear that the charge will be printed in some yellow newspaper or an insinuation made by some miserable slanderer that I spoke in behalf of or supported the interest of the beef trust. Not one bit of it!

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

Mr. BURLESON. Mr. Speaker, I would be glad to yield to my able and distinguished friend from Kentucky [Mr. JAMES], but the fact that I speak under a time limit constrains me to decline.

I think no one here will attempt to gainsay the proposition that the beef trust magnates or monopolists are human. No man will claim that they are not controlled by the same motives and purposes that control other men. If you attempt to levy this tax on these packers, is it not natural, is it not the thing that we would do if we were in their place, is it not what we can surely expect that they promptly shift the burden upon the grower of cattle in the first place, and then, having collected probably double from him, in order to be dead sure that they sustain no loss, then shift it onto the consumer and make them pay also? [Applause.]

Another reason why we should place this charge upon the Government, and I think this should be a controlling reason with every man who wants inspection—genuine inspection, the best inspection—is that if the Government pays the inspection that official, as is natural, will feel primarily beholden to the Government, and hence will feel it incumbent to discharge his full obligation to his employer by the careful discharge of his official duties. But how would it be if the inspectors knew that whereas they were nominally employed by the Government, they were really being paid by the packers? Do you believe under this condition inspection would be so efficient?

Mr. LEVER. Mr. Speaker, in the few minutes I have it is

impossible for me to do more than state the general principles which have moved me in the course I have taken in this legislation.

The only issue under consideration this evening is, Who shall pay the cost of inspection of meat food and meat-food products? All other propositions in the bill have been agreed upon.

We must assume that this legislation is either in the interest of the beef trust or it is in the interest of the general public. We are either legislating for a private interest or for the protection of the health of the general public. If this legislation is predicated upon the idea of favor to the beef trust, then, as Democrats, we are estopped from legislating at all, for, as a party, we have always stood against legislation in behalf of special interests, trusts, and combinations. [Applause.] If the legislation is in the interest of the general welfare, then the general public ought to bear the burden of the cost of inspection. [Applause.]

This legislation is either a proper exercise of the governmental function or it is not; and if it is an exercise of the governmental function, then the Government ought to be willing to pay for the exercise of its prerogative. I take the position that no government has the right to legislate in the interest of its people and then require some special interest to bear the burden of executing its legislation. If the Government has the right to legislate in the first instance, I think no one can deny that it ought, as a matter of right and principle, assume the cost of putting this legislation into operation. No Democrat can assail this position.

Suppose we put the cost of inspection upon the packers, will they pay it in the end, or will it come out of the people? It is admitted by everyone that the beef trust controls the price of beef and beef cattle, and this being true, it must follow, as the night the day, that whatever additional burdens are placed upon its business will in the end be charged up against the cattle raisers of the country on the one hand and the consumers of beef products on the other.

The doctrine that the consumer pays the tax is as old as the Democratic party. It is the Democratic position on the tariff, it is the Democratic position on every fiscal issue that arises in this country. [Applause.] I sat here yesterday and listened to the gentleman from Missouri [Mr. DE ARMOND], in debating another question, argue that the consumer paid the tax. I said "Amen!" to him, because he was right; and if he was right yesterday in assuming that the consumer paid the tax, then I am right to-day in making the same assumption. It seems to me that a man with a thimbleful of brains must know that if we put the cost of inspection upon the packers the packers will recoup themselves out of the cattle raisers on the one hand and out of the consumers on the other to the tune of three or four times as much as the cost of inspection, for we give them the excuse to do so. [Applause.] They would catch them coming and going, as my friend suggests, like the negro's fish trap. It is true that Mr. Wilson, the paid representative of the packers, entered a most vigorous, if not violent, protest against the idea of the packers having to pay the cost of inspection, and when he was asked the question whether the packers would not in the end place the burden of inspection upon the cattle grower, he replied in substance that this could not be done; and yet, Mr. Speaker, when we take into consideration the fact that the packers fix the price of beef and beef cattle, and that the packers are not in this business for the fun of it, but for the money there is in it, I must be allowed to take the statement of Mr. Wilson with a good many grains of salt. I shall not accept the statement of Mr. Wilson as to this matter when the fact is notorious that the price of cattle and beef is fixed arbitrarily by the beef trust. In my judgment, the packers, while protesting with their mouths against this proposition, in their hearts would be glad for us to place upon them the burden of inspection in order that they might have an excuse to further skin the American public. [Applause.]

I put against the testimony of Mr. Beef Packer Wilson the testimony of another Wilson—the Hon. James Wilson, Secretary of Agriculture, the representative, not of any special interest, but of the general public. The statement of Secretary Wilson must be valuable, because it emanates from a source presumed to be absolutely unbiased. On June 20, 1906, before the agitation on this subject began, and before the hysteria set in, and when we were dealing with it in a calm, dispassionate manner, without prejudice, Secretary Wilson appeared before the Agricultural Committee and was interrogated on this very point. I read from the RECORD:

Mr. LEVER. If the packer is made to pay, he will charge the cost up to the producer?

Secretary WILSON. Undoubtedly. The packer is not in business for his health.

Mr. SCOTT. Would it not be a pretty hard thing to charge up a cost of 2½ cents on an animal?

Secretary WILSON. To make it easy, they would probably call it 10 cents.

This is the testimony of the representative of the Federal Government. How does it tally with the testimony of the representative of the beef packers? As far as I am concerned, I prefer to take the testimony of Secretary Wilson to that of Mr. Wilson, hired man of the beef packers. President Roosevelt himself, in his message of June 4, on this subject, sets out clearly that he would be in favor of the Government paying for the inspection, except for his fear that Congress at some time might not provide adequate appropriation for carrying the law into full effect, and I was struck by the fact that every disinterested witness who appeared before the committee, either directly or by implication, assured the committee that the packers, if made to bear the burden of inspection, would in the end recoup themselves. With the general principles announced in mind, and with the testimony before me, I can not take any other position than that the Government ought to do the square thing by its people, dealing in a straightforward and business-like manner toward them, and assume the cost of this inspection. [Applause.]

Mr. LAMB. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Speaker, the sole question that seems to interest the House at this time seems to be who shall pay the fees for the inspection in these packing houses. I shall therefore confine my remarks to that question. The issue is, Shall the "beef trust" pay the expense or the people at large? I favor requiring the beef trust to pay the expense. I have heard several Members say that if they could be convinced that the cost of inspection could be put upon the packers, and that they would be required to pay it, they would be in favor of that. The only way that we have of arriving at whether or not they can be required to pay is by the testimony before the committee, given not only by the representative of the packers, but by the representative of the cattle raisers, and I propose to show you from these hearings on both sides that if it is levied upon the packers—the beef trust—it would come out of their pockets and they would be required to pay. The gentleman from Alabama [Mr. BOWIE] read the testimony of Mr. Wilson, the representative of the packers before the committee, in which he stated that if this inspection fee was placed upon the packers it would come out of their pockets, for the reason, he said, that they only control 50 per cent, or less than 50 per cent, of the cattle slaughtered in this country, while 50 per cent are slaughtered in outside enterprises and in independent concerns, and that therefore when they could control only 50 per cent of the product they could not charge these fees back upon the producers of cattle, for the reason that they could not fix the price, and unless they could fix the price they could not reduce the price to that extent.

As was so strongly stated by the distinguished gentleman from Missouri the other day, it would be an impossibility for the packers to avoid payment if required to pay, and Mr. Wilson also stated in his testimony because of the fact that it would be so small a fee per head of animals they could not charge it back upon the producer and change the price to that extent, because the cost of charging it back would amount to more than the cost of the inspection itself. The testimony of Mr. Wilson was as follows:

Mr. WILSON. The packers do not kill more than 50 per cent of the cattle killed in this country—that is, the large packers concerned here—and they have to compete with the balance of the 50 per cent killed by the other folks, and they can not regulate prices. They have to take such prices as the market shipped to will justify, according to the supply and demand at that point.

That is the testimony of the representative of the packers. The representative of the cattle producers, Mr. Cowan, in answer to a question asked by Mr. LEVER, as to whether he believed that the packers could fix the price and therefore charge the cost of inspection to the cattle raiser or the consumer, said:

Not in the sense of agreeing to the price; no. That would be impossible, because they do not know the class of cattle coming in. I do not believe that they could fix the price. That would be an impossibility. I do not believe it possible to meet and agree on the price.

That is the statement of Mr. Cowan, the representative of the cattle producers in this country. Then, if the packers say that they can not fix the price and therefore can not charge it back upon the cattle producers, and the representative of the cattle producers says that they can not charge it back because it would be impossible for them to fix the price, and without the power to fix the price they could not charge it back and avoid payment themselves, then if you take the testimony on both sides of the question, and one corroborates the other, you are irresistibly

driven to the conclusion that they can be required to pay the cost of inspection, if you will place the tax upon them.

Then, if they can be required to pay it, ought they to pay it? That is the next question for each one of us to consider. I say they ought to, because the conditions existing in the packing houses requiring inspection were brought about by the packers themselves. Having brought those conditions about, they are responsible for them. They now ask the Congress of the United States to correct it and give them relief, and they ought to be willing and ought to be required to pay the cost of securing the relief which they say they must have. We all know that they can not sell to the foreign market without an inspection. They must have it in order to carry on their business. If they must have it, ought they to pay for it or ought the people to pay for it who are not interested in their private business? The packers want it in order that they may sell their goods in foreign countries, where they will not be purchased or accepted without the O. K. of the Government of the United States behind them. They want the home market restored, because the people will not accept their goods or buy them because of the conditions which they themselves brought about, unless the inspection is thorough and rigid; hence it is in the interest of their private business; and being in the interest of their private business, they ought to pay the expense of it. [Applause.] Mr. Wilson stated that their business had fallen off 50 per cent because of the Neill-Reynolds report, and that to restore it they must have rigid inspection by the Government. Mr. HENRY of Connecticut asked Mr. Wilson this question:

You object to the payment of fees. Now, I can readily see why you object to paying ante-mortem inspection fees. But if your objection is a plausible one, how can you object to the payment of fees for sanitary inspection to remove your own delinquencies, and also for the inspection of your canned-food products and other products, sausages, etc., which, on account of your own sins of omission, have been blacklisted until you are out of the market for them and can not recover a market—can not recover your market—until your product is O. K.'ed by the Government? How can you ask the Government reasonably to pull you out of the hole that you have digged for yourselves?

Mr. WILSON. Unfortunately it has not been of our doing that we have been put into this position. The present criticism and the present destruction of our trade is not of our doing, and it is unjust and unfair.

Mr. HENRY put the situation correctly, and in view of the truthfulness of that statement I appeal to this House to vote to require the beef trust to pay to restore their own business and not put the tax on the people by requiring payment out of the public Treasury. [Applause.]

Mr. LAMB. I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, this situation, plainly and in one sentence, is as follows: These people—the meat packers—have been, and are, voluntarily endangering the public health, and now they want the public to pay for stopping it. They have voluntarily brought about an unsanitary condition, and in order to overcome a condition which they could have prevented and can yet prevent, in order that their foreign and interstate markets—destroyed by their own wickedness—may be restored and preserved to them, they desire this inspection to be done at the expense of all—even those who do not eat their products.

I did not arise for the purpose of discussing the merits of the case, however. I will therefore add only one word concerning the merits. You would think from what you have heard here to-day that the consumers of beef in this country, if they were taxed back by the packers and made to pay the amount of this charge, would become bankrupt to all eternity. On the other side, you have heard that if the seller of a cow was taxed back what it cost to inspect the cow under the proposed law, he would have to go into bankruptcy. And yet the proposition is to put the immense, the enormous sum of 5 cents on an 800 or 1,000 pound steer, and put 3 cents, I believe it is, upon a sheep or goat, and 2 cents upon a hog. Five cents divided by 800 and run out into a 3-pound steak is, I confess, an enormous thing if you could only calculate it. After you get through dividing the loss between the consumer and the producer, even if the packer could divide it, I do not think either one would be quite bankrupted.

But, Mr. Speaker, as a matter of fact the packer is already making the consumer pay every dollar he can make the consumer pay either to-day or to-morrow. [Applause.] He has already reached, for him, the maximum revenue point for his business. As a wise man he knows that if he goes further he will lose in the volume of business what he may gain in the price of an individual carcass; and he has already reduced the price paid to the stock raiser for beef on the hoof down to the very point where, if he reduces the price any lower, the stock raiser will be discouraged from raising cattle at all and gradually turn to other forms of agriculture. Cattle are necessary to be raised for the packer in order that he may carry on his business.

Now, Mr. Speaker, what is the parliamentary situation? Whatever amendment this House may choose to put upon the House bill, it can, as it stands, put none upon it unless we first vote down the demand for the previous question. This legislation is right now in danger of failing between these two Houses. One or the other House must recede entirely (and neither will) or else the two Houses must compromise with each other.

If I get an opportunity—and I can get it only in the event that the House votes down the previous question—I shall offer a proposition of compromise between the two positions which I have perfectly satisfactory reason to believe will pass the Senate. Those of you who are running the risk of making this legislation fail must remember that you are right now at the critical point. If the House obstinately and blindly refuses to give one inch, and if the Senate, as I am informed it will, refuses absolutely to come to the position of the House, then you must take some position between the two or the legislation must fail. If so, you and you alone are responsible for the result. Unless something happens in the future that we can not now foresee, you must now vote down the previous question or doom the proposed legislation. So you must consider the wise and conservative alternative of compromise between the two Houses. I yield back the balance of my time.

Mr. LAMB. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes.

Mr. LAMB. I yield that four minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I believe that the Senate amendment should be adopted, because I believe that the packers should be compelled to pay the cost that their own crimes have made necessary. [Applause.]

I desire to ask the chairman of the committee this question:

In the State of Washington our meat supply is largely raised at home, slaughtered at home, and consumed at home. Why should the people of my State be taxed to prevent the criminal practices of the Chicago beef packer who wants to deal in foreign and interstate commerce? I am at a loss to account for the tender solicitude shown by many for those who have been following these horrible practices—these men that have committed an infamous crime against the good name of the entire nation and against the well-being of every citizen. The most loathsome and slimy criminal that curses the earth is the one that adulterates food. [Applause.] He has not even the passions or weaknesses or the frailties of his nature as an excuse. For the dollar alone he not only defrauds and robs his victims, but administers to them disease and death. The old, the weak, the little children, are the favorite victims of this fiendish monster. He murders without discrimination and without mercy. If I could call from the "lowest depths of hell words so hot that I could construct out of them sentences that would writhe and hiss like the fanged and poisonous serpents" I could not express my horror, my loathing, and my hate for those merciless fiends who, for the dollar, traffic in human health and human life, who poison and destroy and murder the helpless and unsuspecting victims that they have already robbed. [Applause.]

Honesty and decency stand stupefied before the effrontery of the demands of these criminals—that the people pay the cost of the inspection. What is their proposition? That the people shall pay to have them stop their filthy and dangerous practices; that the people shall pay to compel them to obey the law; that the people shall pay to stop them from defrauding and robbing the public; that the people shall pay to prevent them from destroying life and spreading disease; that the people shall pay to stop them from poisoning and murdering the innocent and helpless! A proposition more monstrous never came from the polluted lips of crime. [Applause.]

You will discover, when the people have time to investigate the facts, that they are opposed to paying wealthy criminals to obey the law, that they are opposed to making the innocent pay for the crimes of the guilty. [Applause.]

Shall we be deterred from a plain duty because these criminals have the brazen impudence to declare that if we make them bear the burden of their own crimes that they will get even by robbing some one else? Are the threats of the beef trust to control the action of this House? The telegrams, the protests, and the petitions of the stock raisers of the country supporting the packers have been obtained by threats, coercion, by fraud, by concealing the truth.

If we are to believe the statements of some of the gentlemen who have spoken upon this question the whole country is aroused to frenzy because it is proposed to make the packers pay the expenses of enforcing a law that their crimes have

made necessary. They want us to believe that the people have come to the defense of the virtuous and outraged packers. Can it be possible that there is in this House one Member so unsophisticated, so innocent of the ways of these great trusts, so easily beguiled by appearances, so fitted for a kindergarten as to believe that all protests and demands, from wherever they come or by whoever they are sent, whether telegrams or letters, are the uninspired acts of those who have written them? These letters and these telegrams, whether they come from the farmer, the cattle grower, or the banker, are all of them inspired if not actually written by the packers themselves. One of the favorite phrases of the gentlemen who are defending these packers is that those who are favoring making the packers themselves pay the expense have grown hysterical over the report of the conditions existing in the packing houses. Will the gentleman who so freely used this expression please explain the mental condition of those who are wildly shouting that the stock-raising industry of this country will be destroyed because it is proposed to place upon the packer a fee for inspecting a steer at 5 cents and a hog or sheep at 3 cents? Dare any honest man, entirely sane, contend that to take from the price of the steer 5 cents and from the price of the hog or the sheep 3 cents, used in interstate or foreign commerce, will destroy or even injure the stock-raising industry of this country? It is not the cost, not the expense, that causes the packers to oppose the fee system with such sound and fury. The sole reason of their opposition to this system is that they fear that if the fee system is established the law will be enforced; that it will be enforced not only for this year, but for all time.

If the Government is to pay the expense, they believe that the purposes of the law can be defeated. They believe that it can be, at least, largely evaded. This tells the whole story of the opposition of the packer to the fee system. It is not the expense, but the law, that the packer is hoping to escape. [Applause.] The present appropriation will not long be sufficient, and the packer wants a chance each year to oppose any increased appropriation to make the law effective. Just as long as the Government makes this appropriation, just that long will the beef trust be here each year by its paid emissaries, under the hypocritical cry of economy, trying to prevent the necessary appropriation.

The beef trust of this country robs the people every day of an amount sufficient to pay the cost of a year's inspection. I extend to any man my admiration and condolence who is so tender that his sympathy and his tears can be aroused in behalf of these monsters of greed and avarice, whose fortunes have been largely accumulated by fraud and added to by the agonies and deaths of those who buy their products. [Applause.]

But they say these packers are innocent. It may be so. Then why do they fear the enforcement of the law? It can not be that they are objecting to the burden of the cost, for the attorneys for these defendants assure us that this will be paid by the farmers and the stock raisers. If the packers do not pay under the fee system, why should they object to it? Why should their virtuous souls be vexed if the farmer pays the cost? I have defended many criminals. If the beef packers are innocent, then they are unfortunate in their imitations of the guilty. They shout their innocence here, but they are cleaning up at home. [Applause.]

The practices of the packers have been so horrible, so filthy, so monstrous, that they have shocked and sickened the civilized world. In view of these recent revelations, it seems to me that the shrieks and groans of the death agonies of their victims must stop the ears of their sympathizers, and the fleshless hands of those they have slowly murdered must choke into silence their defenders. The country, the people, civilization, are to be congratulated that we have a President who has the courage, the honesty, the humanity, to demand that these infamies be immediately blotted out forever. [Applause.]

Mr. WADSWORTH. Mr. Speaker, I now yield four minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, I shall not yield to the wild hysteria and clamor against the packers on this occasion, but shall cast my vote in accordance with fundamental principles of right. What are those principles of right in this matter? The gentleman from Mississippi says the packers put their institutions in an insanitary condition, and now they should be made responsible for it and should be forced to pay the expense. I am not here to defend the packers. I ask the gentleman why he didn't take the position that the expense should not fall on the Government when we had the quarantine measure before the House?

Mr. WILLIAMS. I will answer, because nobody in America ever brought yellow fever into America.

Mr. HENRY of Texas. Well, but this is a question of sanitation. The gentleman evades the question. He simply wishes to punish the packer in this wild crusade against them. They are not the only packers. There are other packers and some good men engaged in the same pursuit and doing a legitimate business, and if the Government is going to interfere in the business of these men and see that their premises are kept in a sanitary condition, it should put all the expenses of doing so in the hands of the Government. The gentleman from Alabama [Mr. BOWIE] refers to the oleomargarine legislation and the levying of that tax as a wholesome precedent to be followed in this case. Why, Mr. Speaker, I am surprised at that declaration from the gentleman.

Mr. BOWIE rose.

Mr. HENRY of Texas. I have not time to yield to the gentleman. It does seem to me that a Member who has served in this House so long ought to know that the oleomargarine legislation was based upon the proposition to get jurisdiction in taxing matters when that law was passed, and it was not done on account of the insanitary condition of oleomargarine; but it was done to prevent a discrimination against wholesome butter. Let us look at some of the inconsistencies of this amendment which gentlemen are advocating. You propose to put a tax of 5 cents upon a steer worth a hundred dollars, and yet you put a tax of 3 cents and 2 cents upon a two dollar and a half sheep or a hog at the same valuation. Look at the discrimination in the amendment. Why, Mr. Speaker, any man who can read understands that the consumer and the producer must pay this tax after all; that the packer will buy the cattle and the sheep and the hogs subject to inspection, and the money must come out of the pockets of the producers and the consumers after all. There the packer will tax it.

Mr. GARRETT. Are not they and the packers the only ones interested?

Mr. HENRY of Texas. No, they are not the only ones; the American people are interested, and if we are going to interfere in private business affairs we should place these inspections and investigations upon a high plane and the Government should pay the expense. We did this in the quarantine bill, appropriating $500,000. Any man who can and will use his mind can not draw a distinction between that bill, in which we appropriated $500,000, and this kind of legislation. [Applause.]

Mr. WADSWORTH. I yield eight minutes to the gentleman from Illinois [Mr. LORIMER].

Mr. LORIMER. Mr. Speaker, during my experience in Congress I never heard so many speeches made on misinformation as I have heard upon this subject. The gentleman from Washington [Mr. HUMPHREY], who has just taken his seat, intimates that this cry against the packers was brought upon them by reason of the bad and unwholesome meat which they served to the people of this country. The facts are, Mr. Speaker, that there is no testimony in the evidence before the Committee on Agriculture that warrants any such a statement. It is said that the packers in Chicago have brought this upon themselves, and therefore they should pay the expense. If he read the testimony before the committee he would find that the statement made to the President of the United States was not based on facts. Neither one of the President's representatives could remember when they appeared before the Committee on Agriculture. [Applause.] When the question was put to them straight, "Do you know of your own knowledge of any man working in the packing houses in the city of Chicago who had tuberculosis?" both of them made answer "No." Much of this frenzy which we have over the country comes by reason of the statement that they made, that meat was being thrown on the floor and dragged through tuberculosis expectoration.

Gentlemen here do not seem to understand what the real testimony was. The testimony before the committee indicated that these stories that are going about the country were made by men who never had any practical experience in anything. Both Mr. Neill and Mr. Reynolds told our committee that they had never had any practical business experience; both men of high type in their walk of life, both socioligists, but not men who have ever paid any attention to any kind of business. Their testimony before the committee would indicate that if the packers in Chicago spent about fifteen or twenty thousand dollars for ventilation in closets and for a little soap and a few towels the whole evil in Chicago packing houses would be remedied.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. LORIMER. I can not——

Mr. HUMPHREY of Washington. I was going to ask, then why the necessity of this legislation?

Mr. LORIMER. I will not yield for a question. If I had time, I would be glad to yield to any gentleman in this House. The gentleman from Minnesota made the statement here a moment ago that there was no testimony before the committee except that made by a lady that it would injure meat to go in cans, and what he got from Doctor Wiley. The fact is that Doctor Wiley did not make any statement except to express an opinion. He made no statement based on any information that he had as a scientist, Mr. Speaker.

I am talking from the view point of a man who has had some personal experience. I have done all kinds of work in a packing house except to kill the bullock, and I have worked in the canning department. I was one of six men who instituted the canning business in the Armour packing house and in the Nelson Morris packing house, and so I knew of the canning business before either one of those corporations had any information concerning it. My experience is this—that during all the time I had service in those institutions a can of meat that was packed two, three, four, five, or ten years was just as good as a can of meat that had been packed one, two, three, four, five, or ten days. If we put the date upon the label, then we send our meat in competition with meats that come from the Argentine and from Australia without any date upon the label, and it does not take much of an argument to satisfy any man that has any knowledge of the business that that is injurious to the commerce of this country. If we put the date on the label, it not only injures the packers, but it injures the cattle raisers. The canning cattle sell for about $1.75 a hundred. They are all poor cattle that come from the ranges, and if they were not used for canning purposes they would not be used at all. They would remain upon the ranges in Texas and in Illinois and in Minnesota and in all of the cattle-raising States, and die there, and nothing would be paid to the farmer. The proposition that the gentleman from Minnesota [Mr. DAVIS] suggests as his amendment, if he has an opportunity to propose it, provides that we shall pay for the inspection out of an appropriation and shall levy a certain sum on each head and shall use that money solely for the purpose of inspecting the meats after leaving the cooling room.

It is proposed to appropriate $3,000,000 for the total cost of inspection. The present cost of inspection of three-fifths of all the cattle that are slaughtered in this country is about $900,000 annually. That would be increased about two-fifths in order to inspect the houses that are not under inspection now. But if all of the meat-canning houses of the United States were compelled to pay for all of the inspection of all the meats going from the cooling house to the can, the total amount, Mr. Speaker, would not be over $100,000 annually. If gentlemen had any experience or knew anything about the canning business, they would not make a proposition of this sort. One hundred thousand dollars will pay for every inspector that inspects the beef from the cooler to the can. Mr. Speaker, that warrants Members of this House voting for the proposed Senate amendment, unless you want to raise fifteen hundred thousand dollars annually to put into the Treasury of the United States, and charge it to the consumers of beef in this country. [Applause.]

Mr. WADSWORTH. I yield two minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. When the law under which we are at present working was passed, no one suggested but that the Treasury of the United States was the proper place to go for the appropriation. And we are paying eight hundred thousand or nine hundred thousand dollars a year now for that inspection. There is no reason, because from the most exaggerateed statements that have been made in regard to the packing business but a very small percentage is charged to the unhealthy part of it, that the whole business should be taxed in order to pay it.

If it is taxed under the provision which the gentleman from Minnesota [Mr. DAVIS] has offered here, or said he proposed to offer, how are you going to collect it? He says that the Secretary of Agriculture shall collect so much for each head after we have paid out the money, and he depends upon that collection to pay for the inspection for next year, and so forth. How are you going to collect it? Why, it is said that we collect the expenses for the inspection of national banks. Very true, but we give the national banks their charter. They can not do business for a single moment if they do not pay for the inspection. It is not a parallel case. This is for the benefit of all the people. The Treasury of the United States should pay it. If we did collect it out of the packers, do you suppose that they will pocket the loss and that they will not in turn collect it at either end from the men who sell the cattle and the men who are consumers of the meat, so that the people will pay double for it in case we try to collect it in the first place from the packers?

So, from every standpoint, it seems to me, Mr. Speaker, we should stand by the Committee of Agriculture, stand by the House action, and have an inspection that is backed up by an annual permanent appropriation of $3,000,000 that shall be effective forever on this subject and remove every suspicion from American meat products. [Loud applause.]

Mr. WADSWORTH. Mr. Speaker, I move the previous question on the adoption of the resolution.

Mr. DAVIS of Minnesota. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAVIS of Minnesota. I would like to know, if the previous question as now moved carries, if I will have an opportunity to offer an amendment as regards the action the gentleman from New York wishes to take?

The SPEAKER. The gentleman would not.

Mr. LAMB. I suggest, Mr. Speaker, an inquiry as to what would be exactly the parliamentary status here, and call attention to this fact——

The SPEAKER. That is in the nature of debate.

Mr. WADSWORTH. Regular order, Mr. Speaker.

Mr. DAVIS of Minnesota. I ask to have consent to offer the following amendment——

The SPEAKER. The gentleman from Minnesota and the gentleman from Virginia both understand that it is in the right of the gentleman from New York to move the previous question, and nothing else is in order except to dispose of that motion.

Mr. BOWIE. A parliamentary inquiry.

The SPEAKER. Another parliamentary inquiry.

Mr. BOWIE. The only way by which an amendment to the motion of the gentleman from New York can be offered is to vote down the previous question?

The SPEAKER. The gentleman guessed it the very first time. [Laughter and loud applause.]

The question was taken on ordering the previous question; and the Speaker announced that the ayes seemed to have it.

Mr. LAMB. Division!

The House divided; and there were—ayes 157, noes 51.

So the previous question was ordered.

The question was taken on the adoption of the resolution; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 193, noes 45.

Mr. BOWIE. Yeas and nays! [Cries of "No!"]

The question was taken on ordering the yeas and nays.

The SPEAKER. Nineteen gentleman have arisen; not a sufficient number; the yeas and nays are refused, the ayes have it, and the resolution is agreed to; and the Chair announces the following conferees: Mr. WADSWORTH, Mr. SCOTT, and Mr. LAMB.

RUSSELL SAVAGE.

The SPEAKER laid before the House the bill (H. R. 5509) for the relief of Russell Savage, with a Senate amendment, which was read.

Mr. WILEY of Alabama. I move to concur in the Senate amendment, Mr. Speaker.

The motion was agreed to.

Mr. LACEY. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill for the protection of the petrified forest.

There was no objection.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. CANDLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

ANNA RING.

The SPEAKER also laid before the House the bill (H. R. 19364) granting an increase of pension to Anna Ring, with a Senate amendment, which was read.

Mr. KEIFER. I move to concur in the Senate amendment.

The motion was agreed to.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 3413. An act to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing

sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes;

S. 4965. An act authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army;

S. 6463. An act waiving the age limit for admission to the pay corps of the United States Navy in the case of Frank Holwag Atkinson;

S. 1211. An act to correct the military record of Jacob Alspaugh;

S. 6365. An act granting a pension to Edward S. Bragg;

S. 6444. An act to authorize the Wichita Mountain and Orient Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes;

S. 6448. An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate;

S. 6488. An act authorizing the striking of 200 additional medals to commemorarte the two hundredth anniversary of the birth of Benjamin Franklin;

S. 6375. An act granting lands in the former Uintah Indian Reservation to the corporation of the Episcopal Church, Utah;

S. 6191. An act to provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction;

S. 3433. An act to amend an act entitled "An act to divide the judicial district of North Dakota," approved April 26, 1890;

S. 6395. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes;

S. 6355. An act concerning licensed officers of vessels;

S. 6300. An act providing when patents shall issue to the purchasers of certain lands in the State of Oregon;

S. 4256. An act for the relief of the Alaska Short Line Railway and Navigation Company's railroad;

S. 6483. An act 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;"

S. R. 67. Joint resolution to protect the copyrighted matter appearing in the rules and specifications for grading lumber, adopted by the various lumber manufacturing associations in the United States;

S. R. 69. Joint resolution directing that the Sulphur Springs Reservation be named and hereafter called the Platt National Park;

S. 2732. An act for the protection of wild animals in the Grand Canyon Forest Reserve;

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. 6062. An act granting a pension to Mary Haney—to the Committee on Pensions.

S. 940. An act granting an increase of pension to Antonette Stewart—to the Committee on Pensions.

S. 6167. An act to improve the channels along the New Jersey seacoast—to the Committee on Rivers and Harbors.

WILLIAM SAPHAR.

The SPEAKER also laid before the House the bill (H. R. 9238) for the relief of William Saphar, with a Senate amendment, which was read.

Mr. KEIFER. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

WILLIAM P. KNOWLTON.

The SPEAKER also laid before the House the bill (H. R. 6963) granting a pension to William P. Knowlton, with a Senate amendment, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

UNITED STATES DISTRICT COURT FOR CHINA.

Mr. DENBY. Mr. Speaker, I call up the conference report on the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof.

Mr. DENBY. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. Does the gentleman ask for the reading of the statement?

Mr. DENBY. There is no statement.

The SPEAKER. The Clerk will read the report, instead of the statement.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with the following amendments:

Insert at the end of section 2 as follows:

"The said United States court for China shall have and exercise supervisory control over the discharge by consuls and vice-consuls of the duties prescribed by the laws of the United States relating to the estates of decedents in China. Within sixty days after the death in China of any citizen of the United States, or any citizen of any territory belonging to the United States, the consul or vice-consul whose duty it becomes to take possession of the effects of such deceased person under the laws of the United States shall file with the clerk of said court a sworn inventory of such effects, and shall as additional effects come from time to time into his possession immeditely file a supplemental inventory or inventories of the same. He shall also file with the clerk of said court within said sixty days a schedule, under oath, of the debts of said decedent, so far as known, and a schedule or statement of all additional debts thereafter discovered. Such consul or vice-consul shall pay no claims against the estate without the written approval of the judge of said court, nor shall he make sale of any of the assets of said estate without first reporting the same to said judge and obtaining a written approval of said sale, and he shall likewise within ten days after any such sale report the fact of such sale to said court and the amount derived therefrom. The said judge shall have power to require at any time reports from consuls or vice-consuls in respect of all their acts and doings relating to the estate of any such deceased person. The said court shall have power to require, where it may be necessary, a special bond for the faithful performance of his duty to be given by any consul or vice-consul into whose possession the estate of any such deceased citizen shall have come, in such amount and with such sureties as may be deemed necessary, and for failure to give such bond when required, or for failure to properly perform his duties in the premises, the court may appoint some other person to take charge of said estate, such person having first given bond as aforesaid. A record shall be kept by the clerk of said court of all proceedings in respect of any such estate under the provisions hereof."

And the Senate agree to the same.

In section 5, line 4, strike out the words "section 4086 of."

And the Senate agree to the same.

J. B. PERKINS,
EDWIN DENBY,
WM. M. HOWARD,
Managers on the part of the House.

JOHN C. SPOONER,
JOHN KEAN,
A. O. BACON,
Managers on the part of the Senate.

Mr. DENBY. Mr. Speaker, I move the adoption of the conference report.

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

IMMIGRATION AND NATURALIZATION.

Mr. BONYNGE. Mr. Speaker, I present a conference report for printing, under the rule, on 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.

The SPEAKER. The report and statement will be printed under the rule.

RAILROAD RATES.

Mr. SHERMAN. Mr. Speaker, I present a conference report and accompanying statement upon the rate bill, and I ask unanimous consent that the conference report, relating to amendments Nos. 4 and 5, and the statement relating to those two amendments, be read, and that nothing else be read.

Everything else has been printed in the RECORD for some days.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, does the gentleman assure the House that the other amendments are verbatim et literatim the same?

Mr. SHERMAN. Absolutely, save amendments 4 and 5.

Mr. WILLIAMS. Under those circumstances I do not object.

The Clerk 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 the amendments of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, 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, 45, 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, 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: "No common carrier subject to the provisions of this act shall, after January first, nineteen hundred and seven, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge, and boards of managers of such Homes; to necessary care takers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to Railway Mail Service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks, and physicians and nurses attending such persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers, and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation. Any common carrier violating this provision shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the United States a penalty of not less than one hundred dollars nor more than two thousand dollars, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or 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 company."

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 line 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.

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

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

STATEMENT.

The House recedes from amendments 1, 2, 3, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 44, and 46.

The Senate recedes from amendments 7, 39, 45, 48, 49, 50, and 51, and the House recedes from all other amendments with amendments.

Amendment No. 1, from which the House recedes, is the one which brings pipe lines within the provisions of the act.

Amendment No. 2, from which the House recedes, is the one that provides that the term "common carrier" shall include express companies and sleeping-car companies.

Amendment No. 3 is simply the insertion of quotation marks.

Amendment No. 4 is the one relating to passes. The provision is redrafted along the lines of the amendment as passed by the Senate. It prohibits broadly and generally the issuance of any free transportation for interstate passage, and then provides an excepted class, which is as follows:

"No common carrier subject to the provisions of this act shall, after January first, nineteen hundred and seven, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Association, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge, and Boards of Managers of such Homes; to necessary care takers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to railway mail service employees, postoffice inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks, and physicians and nurses attending such persons."

Amendment No. 5 as passed by the House provided that after May 1, 1908, no common carrier should transport any commodity produced by itself, excepting from such prohibition timber and the manufactured products thereof. As agreed to in conference, the words "common carrier" are stricken out, and the words "railroad company" substituted in lieu thereof.

Amendment No. 6 made provision for the compulsory installation of switch connections with rail where application was made therefor and the Interstate Commerce Commission deemed the installation sufficiently important to warrant the same, the installation to be done at the expense of the applicant. As agreed on in conference, the amendment is broadened so as to require the compulsory installation of a connecting switch, not merely with a present or prospective shipper, but with any lateral or branch line of railroad.

Amendment No. 7 provided that equally good service and accommodations be given to all persons paying the same compensation for interstate transportation of passengers. This is the amendment commonly known as the "jim crow" amendment. From it the Senate receded, and it goes out.

Amendments 8, 9, 10, and 11 cover, together, the question of filing and publicly posting the schedules of rates, fares, charges, and so forth. These amendments are largely phraseological for the reason that they were covered in different words by provisions of the bill which passed the House, and which are stricken out in amendment No. 25, from which the House recedes. The amendment as agreed to in conference enlarges somewhat the provision as it passed the House by providing for the publication and posting of joint rates where the joint rate is made up of rail and pipe, or rail and water, and also provides, where no through rail and water rate is provided, where such a route exists, that so much of the rate as is covered by rail shall be posted.

Amendment No. 12 is a phraseological amendment using the word "all" instead of "the," and does not change the meaning or intent of the provision.

Amendment No. 13 includes "storage charges" amongst the items for which the published and posted rates shall provide.

Amendments 14, 15, and 16, together, all relate to the posting and filing of the contents of the schedules, and are simply intended to make more definite the meaning of the enactment.

Amendment No. 17 is the insertion of the word "kept," so that it will require the schedules to be kept posted.

Amendment No. 18 is a requirement that all of the provisions of the section shall apply to all traffic transportation and facilities defined in section 1 of this act. It is enlarged by making it applicable to the entire act.

Amendment No. 19 uses the word "filed" for "established." It is a phraseological amendment.

Amendment No. 20, in place of the words "public notice," provides that notice shall be given to the Interstate Commerce Commission as well as being published.

From amendment No. 21 the House receded, because so much of the provision as was stricken out by the Senate was covered by the amendment No. 27 inserted by the Senate, and which will hereafter be explained, and this amendment also carries new matter, to which the House conferees agreed, that where a joint rate is provided the carrier other than the initial carrier shall give notice of concurrence therein, and the names of all parties to it shall be stated.

From amendment No. 22 the House receded, because this matter was covered by amendment No. 8, which is in the bill and which is hereinbefore explained.

Amendment No. 23, made necessary by striking out the part contained in amendment No. 22, is simply the insertion of the word "such."

Amendment No. 24 is simply a phraseological change.

Amendment No. 25 was stricken out for the reason that the provisions therein contained were covered by amendments 8, 9, 10, and 11, heretofore explained, and by amendment No. 27, hereinafter explained.

Amendment No. 26 was stricken out for the reason that it refers to the filing of schedules and tariffs, and so forth, and is covered by the other provisions of the bill herein explained.

Amendment No. 27 takes the place of amendments 21 and 26, which have been stricken out, and provides that no carrier shall engage in transportation of either persons or property until the rates, fares, and charges required to be filed and published have been so filed and published, and this section also provides that there shall be no discrimination in charges between different persons as to passengers or property, or between different points or different articles, and expressly forbids rebating in any manner whatever, and its operation is enlarged by making the provisions applicable to the entire act rather than to one section thereof, as was the case when the amendment passed the Senate. The word "shall" in this amendment is changed from following the word "carrier" in the first line thereof to follow the word "act." It is simply phraseological.

Amendment No. 28 provides that the President in time of war may call upon any carrier to give preference to the transportation of troops or munitions of war. The amendment as it passed the Senate provided this should be done upon the representation of the President of the need therefor. As agreed to in conference, this is stricken out, so that it provides that it shall be done upon a demand of the President.

The House receded from its disagreement to amendment No. 29, with an amendment striking from the bill the proviso at the end thereof. This amendment is a reenactment of section 1 of the Elkins Act, with certain additions relating to violations of the act and punishments therefor, and also forbids rebates or considerations. The proviso was stricken out as being thought that this provision might relieve those who had already infringed the act from prosecutions therefor where there was pending litigation in reference thereto. The agreement also provides for striking from the provision in the three places where it appears the words "and willfully," so that the amendment shall provide that no person who "knowingly" offers, grants, etc., shall be guilty as in the amendment provided.

From amendments Nos. 30 and 31 the House recedes. These amendments strike from the bill the words "in its judgment" and "fairly remunerative" in enacting in reference to the determination of rates by the Commission.

From amendment No. 32 the House receded. This provision as the House passed it was that the order should go into effect thirty days after notice to the carrier, and the amendment inserted by the Senate, which has been agreed to, provides that the order of the Commission, except for the payment of money, shall take effect within such reasonable time, not less than thirty days, as shall be stated by the Commission in the order, and remain in effect for not exceeding two years. The provision of this amendment takes the place of amendment No. 38, on page 24 of the printed bill, which is stricken out by the Senate, and to which the House conferees consented.

Amendments Nos. 33 and 34 are phraseological and do not change the meaning or the intent of the bill.

Amendment No. 35 strikes out the word "portion" and uses in its stead the words "just and reasonable proportion," incorporating in the bill the expression "just and reasonable," which, of course, was the thought of the framers thereof.

Amendment No. 36 makes clear that it was the intent of the lawmaking power that the provisions should apply to the water connections of carriers.

Amendment No. 37, as changed by the conferees, strikes out the word "accrued" and inserts after the word "claims," in lieu thereof, after line 26, page 33 of the printed bill, the words "accrued after the passage of this act." The amendment is intended to provide that all claims which have heretofore accrued may be sued upon within one year after the passage of this act, and not thereafter.

Amendment No. 38 is a provision stricken from the bill, as explained in amendment No. 32.

Amendment No. 39: The Senate struck out the word "regularly" and inserted in lieu thereof the word "lawfully." From this amendment the Senate receded, restoring the word "regularly" in the bill.

Amendment No. 40 inserts the words "against the Commission," in reference to suits brought to suspend or annul an order of the Commission. It does not change the meaning of the bill as it passed the House, but makes it more clear.

Amendments Nos. 41 and 42 are known as the "court-provision" amendments, and expressly provide for reviews of the orders of the Commission by the courts.

Amendment No. 43 provides that no injunction or interlocutory order restraining the operation of the order of the Commission shall be granted except after five days' notice to the Commission, and it also provides for appeals from such orders directly to the United States Supreme Court, and limits the time within which such appeals can be taken to thirty days from the entry of the order.

Amendment No. 44 strikes from the bill the provision that an order of the Commission complied with for three years shall not thereafter be enforced. This subject is covered by amendment No. 32 hereinbefore explained.

Amendment No. 45 provided certain additional exceptions to those specified in amendment No. 4, as to the persons to whom free transportation might be issued. From this amendment the Senate receded, so that the provision in amendment No. 4 covers all there is in the bill in relation to free transportation.

Amendment No. 46 merely inserts the quotation marks.

Amendment No. 47 is that which is known as the original carrier's liability provision. As agreed to in conference it is changed so as to provide that the holder of the original receipt or bill of lading must be the lawful holder, the word "lawful" being inserted, and that such holder may collect from the initial carrier for any loss sustained on any road carrying the property, and the further provision that the initial carrier can recover from the carrier upon whose lines the loss was made. As passed by the Senate it provided that this recovery might be made when the loss was through the neligence of the subsequent carrier. The words "through whose negligence" are stricken out and the words "on whose lines" are substituted, so that the liability of the carrier to the shipper and of the subsequent carrier to the original carrier are made the same. A provision was also added to this amendment providing that the receipt for payment obtained by the original carrier from the shipper, or the judgment obtained by that shipper against the carrier, or a transcript thereof, is competent evidence in a proceeding to compel the subsequent carrier to refund to the initial carrier for the loss it made good to the shipper.

Amendment No. 48: The Senate receded from restoring the matter passed by the House which it had stricken out. This is the provision increasing the membership of the Commission to seven and increasing the salary of the Commissioners to $10,000.

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

Mr. SHERMAN. Mr. Speaker, I move the adoption of the conference report, and pending that I desire to yield to my colleague on the committee, the gentleman from Alabama [Mr. RICHARDSON]. How much time does the gentleman desire?

Mr. RICHARDSON of Alabama. How much time is allowed on either side?

Mr. SHERMAN. My purpose is to control the floor, and within the hour which I have under the rule to move the previous question; but I desire to yield to the gentleman, meantime, such time as he may desire.

Mr. RICHARDSON of Alabama. That would give us thirty minutes.

Mr. SHERMAN. I yield to the gentleman thirty minutes.

Mr. BARTLETT. May I ask the gentleman from New York a question before the gentleman from Alabama proceeds?

Mr. SHERMAN. If the gentleman from Alabama is willing to yield.

Mr. RICHARDSON of Alabama. I yield to the gentleman.

Mr. BARTLETT. What becomes of this part of the Senate amendment:

That such provision shall not be construed——

Mr. SHERMAN. I understand what the gentleman refers to. As the report will show, the proviso that railroad companies may exchange passes with other railroad companies, their agents and employees, is included precisely as it is in the Senate amendment. The Clerk did not read the report; he only read the statement, and the statement contains only the excepted clauses. The proviso, as contained in the original Senate amendment, clear down to and including the penal provision, is precisely as it passed the Senate. Now, I yield to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. I regret that this conference report, which has received at the hands of the conferees such profound, sincere, and earnest consideration for quite four weeks, could not have been published in the RECORD, so that all Members could have read it and understood it; because, from a general standpoint, after having given it, as the minority member of the conference committee, the most earnest and sincere attention, serious as many of the questions submitted to us were, I cordially indorse the report. I should be glad, if I had the opportunity, to review briefly the history of this bill. I will not do it except in a few words. We recall the fact that this bill is the product—I mean the Hepburn bill—of the joint work of Republicans and Democrats on the Interstate and Foreign Commerce Committee, and an earnest and patriotic effort was made by that committee to lift it above the level of politics and give it that fair business, common-sense consideration that this great question demands.

I regret, Mr. Speaker, to see evidences recently that that spirit which influenced the Interstate and Foreign Commerce Committee has been to some extent forgotten and lost sight of and a disposition manifested to give the measure a political coloring favorable to the Republican party. I am not disposed in any way whatever to detract from the President of the United States the credit that he deserves in connection with this question of regulating the rates of railroads. I believe he has been of great aid and assistance. He brought this question to the front, he pushed it in every way, and I am glad to say that he has not taken a step, that he has never advocated or promulgated in any of his messages, public utterances, or speeches any sentiment looking to a fair, just, and honorable regulation of railroads and correcting the abuses and evils complained of that the Democratic leaders and the Democratic party have not stood earnestly and zealously with him. He was cordially sustained by Democrats of the Senate and the House in his advocacy of the narrow court review, and it is in no manner the fault of Democrats that this bill does not in plain terms restrict the limit of the review by the court of the order of the Commission declaring a rate to its lawfulness and the constitutional rights of the carrier. Why? Because he was advocating Democratic doctrine, and I here declare that this bill is but an emanation from principles embodied in Democratic platforms of 1896 and 1900. [Applause on the Democratic side.]

I will read what our national Democratic conventions declared about the regulation of railroads. I regret that I have not the declaration made by our national convention in 1904.

DEMOCRATIC PLATFORM, 1896.

We demand the enlargement of the powers of the Interstate Commerce Commission and such restriction and guaranties in the control of railroads as will protect the people from robbery and oppression. * * *

DEMOCRATIC NATIONAL PLATFORM, 1900.

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

Mr. Speaker, the enactment of this bill into a law will be accepted as a distinct era in Congressional legislation. The effort to subject more than 210,000 miles of railroad trackage to the control of seven Commissioners, clothed with authority by an act of Congress, speaks in plain terms of the vast importance of the work we have undertaken. Yet the public, in the preservation of its own interests, demanded that the railroads of the country should be controlled and regulated by law. It is not to be expected that we have made a perfect bill, without errors or blemishes. These errors and mistakes can and will be discovered by enforcement of the law and corrected hereafter. I can, Mr. Speaker, truthfully say, so far as I may be allowed to speak of the continued arduous labor of the conferees who have so willingly signed this report, that each one brought to his work a conscientious, unselfish, and patriotic desire to frame a bill by the adjustment of the differences between the two Houses of Congress—such a bill as would be fair to the railroads and require them to treat the people fairly, a bill that would not be a mere pretense, an illusion, a fraud, but a bill that would give relief of the evils complained of. It is not so much about exorbitant or high rates that the public complains, but it is the discriminations in rates and charges granted one shipper to the injury of another, and about which there is loud and genuine complaint. That the Senate has improved our bill I truly and cheerfully admit.

I desire to call the attention of Democrats especially to this one fact: Our distinguished minority leader, Mr. WILLIAMS, of

Mississippi, aided by the distinguished gentleman from Missouri [Mr. DE ARMOND] pointed out at the beginning of this controversy, when this matter was first referred to the conferees, four or five different important amendments that this side of the House at least was so earnestly united on that they didn't want to submit either of those amendments to the conferees. They asked concurrence in these amendments, and wished to withdraw them from the conference. That was refused by the other side of the Chamber. I believe, as I recall it now, that these amendments of the Senate were numbered 2, 6, 31, 47, and 48. I must rely on my memory to state what these were. The first was amendment 2, which made express companies and sleeping-car companies common carriers. This was done. I want to show Democrats what they have in this bill and that your wishes and views prevail in it. You will be astonished to find out when we compare what was known as the "Davey bill," which expressed the Democratic views of the minority members of the Committee on Interstate and Foreign Commerce and other leading Democrats that we consulted with, how much there is in this bill that was taken from the Davey bill, and more astonishing than that many of the fifty-four amendments offered by the Senate that were rejected in the make up of the compromise Hepburn bill are found literally in the Davey Democratic bill.

Now, what was No. 6? That Mr. WILLIAMS and other gentlemen strongly urged our attention to. This was a very important matter; it was in relation to requiring all railroads to give switch connections with private side track when practicable. What did the conferees do with that? Why, they improved it and gave it strength by enlarging the requirement and reaching the actual evil complained of. Why? We not only required these great trunk lines to give switch facilities to private side tracks, but to give them to any lateral branch line of railroad. What is the meaning of that? If there is any one thing that the people of the country have cause to complain of, it is of great corporations suppressing production. Take a coal mine that laid 40 or 50 miles from a great trunk railroad in a section that it had literally preempted and controlled thereby the transportation and production of coal. That great railroad could suppress production by refusing to give to the owner of these coal lands switch connection to any lateral or branch railroad he would build. This bill, when discussed by our distinguished minority leader and the distinguished gentleman from Missouri [Mr. DE ARMOND]—and I think they were preeminently correct in what they said—applied only, as you will see from the bill, to switch connections with private side tracks; now it extends to lateral railroads and branches.

This I deem of vast importance to the coal-producing interests of the country in the future.

What was the next amendment our attention was called to? It was No. 31, and I must go over this hurriedly. What was No. 31? That used the words "fairly remunerative," which the gentleman from Georgia [Mr. ADAMSON] will remember the minority of our committee fought so earnestly against, but it was put in the Hepburn bill over our protest. Those words "fairly remunerative," that were indefinite and without legal definition or construction, have gone out by Senate amendment 31. Another important amendment made by the Senate was the striking out of the words "in its judgment." The Senate of the United States had one of the grandest and greatest discussions in the history of the country upon that subject. You do not find it in the Davey bill, and you find it now gone out of this bill—the Commission "to determine and prescribe what will be the just and reasonable rate." If you will turn to the Davey bill, line 6, page 9, you will find that the provision reads, "to determine what will be a just, reasonable, and impartial rate."

What was the next amendment? It is No. 47, a very important one. One of the great complaints of the railroads has been, and, I think, a reasonable, just, and fair complaint, that when a man made a shipment, say, from Washington, for instance, to San Francisco, Cal., and his shipment was lost in some way, the citizen had to go thousands of miles probably to institute his suit. The result was that he had to settle his damages at what he could get. What have we done? We have made the initial carrier, the carrier that takes and receives the shipment, responsible for the loss of the article in the way of damages. We save the shipper from going to California or some distant place to institute his suit. Why? The reasons inducing us to do that was that the initial carrier has a through-route connection with the secondary carrier, on whose route the loss occurred, and a settlement between them will be an easy matter, while the shipper would be at heavy expense in the institution of a suit. If a judgment is obtained against the initial carrier, no doubt exists but the secondary carrier would pay it at once. Why? Because the arrangement, the concert, the cooperation, the through-route courtesies between them would be broken up if prompt payment was not made. We have done that in conference.

What else did we do? The next thing was No. 48, which has reference to the Commissioners. We increased the number to seven and made their salary $10,000. The responsibility by means of the increased labors that this bill imposes demands splendid talent and a just compensation should be paid. But the principal matter that I desire to call the attention of the House to is amendment No. 43, which reads as follows:

Provided, That no injunction, interlocutory order, or decree suspending or restraining the enforcement of an order of the Commission shall be granted except on hearing after not less than five days' notice to the Commission. An appeal may be taken from any interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the Supreme court of the United States: *Provided further*, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court over all other causes, except causes of like character and criminal causes.

I believe that this is of more vital importance than any amendment made by the Senate, because it is the entrance gate to the broad court review. It is a matter that sheds light and gives hope and belief and faith that this great effort we are making to fairly and within constitutional limits regulate the railroads will be a success. I have great respect for the courts, and whenever the people of this country lose their faith in the courts it is the death knell of our republican form of government. We must have faith in the courts, but I verily believe that the courts, as Mr. Jefferson declared, must strictly confine their jurisdiction to the limits of the Constitution and not infringe on the legislative. One of the first bills that I had the honor to introduce in this House as a Member of Congress was to have Federal courts give notice before they issued a temporary restraining order or injunciton. I never believed that a case should be taken, between sunset and sunrise, from a State court on account of local prejudice and surroundings, upon the sole affidavit of the party interested, and carried to a Federal court without giving notice and having a hearing before the granting of the order of transfer. In past years—in the days of reconstruction and subsequent thereto—we people of the South had untold wrongs and iniquities imposed on us in the arbitrary exercise of authority by Federal judges.

I believe that in the interest of justice notice ought to be given. What is done in this instance? Take the Davey bill, page 14, line 4, and you will find planted in that Democratic bill a demand that before this rate fixed by the Commission should be arrested by a temporary restraining order the judge must give notice and have a hearing. What do you find here that links the Democrats in the other end of the Capitol to this bill? It is provided here that no injunction or interlocutory order of the court suspending or restraining the enforcement or the order of the Commission shall be granted except on hearings after not less than five days' notice to the Commission. I tell you sincerely and honestly, as a Democrat, that if there was nothing else in this bill but that one provision every Democrat could stand up here and honestly and earnestly and boldly support it. It is one of the strongest principles, it is one of the brightest headlights, that there is in this whole bill, in my judgment. Why, the Commission fixes the rate, and, under the old law, all of the delays, all the time that was consumed, embracing years and years frequently, before cases were heard was by reason of the fact that the courts issued restraining orders without any notice to the Commissioners, without any notice to the shipper, and passed on and granted the restraining order, and, as lawyers know, in eighteen cases out of twenty when a temporary restraining order is issued it is confirmed when it comes to a final hearing. That has been my observation.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to inquire of the gentleman if the Senator from South Carolina [Mr. TILLMAN] agreed to this pipe-line amendment.

Mr. RICHARDSON of Alabama. He did not; because he says he fears somebody will stamp on his forehead the letters "S. O."—"Standard Oil." I say, Mr. Speaker, it behooves an honest man in matters of great concern like this to do what he believes to be right without boasting of his virtue and honesty. Mr. Speaker, I would like to talk somewhat about that pipe-line amendment. I do not envy a man who would go on a conference, involving great questions that appeal to common sense, judgment, and patriotism, having a determination never to change his mind made on first impression as to how he intends to vote, and who adheres to that opinion to the end, and because five of his associate conferees differ with him he makes unjust, unbecoming insinuations against his associates. I admit that impressions made upon me at the beginning of the conference on several subjects which upon examination and hearing and lis-

tening and trying to reach a right conclusion about I changed my mind on. One of these things was the pipe line, another was the amendment of the Senate prohibiting common carriers from transporting their own products other than timber and the manufactured products thereof. I thought at first that was right, but on careful examination I changed my mind, and the Senate amendment touching lumber is the same as the Senate made it. Is it expected that I as a Democratic representative in conference, in order to strike at a great octupus—one that I would like to reach and regulate—should, contrary to the great Democratic idea of fostering competition, strike down independent oil lines and send them into bankruptcy. I believe, Mr. Speaker, that it is a matter of some doubt whether these independent pipe lines are common carriers. I know that there are gentlemen on this side of the House who differ with me. I yielded such doubts and joined my colleagues on the conference in declaring pipe lines common carriers. I do not believe that any declaration of a fact that does not exist upon which the law pronounces an instrumentality of commerce to be a common carrier can make it so unless it is engaged in that business which makes it a common carrier. I am no defender of the Standard Oil Company or anything directly or indirectly connected with it.

Mr. JAMES. Will the gentleman yield?

Mr. RICHARDSON of Alabama. Certainly.

Mr. JAMES. As I understand the gentleman from Alabama, he says that he has a doubt as to whether a pipe line is a common carrier.

Mr. RICHARDSON of Alabama. Yes; I have doubts upon that—upon the facts that exist.

Mr. JAMES. I will ask the gentleman if it is not true that every foot of pipe line which is laid in the States has been laid under the right of eminent domain and that they claim that right as a common carrier?

Mr. RICHARDSON of Alabama. I do not think that is a fact as to all of them. It is true as to the States of California, Colorado, Indiana, Kentucky, New York, and a few other States.

Mr. JAMES. Then, do they lay the pipes, claiming the right as an individual?

Mr. RICHARDSON of Alabama. An instrumentality of commerce can not be made a common carrier unless it engages in public business for the purpose of hire and gain.

Mr. JAMES. How do they get the right to condemn private property except as a common carrier?

Mr. RICHARDSON of Alabama. Well, I do not know. I have never investigated that fully. The Michigan case referred to by Senator NELSON, which went to the Supreme Court of the United States, where it was held that an elevator company which bought its own grain and handled nothing but its own grain was a public concern, and under the regulatory power of the State of Minnesota, was very persuasive to my mind.

Mr. Speaker, the question that occurred to me was this: We do make them common carriers—we require them to carry the products and property of everybody else. We have declared them in this bill to be common carriers, and unless we had inserted "railroad companies" for "common carriers" in the fifth amendment we would have prohibited these pipe lines from carrying their own oil. Considering the difference in the operations of a railroad and a pipe line, I could not consent to do this. "I am willing to carry anybody else's product; I am willing to carry other people's property," says this independent pipe company, "but do not forbid me from carrying my own property, and thereby drive me into bankruptcy." It seems to me that is a great fundamental principle of justice and right. Suppose we had applied the same thing to the timber roads built especially to reach a section of timber, and again extended to reach a more distant field of timber. All these roads are properly common carriers. They carry freight and frequently passengers; but to prohibit them from carrying their own timber and the manufactured products thereof would mean immediate business prostration. That is the proposition, and it is the only one at the bottom of this great question. I know there is a great prejudice against the Standard Oil Company—I possess it myself—but I do not think, Mr. Speaker, that in the attitude of a conferee I ought to yield when I thought in good judgment and common sense that a pipe line ought to be allowed to carry its own product. We made them common carriers, and that, I thought, was far enough to go. [Applause.] I will now, Mr. Speaker, read the pass amendment submitted in this conference report.

No common carrier, subject to the provisions of this act, shall, after January 1, 1907, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its agents, officers, surgeons, physicians, attorneys at law, ministers of religion, traveling secretaries of Railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies and hospitals; and the necessary agents employed in such transportation; to inmates of the National Homes and State Homes for disabled volunteer soldiers, and of soldiers and sailors' homes and their boards of managers, including those about to enter and those returning home after discharge; to necessary care-takers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies, Railway Mail Service employees, post-office inspectors, customs inspectors, and immigration inspectors, newsboys on trains, baggage agents, witnesses attending any legal investigation in which the carrier is interested, persons injured in wrecks, and the physicians and nurses attending such persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers and of their immediate families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation.

Any common carrier violating this provision shall be deemed guilty of a misdemeanor and for each offense, on conviction, shall pay to the United States a penalty of not less than $100 nor more than $2,000, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or 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 19, 1903, and any amendment thereof.

This is based on the first antipass Senate amendment No. 4. The Senate conferees receded from that amendment and the conferees presented in the first conference report a substitute which prohibited common carriers from issuing or giving any free passes to anyone at all. The Senate had to pass on it first. A loud and earnest protest from all sections of the country poured in on Senators and Representatives against excluding employees and their families. The report of the conferees was rejected by the Senate. The next substitute in the way of a pass amendment—that no interstate free ticket or free transportation should be given by a common carrier to any officer or person in the service of the United States other than Postal Service or to any State, county, or municipal officer.

Now, this present pass amendment directs to whom the carrier may give free transportation. Of course the railroad company can decline, if it chooses so to do, to give a pass to anyone named.

Amendment No. 7 was left out of the bill, which referred to equally good service and accommodations to all persons paying the same compensation, etc. On a careful examination I believed it was best to let the amendment go out. The real rights of the carriers would not be affected by the amendment whether left in or out, because the Interstate Commerce Commission in three cases decided by it followed the holding of the Supreme Court in the three leading cases, found in 133 United States, 587; 163 United States, 537; 179 United States, 388.

In the first case decided by the Commission, Councill *v.* The Western and Atl. R., 1 I. C. C., 339, it held:

That colored people may properly be assigned separate cars on equal terms, as such a separation of the races does not create undue prejudice or unjust preference.

In the second case, Heard *v.* Georgia R., 1 I. C. C., 428, it was held:

Separation of white and colored passengers paying the same fare is not unlawful, if cars and accommodation equal in all respects are furnished to both, and the same care and protection of passengers observed.

In the third case, Heard *v.* Georgia R. R. (3 I. C. C., Ill.), the Commission held that a carrier owes to the traveling public in carrying out its rule of furnishing separate cars for white and colored passengers on its line engaged in interstate travel, the lawful duty to make them equal in comforts, accommodation, and equipment without any discrimination.

In a large number of States statutes provide for separation of school children of different colors, and these statutes have been held valid. This is in line with the well-established rule throughout the country that States may by statute, or carriers may voluntarily provide for separate cars or compartments for white and colored, provided equal accommodation be furnished without discrimination.

Amendments 41, 42, and 43 are a part of the court review and necessarily should be considered together. They constitute what is known as the "Allison amendment." While it is not my purpose, Mr. Speaker, at this time to enter upon what is known as the "broad" or the "narrow" court review, because the debate at the other end of the Capitol, marked by a depth of legal learning and ability rarely, if ever, surpassed in the history of the United States Senate, has challenged the attention and admiration of the people of our country. But it can hardly be denied, under the light of recent decisions, that any act of Congress that would use such words as would clothe a commission with authority to make a final and conclusive rate would be held by the Supreme Court of the United States to be violative of the Constitution, because that would be undertaking to prevent a court from inquiring into the reasonableness and justness of

the rate, thus violating one of the plainest provisions of the Constitution by depriving a citizen of his property without due process of law. I believe, Mr. Speaker, that every citizen has the right to the protection of the courts in his property rights. This can not be denied to him nor can the courts, by an act of Congress, be stripped of the authority to protect property rights against an unlawful or unconstitutional act.

But let us look at the Hepburn bill as amended by what was known as the "Allison amendment." The Hepburn bill made no specific or explicit provision for jurisdiction of the Federal court, at least not in so many words. It was built on the belief that jurisdiction was granted by the Federal judiciary act and that it attached without special request or invocation. The Hepburn bill referred to the venue of suits brought in any of the circuit courts of the United States. "Jurisdiction to hear and determine is vested in such courts" is all that the Allison amendment added. The Hepburn bill invoked provision of expediting act of three judges.

I now submit, Mr. Speaker, an accurate comparison between the bills I have discussed.

SENATE AMENDMENTS COMPARED WITH DAVEY BILL.

Amendment 8, section 6, page 7, from which House recedes. Same as Davey bill, commencing at line 18, page 4.

Amendment 9, page 7, from which House recedes. Same in Davey bill, line 19, page 4.

Amendment 10, section 6, page 7, line 14. Same as Davey bill, line 14, page 4.

Amendment 11, line 15, page 7. Same in Davey bill, line 20, page 4.

Amendment 12, page 7, line 24. (House recedes.) Same as Davey bill, line 5, page 5. Also, amendment 13, line 25, page 7. Same in Davey bill, line 6, page 5. (House recedes.)

Amendment 14, page 8, line 1. Same as Davey bill, line 7, page 5. House recedes with amendment.

Amendment 15, line 4, page 8. Same as Davey bill, line 12, page 5.

(House recedes.) Amendment 16, line 5, page 8. Substantially Davey bill, line 13, page 5.

Amendment 17, line 8, page 8. Same as Davey bill, line 19, page 5. (House recedes.)

Amendment 19, on which House recedes, page 9, line 6. Same in Davey bill, page 6, line 1.

Amendment 21, page 9, line 21, from which House recedes, contains on page 10 same as in Davey bill, page 6, lines 11 to 19.

Special amendment 27, from which House recedes, page 13, line 13, to line 4 on page 14. Same in Davey bill, page 7, from line 5 to line 20.

I have pointed out now the amendments made by the Senate that appeared in the Davey bill. Let us look and see what was taken from the Davey (Democratic) bill and inserted in the Hepburn bill and retained in the bill by the Senate without amendment.

First. The Davey bill, page 6, line 20 to line 24, same in Hepburn bill, page 12, line 6 to line 10, form of schedules and arrangement of tariffs.

Second. Davey bill, page 17, commencing at line 4, down to and including line 17, page 17, same in Hepburn, or present, bill, left there by Senate without amendment; page 28, commencing at line 23, down to and including line 11 on page 29, relative to the preservation of records and requiring copies of schedules and tariffs of rates and charges. Also, Davey bill, page 17, line 18 down to and including line 16, page 18. Same in this bill, page 29, line 15 down to and including line 13, page 30. Amendment made by Senate, No. 44, applied to lines 13, 14, 15, 16, and 17, which the original Hepburn bill had added. This Davey bill paragraph, retained by the Senate, related to rehearings.

The Davey bill, section 7, page 18, commencing on line 17, including pages 19, 20, 21, and 22, down to and including line 2, page 23, is exactly what was accepted and included in the Hepburn, or present, bill, and taken from the Davey bill and not amended by the Senate, except the Davey bill provided a fine of not more than $5,000, or imprisonment for a term not exceeding two years, or both, while this bill provides a fine not less than $1,000, nor more than $5,000, or imprisonment for a term not less than one year or more than three years, or both such fine and imprisonment.

Thus I have shown that fifteen of the amendments made by the Senate were in the Davey bill as the minority members of the Interstate Commerce Committee filed it, and that many of the most important provisions of the Davey bill as accepted by the majority of the Commerce Committee are retained in the present bill. How, I ask, can the Republicans with these facts in their faces claim that this measure is a Republican measure and claim all the credit for the same?

I now yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. HARDWICK. Will the gentleman answer a question before yielding?

The SPEAKER pro tempore. Does the gentleman from Alabama yield to the gentleman from Georgia?

Mr. HARDWICK. Does not the gentleman think on the subject of this pipe-line business there is a great and a sound public policy involved in requiring common carriers not to engage in any other business except the business of common carriers?

Mr. RICHARDSON of Alabama. That requires a very elaborate answer, and one that I have not time to give now. I have given it all the study I am capable of. I agree with the gentleman in the general policy that common carriers, like the great trunk lines that own coal mines, should not transport their own products, but should not apply to independent pipe lines any more than to timber roads and their manufactured products. I submit my part of the work to this House without hesitancy, believing we have done the very best we could for the country. [Applause.]

Mr. SHERMAN. I now yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

The SPEAKER pro tempore. The gentleman from Georgia is recognized for five minutes.

Mr. BARTLETT. Mr. Speaker, it is gratifying that this legislation has at last assumed a shape where the rights of the people can be enforced against the exactions of the carrying corporations of the country. This bill is not now what I wished it to be, but it will be of immense benefit to the people. I had great fears when this bill originally passed the House that it would never come back to the House in the shape that it is. Our former experience was enough to excite apprehension. But the united force of both parties in this great House of Representatives put behind this most important measure has forced from the other branch of Congress an act which will enable Congress to carry out in a large degree the demands of the people so constantly and so long made upon Congress. Now, Mr. Speaker, I have not the time to go into details of the various Senate amendments. This is the first time this House has been permitted to consider them. I would prefer, if it had been possible, that the provision which provides that sleeping cars shall be classed common carriers should have been put in another place in the bill. I would have them under the control of the Commission, but defined to be "vehicles of transportation."

I have feared, by reason of the decisions of the courts that have been made in reference to that peculiar kind of property, that it may endanger that section of the bill in which we find them. I believe they should be put under the control of the Interstate Commerce Commission. I fear, however, very much, by reason of the definition that you have given them as "common carriers," that you will run counter to all the decisions of the courts, both State and Federal. I desire, however, to call the attention of the House to one amendment of the Senate. It is the one that attracted the attention of the country by reason of the long-continued debate which was made upon that subject in the Senate. I mean the amendment with reference to a court of review. I have no doubt in my own mind that the Congress has the right to limit the right of appeal and the manner of such appeal. I do not desire nor shall I quote decisions upon that subject, because the CONGRESSIONAL RECORD is full of decisions quoted on that subject.

I will, however, say, on the subject of the "court-review" amendment, that the subject of "court review" has received much attention; it gave rise to an able and extended debate in the Senate. The results of the Senate's deliberations are to be found in Senate amendments Nos. 41, 42, and 43, to which the conferees have agreed. The provision in the bill for the review of the orders of the Commission by the courts will be that suits may be brought against the Commision to enjoin, set aside, annul, or suspend any order or requirement of the Commission in the courts of the United States, the venue of which is fixed by the amendment; and provision is made for the hearing of applications for injunction to restrain the orders of the Commission, and the act of February 11, 1903, is made applicable thereto, so that the hearing shall be had before three circuit court judges, and it becomes the duty of the Attorney-General to have the same expedited in the circuit court, as well as in the Supreme Court.

Amendment No. 43 provides as follows:

Provided, That no injunction, interlocutory order, or decree suspending or restraining the enforcement of an order of the Commission shall be granted except on hearing after not less than five days' notice to the Commission. An appeal may be taken from any interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the Supreme Court of the United States: *Provided further*, That the appeal must be taken within thirty days from the entry of such

order or decree, and it shall take precedence in the appellate court over all other causes except causes of like character and criminal causes.

It will be observed that this proviso is in the section which establishes the right of the carrier to file suit against the Commission and to restrain its orders and requirements, and the right to appeal from any "interlocutory order or decree" is confined to the "granting or continuing an injunction," and it must be had only to the Supreme Court of the United States; so that under this amendment, known as the "Allison court-review amendment," an appeal can not be taken by a railroad to the Supreme Court of the United States when the judges who hear the application for an interlocutory injunction to restrain or suspend the enforcement of an order of the Commission refuse to grant the injunction.

Under the decisions of the Supreme Court of the United States, deciding that Congress has the power to limit the matter of appeals and to prescribe how such appeals shall be taken, there can only be an appeal in these cases in the manner provided for in this amendment; and under the other decisions of the Supreme Court of the United States construing acts of Congress providing for appeals from the circuit court to the circuit court of appeals of the United States and to the Supreme Court of the United States, where Congress has failed to authorize an appeal, except in the way pointed out in the statute, no appeal can be had. I am convinced from my investigation of the decisions of the Supreme Court of the United States that Congress has the power to say what shall be the form of proceedings, either in equity or at law, in the courts of the United States, and in what cases an appeal may be allowed. This is a matter in the discretion of Congress, and is exercised by Congress in such manner as shall seem best, in the judgment of Congress, to promote the public business and the true interests of the citizens. I have no desire to refer to or quote from the numerous decisions of the Supreme Court of the United States upon this subject, which have filled the pages of the record of the debate on this subject in the Senate. I cite, however, one case, which has not been referred to by anyone in the debate, and which is, in my opinion, decisive of the question. I refer to the case in the 3 Howard, U. S. R., page 317, Ex parte City Bank of New Orleans, from which I quote as follows:

But it is objected that the jurisdiction of the district court is summary in equity and without appeal to any higher court. This we readily admit. But this was a matter for the consideration of Congress in framing the act. Congress possess the sole right to say what shall be the forms of proceedings, either in equity or at law, in the courts of the United States, and in what cases an appeal shall be allowed or not. It is a matter of sound discretion, and to be exercised by Congress in such a manner as shall, in their judgment, best promote the public convenience and the true interests of the citizens. Because the proceedings are to be in the nature of summary proceedings in equity, it by no means follows that they are not entirely consistent with the principles of justice and adapted to promote the interest, as well as the convenience, of all suitors. Because there is no appeal given, it by no means follows that the jurisdiction is either oppressive or dangerous. No appeal lies from the judgments either of the district or circuit court in criminal cases; and yet within the cognizance of one or both of those courts are all crimes and offenses against the United States, from those which are capital down to the lowest misdemeanors, affecting the liberty and the property of the citizens. And yet there can be no doubt that this denial of appellate jurisdiction is founded in a wise protective public policy. The same reasoning would apply to the appellate jurisdiction from the decrees and judgments of the circuit court, which are limited to cases above $2,000, and cases below that sum embrace a large proportion of the business of that court. (Ex parte The City Bank of New Orleans, 3 Howard, U. S. R., p. 317.)

In the bill introduced by Mr. DAVEY, at the instance of the minority members of the Interstate and Foreign Commerce Committee, this provision will be found:

Either party may appeal from the judgment or decree of the circuit court to the Supreme Court of the United States, but such appeal shall not operate to stay or supersede the order of the circuit court nor the execution of any writ of process thereon. In the circuit court and in the Supreme Court the cause shall be given preference over all others except criminal causes.

I think it will be found that of all the bills introduced at this session the "Davey bill" is the only one introduced which contemplated that the appeal should not operate to stay or supersede the order of the circuit court refusing an injunction.

Much has been said about the bill introduced by Representative HEARST; that bill provided for the fullest and most ample court review. In section 10 of H. R. 469, this session of Congress, introduced by Mr. HEARST December 4, 1905, is contained the following provision:

Said court shall thereupon, as speedily as may be, proceed to review the order appealed from as to its justness, reasonableness, and lawfulness upon the said record returned by the Commission, and thereupon if, after hearing the parties, said court shall be of the opinion that such order is unjust, unreasonable, or unlawful, it shall modify, set aside, or annul the same by appropriate decree or remand the cause to the Interstate Commerce Commission for a new or further hearing; otherwise the order of said Commission shall be affirmed. Pending such review the said court may, upon application and hearing, if in its opinion the order under review is clearly unjust, unreasonable, or unlawful, suspend said order.

Another matter to which I desire to call attention is amendment No. 47, which gives to the shipper the right to demand and have a through bill of lading on all interstate shipments, and makes the railroad liable in spite of any contract, receipt, rule, or regulation which the carrier may impose in the bill of lading. This amendment of the Senate, which is now to become a law, is in almost the exact language used in section 8 of the bill introduced by Mr. DAVEY in January, 1906, which was, in fact, the bill of the minority members of the Interstate and Foreign Commerce Committee.

That section of the Davey bill, referred to, reads as follows:

SEC. 8. That upon the tender of the lawful rates of freight on property offered for transportation to any common carrier engaged in interstate or foreign commerce as defined in the first section of this act, either alone or in connection with other carriers, such carrier shall receive and transport such porperty. That such carriers are required when they receive said property for transportation to give to the shipper, when it is demanded, a bill of lading in writing stating the quantity, character, order, and condition of said property, and said property shall be received by each successive carrier necessary to complete the interstate shipment and shall be delivered to the consignees in the manner provided by common law, and no limitation upon the liability of such carriers as it exists at common law, whether contained in the said bill of lading or in some special agreement, shall be valid.

So that in addition to the matters which have been called to the attention of the House by the gentleman from Alabama [Mr. RICHARDSON], as having been originated by the minority members of the committee, this most wholesome provision is to become a part of this act, and will enable the shipper to enforce his rights against the carrier, whereas now he is powerless to do so.

But there is one consolation, Mr. Speaker, which this bill, as it will become law, brings to the friends of the measure who are opposed to the delay incident to the "court review" amendment. I do not know whether it was intentional or whether it was an oversight on the part of those who sought to give "a broad court review." The peculiar court review clause of this bill as it was proposed and adopted by the Senate, as it has been accepted by the House conferees, and as it will become law (whether so intended or not) will not permit an appeal to the Supreme Court of the United States where an injunction has been refused. The bill provides for a hearing before three judges of a circuit court of the United States. It provides for an appeal in suits against the Commission when an interlocutory order or decree has been rendered whereby an injunction has been granted or continued. There is not a word which provides that the railroad or any one else may appeal to the Supreme Court of the United States where an injunction has been refused; and if an injunction is sought against the enforcement of the orders and requirements of the Commission, if there can be, as there will be, found honest and patriotic judges of the circuit court of the United States who will not needlessly or causelessly enjoin the operation of the orders of the Commission, there can be no appeal from that judgment to the Supreme Court of the United States.

So that in the bill as it will be enacted into law, as adopted by the House and proposed by the Senate, the great court-review amendment may become, and will become, a "boomerang" against these corporations. And the orders of the Commission will not be suspended if the courts or the judges trying the application shall refuse to grant an injunction staying the enforcement of the orders or requirements of the Interstate Commerce Commission. It is only when the injunction is refused that the railroads would desire to appeal. By some strange oversight this right has not been given to them, hence they will be powerless to appeal when the courts refuse their application for an injunction.

Mr. Speaker, I congratulate this House, I congratulate the country, that at last we are about to take the final step which will put upon the statute books an act that will carry relief to the people who have suffered so many years from the exactions and extortions of the railroad companies. And whatever defects may exist in it, we can congratulate ourselves that the American people will send Representatives to Congress who will amend it in such manner as shall be demanded for their relief. [Applause.]

Mr. RICHARDSON of Alabama. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore (Mr. GARDNER of Massachusetts). The gentleman has three minutes remaining.

Mr. RICHARDSON of Alabama. I yield three minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I will only take a minute of the three minutes. I congratulate the House, gentlemen, that we are this near the end of trying to solve this great problem. [Applause.] And I am glad to see that we have

done this not as partisans, but as Americans. [Applause.] I rejoice, gentlemen, that the House of Representatives has finally come to a point to which I tried to get this body to come when this bill first passed the House—that is, to the enactment of an antipass law. [Applause.] You know, gentlemen, I had quite a hard time in the House in getting along with that proposition, and I now have the pleasure of seeing a distinguished opponent of that antipass measure and my efforts to-day reporting an antipass amendment fixed along the same lines of my amendment. [Loud applause.]

I yield back the balance of my time.

Mr. SHERMAN. Has the gentleman from Alabama [Mr. RICHARDSON] exhausted his time?

Mr. RICHARDSON of Alabama. No; not entirely.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. RICHARDSON] has a minute and a half remaining.

Mr. RICHARDSON of Alabama. I yield a minute and a half to the gentleman from Texas [Mr. GILLESPIE].

Mr. GILLESPIE. Mr. Speaker, I was one of the four who voted against the conference report on this railroad rate bill reported to the House last Saturday. My reasons for doing so were that that conference report not only excepted oil pipe line companies from the proposition that there should be a divorcement of common carriers from the ownership of the products to be carried, but this report of the conference committee repealed the present interstate-commerce law against the issuance of free passes by interstate railroads.

Mr. Speaker, last October I saw in the Washington press a statement by Mr. Stickney, president of the Chicago Great Western Railway, at some meeting in Washington, that it was a violation of law for railroads to issue free passes. Believing myself that this was a correct statement of the law, I wrote the following letter to the chairman of Interstate Commerce:

OCTOBER 13, 1905.

CHAIRMAN INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

DEAR SIR: I see it stated in the press that Mr. A. B. Stickney, president of the Chicago Great Western Railway Company, at a meeting of the Washington Economic Society, held in Washington City February 3, 1905, referring to the free-pass practice, made the following statement: "The interstate-commerce law not only forbids discrimination in freight rates, but it also prohibits the free transportation of passengers. It makes the acceptance of a discriminating freight rate or a free pass by an individual a misdemeanor, each punishable alike by fine or imprisonment."

It is my opinion that Mr. Stickney's construction of this law as to free passes is correct. Now, I wish to know whether, in the opinion of the Interstate Commerce Commission, the above is the proper construction of the interstate-commerce law. I believe the practice of issuing free passes, except where permitted by law, is a vicious one that ought to be stopped.

If the present law prohibits this practice the law should certainly be enforced. If you will favor me with a prompt reply I will appreciate it.

Respectfully, yours, ———.

To that letter I received the following reply:

INTERSTATE COMMERCE COMMISSION,
Washington, October 17, 1905.

Hon. OSCAR W. GILLESPIE, M. C., *Washington, D. C.*

DEAR SIR: In reply to your inquiry of 13th instant, I send herewith a copy of the report and opinion of the Commission in a case involving the carriage of persons free or at reduced rates, decided in 1891.

The views expressed in that report are entertained, so far as I am aware, by all the present members of the Commission, and are believed to be a correct exposition of the regulating statute.

You will observe, however, that this position was strongly controverted by counsel for the carrier in that case, and it may be that the question is not free from doubt, to say nothing of the practical difficulties of enforcing the law in this as in other respects.

Yours, very truly,
MARTIN A. KNAPP, *Chairman.*

I then wrote to the chairman of the Commission the following letter:

OCTOBER 27, 1905.

Hon. MARTIN A. KNAPP,
Chairman Interstate Commerce Commission, Washington, D. C.

DEAR SIR: I received promptly your reply to my inquiry of the 13th instant, inclosing opinion of the Interstate Commerce Commission on the free-pass question in the case of the Boston and Maine Railroad Company, decided December 29, 1891.

I desire to thank you for this favor. I think the opinion of the Commission in that case is clearly the law, and I believe I realize, at least to some degree, the practical difficulties of enforcing the law in this and in other respects, as you say, but these difficulties should not deter those whose duty it is to enforce the law from making an honest attempt to do so.

Now, I wish to know whether the Commission has ever ruled upon this question, to wit: Whether any person, for the purpose of interstate travel, who solicits, receives, or accepts free transportation, does not, as well as the railroad in giving, violate the first section of the amending act approved February 19, 1903, and subject himself to punishment thereunder?

And also whether the Commission has ever proceeded, under section 3 of the above amending act, to prevent the practice of giving free transportation to persons, or has ever decided whether it has authority to proceed under said section for said purpose?

Thanking you for further courtesy in this behalf, I remain,

Yours, truly,
———.

To which I received this reply:

INTERSTATE COMMERCE COMMISSION,
Washington, October 28, 1905.

Hon. O. W. GILLESPIE, M. C., *Washington, D. C.*

DEAR SIR: In reply to yours of 27th instant, I write to say:

As any adequate answer to your inquiry would involve a letter of unusual length, and as it appears that you are here in Washington, I respectfully suggest that you call at this office for a personal interview on the subject.

Yours, very truly, MARTIN A. KNAPP, *Chairman.*

The report and opinion of the Commission sent me by the chairman was in the matter of the carriage of persons free, or at reduced rates, by the Boston and Maine Railroad Company, decided December 29, 1891. Mr. Speaker, I not only believe that it is a violation of the law now upon the statute books for railroads to give free passes, but that it is equally a violation to solicit or receive a free pass, and, further, that under the Elkins amendments to the interstate-commerce law the Commission can go into court and enjoin the railroads from engaging in the practice of issuing free passes.

Believing this to be the present law, I could not vote for a conference report that almost completely repealed it. But, Mr. Speaker, I gladly support the free-pass amendment submitted by the conference report we are now considering, because it not only does not repeal the present law, but makes it more certain and definite. But, Mr. Speaker, I want to record my dissent to the proposition that in divorcing the carrying business from the ownership of products carried by the carrier that we should make an exception of oil pipe lines. We should make no such exception, in my opinion. The large oil concern which can pipe its product to distant markets will always enjoy a monopoly, because it can fix the price so low as to destroy a competitor.

But, Mr. Speaker, I know that much can be said in favor of the conference committee's report on this question. I believe this report is about the best compromise of all differences that could be reached, and therefore I shall vote for it. [Applause.]

Mr. CURTIS. Mr. Speaker, for the information of the House I send a telegram to the desk and ask that it be read in my time.

The Clerk read as follows:

BARTLESVILLE, IND. T., *June 28, 1906.*

Hon. CHARLES CURTIS, *Washington, D. C.:*

Sending following to several Senators:

The Midcontinent Oil Producers' Association membership produce 60 per cent of this field's output, and is absolutely independent of all pipe-line affiliation. Thorough knowledge of situation is convinced beyond dispute of absolute impracticability of delivery for shipment our various grades of oil. The pile and storage company must buy our oil upon delivery from well, or a great industry is plunged into chaos, from which we see no way of relief.

EXECUTIVE COMMITTEE
MIDCONTINENT OIL PRODUCERS' ASSOCIATION.

Mr. DRISCOLL. Mr. Speaker, when this bill first came before the House for consideration it contained no antipass provision. It was unanimously reported by the Interstate and Foreign Commerce Committee and was passed through the House without amendment. Some effort was made to incorporate into it an antipass amendment or provision, but failed. The Senate had it under consideration for weeks and months, and among the amendments added to the House bill was one providing against the granting of free passes or transportations. That was a fairly good amendment in its general provisions; but it contained too many exceptions, according to my notion, which I discussed in a former speech on the same subject and will not extend my remarks further at this time.

The House, in due form, nonconcurred in the Senate amendments, and the bill, with all the Senate amendments, was referred to a conference consisting of three Senators and three House conferees. As the result of that conference, so far as this particular part of the law is concerned, the conferees brought into the House a bill containing the following antipass provision:

No carrier subject to the provisions of this act shall, after January 1, 1907, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passage. Any carrier violating this provision shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not exceeding $1,000; and any person who uses, solicits, or accepts for himself or for another any such interstate free ticket, free pass, or free transportation shall be deemed guilty of a misdemeanor, and upon conviction thereof be subject to a like penalty.

On June 12, 1906, that bill was again brought up before the House, and Mr. DALZELL, of Pennsylvania, from the Committee on Rules, submitted the following privileged report:

The Committee on Rules, to whom was referred the resolution of the House No. 571, have had the same under consideration, and in lieu thereof report the following:

"*Resolved*, That 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, with the Senate amendments thereto, be, and hereby is, taken from the Speaker's table; that the House further insists on

its disagreement to the Senate amendments thereto in gross, and that the conference asked by the Senate is hereby agreed to; whereupon immediately, without intervening motion, the managers of the conference shall be appointed."

In the debate that followed on the question of adopting this rule there was much discussion on the antipass provision of this bill, and it quite clearly appeared from the expressions of many Members of the House that it was the consensus of opinion that railroad employees and their families should be excepted from the general law and permitted to accept passes. Other amendments to the bill—sleeping-car, palace-car companies, express companies, and pipe-line companies—received some attention in that debate, but considerable of the time and argument were devoted to the antipass question or amendment in the bill. Mr. GROSVENOR of Ohio, a member of the Committee on Rules, was on the floor urging the adoption of the above report, or rule, when the following dialogue occurred between him and myself:

Mr. DRISCOLL. Mr. Speaker, I wish to know this: If the House now sends this report back to the conferees and the report is not satisfactory to the House in any particular one of these amendments, can the House have a chance to vote on that particular amendment?

Mr. GROSVENOR. They can do it, and do it very easily, and do it without any difficulty, simply by voting down the conference report and send back the bill to the conference with any one or any dozen amendments that we want to have put in the bill. It is the simplest process in the world. Anybody can understand it, and I do not believe now——

Mr. DRISCOLL. Why not do that now?

Mr. GROSVENOR. Simply because it would be treating the conference unfairly.

Mr. DRISCOLL. I have great confidence in the House conferees; they did well the last time, and I hope they will do as well again.

However, many Members of the House, of which I am one, are in favor of a strong antipass provision in this law with an exception in favor of railway employees and their families. The exception should not extend much, if any, beyond this class. Now, if the antipass provision or amendment be stricken from the bill, or be encumbered with so many exceptions as to make it ridiculous and practically useless, we will want an opportunity for a vote on that question. I deem this part of the law very important, for if the companies be permitted to discriminate in the future as they have in the past in the granting of free transportations, my judgment is that the other part of the law against freight discriminations will not, and can not, be rigidly enforced. Both parts must stand or fall together.

I then voted for the rule, with the hope and expectation that the House conferees would at least not consent to a worse antipass provision than that inserted in the bill by the Senate. I was justified in this expectation, for the reason that since the Senate adopted the amendment it was fair to presume that the Senate conferees would stand for it in the conference, and that they would not violate the instructions of the body of which they were members by agreeing to a foolish, ridiculous, and wide-open provision called an "antipass law." But in this I was mistaken, for the joint conferees agreed upon and reported to their several Houses of Congress the following antipass provision:

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, 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 $100 nor more than $2,000, 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 19, 1903, and any amendment thereof.

This was a very bad and ridiculous provision. In a very loose, disjointed, and defective manner it declared that common carriers subject to the provisions of the act should not, directly or indirectly, issue any free tickets or passes to any officer or person in the service of the United States other than those in the postal service. The force in the postal service is very large, all the way from the Postmaster-General down to the fourth-class postmasters throughout the country, and there was no reason whatever why they should all be excepted from the rule. But aside from the officers or persons in the service of the Government of the United States in the several States, etc., all others were permitted to solicit and accept passes. The Government officials and officers of the Government all the way from Senators down were permitted to solicit passes for members of their families and their friends. And it is very doubtful whether, on a fair construction of the law, Senators and Representatives would not be qualified to accept passes for themselves.

This provision indicated a complete change from the ironclad antipass law reported by the conferees on the previous occasion. They seemed to flop from one extreme to the other. This provision was, during the discussion, severely criticised by many Members of the House, and many of them, at least, were anxious to amend it if possible, of whom I was one; and in order to cut off debate, the Committee on Rules moved the previous question, and on a yea-and-nay vote the result was—yeas 121, nays 90. This vote practically expressed the opinions of the Members of the House who voted on the last antipass provision above set forth. It is fair to say that those voting "yea" favored that provision, and those voting "nay" were against it. That was on June 23, 1906.

It appears above that when Mr. GROSVENOR was on the floor I asked him if the House then sent that report back to the conferees, and it was returned unsatisfactory to the House in any particular one amendment, whether the House could have a chance to vote on such amendment; and he said that could be done, and done easily, and without any difficulty, simply by voting down the conference report and sending the bill to a conference with any one or any dozen amendments that we wanted to have put into the bill. He said it was the simplest process in the world; that anybody could understand it. I asked him why not do that then, and he replied that it would be treating the conference unfairly. I thought very likely that was so. I had confidence in the House conferees, for they had then reported such a strong provision against the granting of passes, and I voted for the previous question and for the resolution or rule.

Then, on June 23, when the bill was before the House again on the question of adopting the report containing this ridiculous antipass provision, I asked Mr. DALZELL, from the Committee on Rules, in the absence of Mr. GROSVENOR, to tell us how we could get a chance to vote on this particular amendment, and he said it could easily be done by voting down the report. This appears more fully in the following extract from the CONGRESSIONAL RECORD of June 23, 1906:

Mr. DRISCOLL. Mr. Speaker, will the gentleman yield?

Mr. HEPBURN. I yield to the gentleman from New York.

Mr. DRISCOLL. Mr. Speaker, following up what the gentleman from Alabama [Mr. RICHARDSON] has just said, when this matter was before the House the last time and was to be submitted again to the conferees, the gentleman from Ohio [Mr. GROSVENOR] had the floor. I asked him then if, when the report was brought back to the House and the House was not satisfied with any particular amendment or any particular part of it, we could get a chance to vote on each amendment. He said yes, very easily. Mr. GROSVENOR is now not present, and I wish either the Speaker, who is a member of the Committee on Rules, or the gentleman from Pennsylvania [Mr. DALZELL], who is also a member of the Committee on Rules, would tell us how to do that easily.

Mr. DALZELL. Why, Mr. Speaker, nobody, neither the gentleman from Ohio [Mr. GROSVENOR] nor myself undertook to say that any Member of this House could not exercise his right to demand the previous question at any time. If the House wants further debate on this matter, it can vote down the previous question and debate it until it is ready to order the previous question. Nor did the gentleman from Ohio [Mr. GROSVENOR] nor myself say that there was any way to discuss the individual items of the conference report except by voting down the report, and amending the same.

The previous question was moved and ordered, as stated above. Then on the roll call on the question of adopting the report we were either required to vote for it or against it. If we voted for it, it would mean the approval and acceptance of that very bad antipass provision. If we voted against it our action was liable to misconstruction by some who, without full consideration and information on the subject, would be apt to think that we voted against the railway rate bill.

I was one of the four who could not approve of the antipass provision contained in the report, and voted in the negative and did not change my vote. I had inserted in the RECORD quite a long speech on this particular part of the railroad rate bill, and incidentally said that I had voted for that bill and would do so again. And after my vote on that occasion was reported in the Syracuse papers I received a few letters from friends inquiring if I voted against the bill, notwithstanding my positive statement to the contrary. I was somewhat surprised at those questions, because I did not think there was a person in the district which I have the honor to represent who would be persuaded to believe or suspect that I would vote against a good, strong railway rate bill, according to the lines laid down by President Roosevelt in his message. For, while I have no prejudice against railroad companies, and believe that they should be treated fairly in all respects, yet I own no railroads and no railroad owns me, and my constituents are aware of that.

Now, I trust I may be pardoned for saying that I am pleased that the Senate rejected this report after three days' discussion, and rejected it by a large majority and without a roll call, and that the House conferees have been compelled to recede and accept substantially the full Senate amendment. This antipass

provision which is now before us is fairly good. It prohibits the granting of free passes or transportation to all persons except a few who are expressly described. Among them are employees of railroad companies and their families.

It is claimed that there is no consistency in permitting railway companies to grant passes to their own employees and members of their immediate families and denying the privilege of granting passes to other people generally. With this assertion I can not agree. There is, in my judgment, a distinct difference between the two cases. The contractual relation of master and servant exists between a railway company and each of its employees; and the company has a legal right in its contracts to grant its employees as a part of their salaries a certain amount of transportation.

No one would question but that a railway company would have the legal right to pay a fireman $50 a month and board, or to pay an engineer $100 a month and lodging at the other end of his route; or to pay a conductor a certain monthly salary and house rent; or to pay a trainman a certain monthly salary and provide his uniform. And by a parity of reasoning, why would it not be legal for a railway company to pay its men certain monthly salaries and transportation to and from their work, and a certain amount of transportation for members of their immediate families? It is simply a part of their compensation or consideration for their work.

The other exceptions to the general rule in the present report before the House are in favor of poor people generally, many of whom would have to walk if they were not favored with free transportation. There is no great harm in that. It will regulate itself, for the companies will not grant passes to that class of people. They do business on business principles, and grant passes only to people who are able to make good and return due consideration in some form or another.

This provision, as I understand it, will meet the approval of the Senate; and it is so much better than the one I was obliged to vote against a few days ago that I am pleased now to record my vote for it. [Applause.] And in doing so I can vote for the rate bill, and that is a pleasure, not only because I think it ought to pass, but for the reason that I can keep my word.

If this antipass law is strictly enforced it will accomplish much good; but if it is winked at, connived at, and violated, as the original law has been, then it may as well not be on the books. And if railroad companies are in the future permitted to discriminate in the passenger traffic they will also be permitted to discriminate in the freight traffic, for the same principle underlies both—that all must be treated alike; that there must be no favoritism, no partiality, no discriminations. Both parts of this law must stand or fall together.

Mr. GILLESPIE. Mr. Speaker, I also ask the same privilege.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. On this subject?

Mr. SHERMAN. On this subject.

The SPEAKER pro tempore. The Chair so understands it. Is there objection?

There was no objection.

Mr. SHERMAN. Mr. Speaker, but four sentences, and no more. The committee of conference of the House has struggled hard to bring in here, what they believe they have now presented, a sane and a sensible report. They have not been swerved from the path of sanity and of duty by pictures of the hundred-handed briareus, nor have they been kept from following what they believed was the path of wisdom and justice by pictures of the octopus hung over them, nor even of word pictures of brands upon their brows. And, Mr. Speaker, I desire to say for the conferees who have signed this report that they manifested throughout the whole deliberation a degree of honesty and fidelity which certainly equals that which the single gentleman who has not signed the report admits he possesses. [Loud applause.] I move the previous question on the adoption of the report.

The question was taken, and the previous question was ordered.

The question was taken on the adoption of the report, and it was agreed to.

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

GENERAL LEAVE TO PRINT.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that all gentlemen may have leave to print upon the subject of this bill within five days.

The SPEAKER. The gentleman from Iowa asks unanimous consent for all Members to print remarks upon this bill for five days. Is there objection. [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. COLE, by unanimous consent, obtained leave of absence indefinitely on account of death in family.

COLLECTION OF THE REVENUE.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19750); and pending that, I ask unanimous consent that the session, continuing not later than 11 o'clock, shall be devoted exclusively to general debate upon the bill.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. You are not going to commence debate now?

Mr. PAYNE. Yes; right off.

The SPEAKER. The Chair hears no objection. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the customs administration bill.

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

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

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19750.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to print in the RECORD certain newspaper clippings which I collected over two years ago, taken from the London and American press in the year 1902, and possibly other years, touching upon how and why the English Tobacco Company and the Duke Tobacco Company combined to control the tobacco markets of the world.

This combination, I claim, is unlawful under the antitrust act of 1890, and I have so charged for a long time. This monopoly is now being investigated. I desire to have these clippings printed in the RECORD in order that Congress and the people may learn something about why and how this international and unlawful combination was formed.

This tobacco trust and the Regie buyers have been unlawfully oppressing, to an unbearable extent, the tobacco growers in Kentucky, Tennessee, and the Atlantic States, but particularly in Kentucky and Tennessee. These clippings are very interesting reading and purport to quote some of the statements, undisputed, made in 1902 at the time this combination was formed by Mr. Duke, Mr. Ryan, and others in London.

[The Tobacco Leaf, New York, vol. 39, No. 39, October 8, 1902, p. 6.]

THE BIG COMBINATION.

The recently arranged agreement between the American and Imperial Tobacco companies continues to absorb the attention of the trade at large. And considering the vast value of the interests involved and possible scope of the combination, it is not surprising that many misleading and exaggerated statements should have been published on both sides of the Atlantic. But now that surprise has about exhausted itself and things have been allowed to simmer down, a more comprehensive view of the situation may be formed. The clearest statement of the case yet set forth is contained in the official explanation made by Thomas F. Ryan on his return from London, and which reads as follows:

"The agreement made between the representatives of the Imperial Tobacco Company, of England, on the one hand, and the Consolidated Tobacco Company, on the other, was mutual in its character, and entirely satisfactory to both sides. It was accomplished by friendly conference after full consideration of the interests of all parties affected. The agreement has an international character which has not belonged, I think, to any previous trade arrangement. It means the union of the representatives of an important business in Great Britain and America for the purpose of seeking trade hand in hand throughout the world.

"My visit to London grew out of an invitation extended to me in July last by the directors of the British company, after several of the directors had visited the United States, and while here had conferred with Mr. Duke, president of the Consolidated Tobacco Company, and myself regarding the respective interests of the companies we represented. The agreement made to transfer to the Imperial Tobacco Company the business of the Consolidated Tobacco Company in England was made for full and satisfactory consideration. The American company becomes a large shareholder in the English company, with three representatives on its board of directors, one of which is Mr. Duke.

"The Consolidated Tobacco Company will pursue its business in the American field, including not only the United States, but Cuba, Porto Rico, the Hawaiian Islands, and the Philippines, without competition from the British company. The Imperial company will not encounter the competition of the American company in the businesses of the United Kingdom of Great Britain and Ireland, including Scotland and Wales. In the new British-American company the British company has one-third of the stock and the American company has two-thirds. The board of directors consists of six representatives of the British company and twelve of the American, with Mr. Duke as its president, who remains abroad to perfect the organization. This British-American company will take over the entire business of the Imperial company and of the Consolidated company in all foreign countries and in the colonies of Great Britain, including India, Canada, and Australia. The agreement made is satisfactory to both sides and equitable to all interests represented."

[The Times, London, Monday, September 29, 1902, p. 4.]

THE TOBACCO TRADE.

The Press Association is authorized to state that agreements were signed on Saturday in London transferring Messrs. Ogden's English business and the other British interests of the American Tobacco Company to the Imperial Tobacco Company, who are to pay for the Ogden company's good will by an issue of ordinary shares. It has also been decided to amalgamate the export businesses of the competing parties and to form an English company under the name of the British-American Tobacco Company (Limited). The transfer of the Ogden business takes effect next Wednesday. The Press Association adds that so far as the arrangement has been disclosed the directors of the Imperial company have effectually secured the control of the home trade as well as some proportion of the trade in all other parts of the world excepting the United States of America.

[Pall Mall Gazette, London, Monday, September 29, 1902, p. 8.]

THE NEW TOBACCO SITUATION—SCHEME TO CONTROL THE WORLD'S TRADE—"A BAD JOB FOR RETAILERS AND THE PUBLIC."

The agreement between the Imperial Tobacco Company and the American Tobacco Company was signed on Saturday.

The British company now enters into possession of the whole of the interests of the American company in this country, including the business of Messrs. Ogden (Limited), and the British company agrees to cease its plans for manufacturing in the United States, leaving the American company undisturbed on the other side of the Atlantic.

It is also announced that a highly interesting agreement has been reached with regard to the tobacco trade of the rest of the world. This will be mutually developed by amalgamating the export businesses of the hitherto competing parties. The amalgamation takes the form of a new company, the British-American Tobacco Company (Limited), with headquarters in London.

The position of the retail traders was discussed this morning by one of the leaders of the movement, which resulted in the formation of the Retail Tobacconists' Association.

"How," asked our representative, "will the Imperial trust under the amalgamation scheme affect the retail trade?"

"That," was the reply, "will depend upon their procedure after having obtained a supreme position. If they deal in a reasonable manner we shall view the situation with equanimity, but if the new trust attempts to squeeze us, or act tyrannically, we shall support the independent firms which have no connection with combinations."

A retailer in a large way of business said to our representative, "I regard the amalgamation as a bad job for retail dealers and the public."

[The Westminster Gazette, London, Monday, September 29, 1902, p. 8.]

END OF THE TOBACCO WAR—A NEW BRITISH-AMERICAN COMPANY.

The tobacco war has ended in the amalgamation of Ogdens with the Imperial Company, with Mr. Duke and Mr. R. H. Walters and Mr. T. Ogden on the board, the withdrawal of the Imperial Company from America, and the inclusion of both parties in a company (with a capital of £6,000,000) to deal with the rest of the world.

The Imperial Company, it is said, will continue to pay their bonus as provided by their agreement, but it is not known what will be the position with regard to the £200,000 promised by Ogdens.

Most of the small retailers in London view the present outlook with no great alarm. Of course, Ogdens having lately conducted their business at a loss, Ogdens' goods will naturally be raised in price, but those dealers who have had dealings with both of the companies think that the Imperial Company will not adopt any tyrannical tactics. In fact, the general opinion seems to be that matters will be much the same as before the "tobacco war" was thought of, and that the Imperial Company will treat retailers fairly and not in "the usual American way."

Ogdens have sent a circular to all retailers to the effect that they have sold their business to the Imperial Tobacco Company, as far as regards the British Isles, and request that all unexecuted orders may be considered as canceled.

["Tobacco" (journal), New York, vol. 33, No. 22, October 3, 1902, p. 3.]

END OF THE TOBACCO WAR IN ENGLAND.

It was announced by cable from London early this week that the trade conflict between American and British tobacco interests which has been in progress for something over a year had at length been terminated by an amicable arrangement, which it is believed will in the end be advantageous to both parties.

According to an official statement given out in London, the American and Imperial tobacco companies are to join hands in a new company, to be known as the "British-American Company," which will seek for trade in all parts of the United Kingdom of Great Britain and Ireland and the United States and Cuba. The trade in the United States and Cuba will be left to the American Tobacco Company and that of the United Kingdom to the Imperial Tobacco Company.

Ogden's, Limited, the British branch of the American company, has been transferred to the Imperial, and James B. Duke, R. H. Walters, and Thomas Ogden are to become members of the board of directors of the Imperial, while James B. Duke will be president of the new British-American company. The Imperial paid for the good will of Ogden's, Limited, in ordinary shares ranking with the similar shares of the original vendors, and paid for the tangible assets in cash.

The first board of directors of the British American Company will consist of twelve men heretofore identified with the American company and six from the Imperial, as follows: Sir William Henry Wills, J. B. Duke, J. B. Cobb, H. H. Wills, W. R. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo von R. Cunliffe Owen, Percival S. Hill, Thomas Gracey, W. B. Ogden, Thomas Ogden, R. H. Walters, P. R. Walters, Percy Ogden, and Harold Roberts. The capital stock of the British-American Company will be $30,000,000, and it is to be aportioned one-third to the American interests. For the present the new company will have its headquarters in London; but it is stated that there is nothing to prevent transferring the headquarters to New York if it should be deemed later that it can be operated more conveniently at this point. It is further stated that with the colonial business which the Imperial transfers to the British-American the new corporation will begin operations with a ready-made annual trade of 4,000,000,000 cigarettes.

An official of the American Tobacco Company, in an interview with an Associated Press representative, commented on the matter as follows:

"It is the first combination, to my mind, on right lines, and one that assures real unity of interests where powerful American and English concerns go out hand in hand to seek the trade of the rest of the world. It has been a difficult matter, requiring the most careful consideration. The negotiations have been proceeding since August 19. It was a subject which could not be discussed in the press while they were in progress, but now that they are concluded we have decided to issue an authoritative statement to head off garbled accounts. Personally, I think the lines on which this combination is formed are destined to affect the larger field of general Anglo-American commercial relations."

Another official of the American Tobacco Company is quoted as saying:

"We are decidedly pleased at the outcome of the negotiations. Not only are we pleased at the good business deal, out of which we made several millions, but we are pleased because the combination means a real amalgamation of interests instead of buying off an opposition at a price which appears to the opponent to be a profitable figure. Such a real working combination of American and English interests as has just been effected will in any line of business unquestionably dominate the trade of the world."

A cablegram from Londom reports President Duke as saying:

"Is it not a grand thing in every way that England and America should join hands in a vast enterprise rather than be in competition? You may suggest that we have formed a huge monopoly, but we have done nothing of the sort. We do not represent half the tobacco in England.

"Those who say that the monopoly will be shown by a rise in prices are wrong. Prices will not go up. The tendency will be entirely the other way, because now we shall effect a great saving.

"We have formed an alliance. That is what the new company will be. Instead of England and America wasting time and money in fighting one another they will now help one another. We shall enter new fields together.

"You may say that my method of seeking an alliance by making war was a strange one, but experience teaches and I have learned."

When asked about the Ogden bonus, a matter which greatly stirs retail tobacco dealers in England, President Duke said: "As Ogden's (Limited) has ceased to exist, so has the bonus. After the payment of the quarter's installment, which is due to-day, nothing further will be paid."

Remarking upon the consumption of tobacco in England, which is only 2 pounds per capita as against 6 pounds in the United States, President Duke said he believed the small consumption in England was due to the high duty on tobacco, and that the reduction of this duty would result in trebling the revenues from it.

[Tobacco Leaf, October 8, p. 2.]

On Monday morning the British-American Tobacco Company (Limited) was formally registered at Somerset House in London. The capital of the company is $30,000,000, which is divided into $7,500,000 worth of preferred and $22,500,000 of ordinary shares. The first directorate will hold office until 1904. The head offices of the company will be in London. The company offered no shares to the public. The cable advises that the Imperial Company has already issued a circular giving a revised list of prices, confirming the reported discontinuance of the Ogden bonus, and expressing the hope of presenting an entirely new bonus scheme for the next financial year. The revised list practically restores the prices that were in vogue prior to American operations in the English tobacco field. That any practical change in present trading conditions will occur in this country is hardly likely, for the reason that the Imperial's interests in manufactured products were comparatively small.

[Tobacco Leaf, October 1, p. 4.]

J. B. Duke, R. H. Walters, and Thomas Ogden will be elected to seats in the Imperial board, and the first directors of the British-American company will consist of Sir William Henry Wills, J. B. Duke, J. B. Cobb, H. H. Wills, W. R. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo von Reitzenstein, Cunliffe-Owen, Percival S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Walters, Percy Ogden, and Harold Roberts. The transfer of Ogden's English business will take effect on September 30, and from that day it will be in the hands of the Imperial company. It is believed this combination is the first attempt to unite any great international industry, and its progress will be watched with interest everywhere. It may mark a new development in the direction of British and American interests joining hands instead of competing against each other in the sphere of commerce.

A Leaf representative called on a prominent official of the American Tobacco Company at their offices, 111 Fifth avenue, this city, and was given the following supplementary statement:

"It is the first combination, to my mind, on right lines, and one that assures real unity of interests where powerful American and English concerns go out hand in hand to seek the trade of the rest of the world. It has been a difficult matter, requiring the most careful consideration. The negotiations have been proceeding since August 19. It was a subject which could not be discussed in the press while they were in progress, but now that they are concluded we have decided to issue an authoritative statement to head off garbled accounts.

"Personally, I think the lines on which this combination is formed are destined to affect the larger field of general Anglo-American commercial relations. We are decidedly pleased at the outcome of the negotiations. Not only are we pleased at the good business deal, out of which we made several millions, but we are pleased because the combination means a real amalgamation of interests, instead of buying off an opposition at a price which appears to the opponent to be a profitable figure. Such a real working combination of American and English interests as has just been effected will in any line of business unquestionably dominate the trade of the world. Regarding the details, you can say that the capital of the British-American company will be $30,000,000. Mr. Duke will be the president. While it is convenient to register it as an English company and have its headquarters in London we have named twelve directors and the Imperial company's interests have named six. Their respective financial interests are two-thirds American and one-third English. There is nothing to prevent transferring the headquarters to America if it ever proves more convenient to operate here, but at present the business can be best carried on in London. We have named three directors for the board of the Imperial company, which will hereafter confine itself to the United Kingdom, while the British-American company goes in for the world's trade outside of the United States, Cuba, and the United Kingdom.

"The Cuban provision insures for Americans the cigar business of the island, of which we now control 80 per cent. The Imperial Company throws into the new company its colonial business. So, with our trade outside the United States, the British-American Company starts with a ready-made annual business of 4,000,000,000 cigarettes alone. Regarding the Imperial Company's factories in the United States, concerning which considerable matter has been printed in England, they are merely leaf factories, and will be operated for that purpose."

"A representative of your company has been quoted as saying that this is the first move in the game which will result in a giant combination of the interests of the Consolidated Tobacco Company and the Imperial Tobacco Company," the leaf representative remarked.

"There are no further steps to be taken," answered the official. "The late amalgamation is all that is necessary. The British and American interests will now work in harmony and as one concern, which they virtually are."

"Was the Imperial forced to accept the amalgamation proposition?"

"The joining of these interests was equally desired by both factions, and both are well satisfied with the result. I think that we tobacco men, Americans and Britons, have set an example which will be followed by other branches of commerce."

Thomas F. Ryan, director of the American Tobacco Company, who has been in England participating in the negotiations with the Imperial Company, returned yesterday on the Kaiser Wilhelm der Grosse. In a statement to the press he said that his negotiations toward a working agreement had been entirely successful. "The agreement made," he said, "leaves the British field open to the Imperial Tobacco Company on condition that it does not compete with the American Tobacco Company in this country. The rest of the world, however, is an open field for both companies."

[The Magazine of Commerce, London, vol. 1, No. 1, November, 1902, p. 50.]

THE TOBACCO COMBINE.

The great tobacco war has resulted in the rival parties coming to a compromise. The net result is that we have one big trust instead of two competitive trusts. The halcyon days of the retailer and consumer are over. It is satisfactory that the British company carries off the *honors* of the war. Mr. Duke and Mr. Ogden join the board of the Imperial Tobacco Company, which now controls by far the greater part of the home trade, while a new company is to be formed to acquire both the American and the British foreign trade. The Yankee retains his own home trade to himself. The two rivals could not have continued at their cutthroat policy for long, and it was to be expected that some compromise would be arrived at, as the Americans were not the men to be completely bowled out of the country. An interesting point, however, arises as to the liability of Mr. Duke's company. In March last that company promised that for four years from April 2 it would distribute among its customers £200,000 per annum in addition to the whole of the net profits of Ogdens (Limited). Does this now become a liability of the Imperial Tobacco Company? Mr. Duke airily replies, "No." It would be a good thing if some legal responsibility attached to the wild promises made when trust meets trust. There is some talk of the consumer having now to pay for the extravagant expenses of the war. While such popular brands as Taddy's, Gallaher's, and Cope's remain outside the trust this is not likely to occur.

[The Magazine of Commerce, London, vol. 1, No. 3, January, 1903, p. 234.]

TOBACCO.

The Imperial Tobacco Company have launched a new bonus scheme for their trade customers, but at the time of writing these notes it is not possible to gauge the reception with which the scheme will meet. Briefly, the company undertake to set aside one-fifth of the net profits on their sales within the United Kingdom for distribution among their customers. On their side the customers are to conform with the company's prices and terms, and to boycott any person or firm who does not conform with those prices and terms. The London executive of the United Kingdom Tobacco Dealers' Alliance have recommended their various branches and associations to discuss the situation, and in the meantime not to tie their hands to any trust. The salient part of this agreement would appear to be the "prices and terms" of the Imperial Company, and it is noticeable that the Dealers' Alliance have advised their members to refrain from pushing any proprietary goods which do not carry the 20 or 25 per cent minimum schedules. As we have pointed out previously in these notes, there are some important concerns outside the British combine, and in the counsels of the Imperial Company this fact must weigh to the advantage of the retailer. Efforts, however, to prevent that price cutting which has been the ruin of so many of the dealers are to be commended.

[The Statist, London, October 4, 1902, p. 580.]

THE TOBACCO COMBINES—END OF THE WAR.

It is the expected that sometimes happens. And it is the expected that has happened in the termination of the tobacco war. With the formation of the Imperial Tobacco Company in February last, organized with the avowed object of combating "the obvious intention of controlling the British tobacco trade in the American interest" disclosed by the purchase of the business of Ogdens (Limited), by the American Tobacco Company, it was evident that the final result of the warfare would be either the overwhelming defeat of one of the parties or an amalgamation or compromise of some kind. The first alternative, taking into consideration the strength and standing of the opposing forces, was hardly within the range of practical politics, and as time went on it became increasingly evident that a compromise of some kind was inevitable. It has now been brought about, and an official announcement was made on Monday that the Imperial Tobacco Company had purchased the business of Ogdens, and that the export businesses of the two combines were to be amalgamated in a joint company. The official announcement is as follows:

"The business of Ogdens (Limited) has been transferred to the Imperial Tobacco Company, and the export businesses of the Imperial Company, Ogdens (Limited), and the American Tobacco Company and its allies have been amalgamated, and a joint company is in course of formation under the name of British-American Tobacco Company (Limited). The result is that the Imperial Company will, as between the hitherto competing parties, be left in possession of the trade of the United Kingdom, while the American Company is not to be disturbed in the United States or Cuba, and the British-American Company will compete for the trade in other parts of the world. The Imperial Company will pay for the good will of Ogden's business in ordinary shares, ranking with the similar shares of the original vendors behind the 5½ per cent preference shares of that company. Mr. J. B. Duke, Mr. R. H. Walters, and Mr. Thomas Ogden will be elected to seats at the Imperial board, and the first directors of the British-American Tobacco Company will consist of Sir W. H. Wills, Bart., Messrs. J. B. Duke, J. B. Cobb, H. H. Wills, W. P. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo Vaughan, B. Cunliffe Owen, Percival S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Waters, Percy Ogden, and Harold Roberts. The transfer of Ogden's English business will take effect on the 30th inst., and from that day it will be in the hands of the Imperial Company. It is believed that this combination is the first attempt to unite any great international industry, and its progress will be watched with interest everywhere. It may mark a new development in the direction of British and American interests, joining hands instead of competing against each other in the sphere of commerce."

And as a sequel to the above there has been registered at Somerset House the British-American Tobacco Company (Limited), with a capital of £6,000,000, divided into 1,500,000 preference and 4,500,000 ordinary shares of £1 each. It is not proposed to offer any shares to the public.

We may recall that it is now just over twelve months since the shareholders in Ogdens (Limited) accepted the offer of the American Tobacco Company to purchase their undertaking. To meet more effectively the competition threatened, the chief British manufacturers agreed to amalgamate their business, and in February, 1902, the Imperial Tobacco Company of Great Britain, and Ireland (Limited) was floated with a capital of £17,500,000, of which there has been issued £14,518,097, the various companies taking the whole of the ordinary shares of the Imperial Company, while £1,000,000 of 4½ per cent debenture stock and £3,000,000 in 5½ per cent cumulative preference shares were offered to the public. The Imperial Company also made an agreement with Salmon & Gluckstein (Limited) under which the 450,000 £1 shares of that company were converted into 10 per cent preference shares, the dividends being guaranteed by the Imperial Company, the latter taking all surplus profits. Almost immediately a period of sharp competition and rate cutting commenced, with offers of bonuses and profit-sharing schemes to the dealers, and issue of coupons entitling the free gifts to customers on behalf of Ogdens (Limited). A counter move was also made by the British company, which entered the American field to fight the American Company on its own ground. And it is very evident that some large losses must have been incurred; and it has been apparent for some little time that the insane competition would have to cease.

The announcement, therefore, of Monday was not altogether expected, and the decision of the American company to give up the contest is certainly a wise one. The American company retires to America; the British company confines its operations to Great Britain, and the export businesses of the two combines are taken over by the new joint concern. The British company has plenty of scope for business and expansion, and it can not be too strongly urged that its success depends largely upon the use it makes of the extremely strong position in which it stands. It is to be hoped that no measures to inflate prices will be taken. That some prices must be increased is, of course, certain. But any attempt to "corner" the trade would be futile, and we do not suppose that any such attempt will be made. The organizers of the British company have proved their business ability, and with the same able management continued the company should have a prosperous career. The present price of the £1 5½ per cent, preference share is 23s. 6d., giving a yield of about £4 16s. 6d. per cent. On the basis given in the prospectus of past results, the amount required for the preference dividend was covered four times over. With the improved prospects the shares do not appear overvalued. At the price of £106 for the 4½ per cent debenture stock the yield is about 4 per cent. The stock is well secured, and is also worth attention.

[British Trade Journal, London, November 1, 1902, p. 446.]

TOBACCO TRADE.

Early in the month it was announced that the American Tobacco Combine and Ogdens (Limited), in England, had been amalgamated with the Imperial Tobacco Company (Limited), of London, the markets of the world having been divided between the two concerns. The Imperial Tobacco Company have issued a new price list, which will show a larger margin of profit for retailers, and there will be a minimum scale of retail prices which will be rigidly enforced, thus preventing "cutting."

[The Tobacco Leaf, October 1, 1902, p. 6.]

The recently concluded international tobacco agreement promises to be big with indirect as well as direct results. A telegram received here yesterday conveys the information that the Louisville Tobacco Warehouse Company, composing a majority of the tobacco warehouses of that city and controlling the greater portion of the tobacco trade in Louisville, has submitted to its stockholders a proposition made by the houses outside of the combination which, if accepted, will mean the purchase of seven more warehouses there, given the "combine" practical control of that market. The seven warehouses which it is proposed to purchase handle about 35,000 hogsheads a year. If the deal is ratified it will go into effect on November 1. Another telegram from Richmond, Va., says that the completion of the Anglo-American deal has thoroughly demoralized the tobacco market there, the anticipations evidently having been that the "war" was to have been waged for an indefinite period, and business was being trimmed accordingly. The agreement is undoubtedly a great disappointment to southern and western tobacco-market interests.

[The Daily News, London, Monday, September 29, 1902, p. 5.]

TOBACCO WAR ENDED—ARRANGEMENTS FOR PEACE.

We are authorized to state that agreements were signed on Saturday in London transferring Messrs. Ogden's English business and the other British interests of the American Tobacco Company to the Imperial Tobacco Company, who are to pay for the Ogden Company's good will by an issue of ordinary shares. This has been accompanied by an agreement to amalgamate the export businesses of the competing parties and to form an English company under the name of the British-American Tobacco Company (Limited). The transfer of the Ogden business will take effect next Wednesday.

The announcement of the termination of the "tobacco war" has been anticipated for some days. So far as the arrangement has been disclosed the directors of the Imperial Company have effectually se-

cured the control of the home trade, as well as some proportion of the trade in all other parts of the world, excepting the United States of America, where the American Company will not be disturbed. It is unlikely that the Imperial Company will conduct their newly-acquired business on the lines hitherto pursued by Messrs. Ogden under the direction of their American allies.

THE BRITISH COMBINE—SOME DETAILS OF THE PLAN.

A Bristol correspondent has had an interview with a gentleman whose position carries great weight in the tobacco trade and who is intimately associated with the Imperial Company. This gentleman, while naturally reticient as to details, was able to throw a good deal of light on the nature of the terms under which Ogden's business has been acquired. Asked if it were true that the Imperial Company were paying a substantial sum for the good will of Ogden's, he replied that it was difficult to see what good will there was to be purchased. Of course there were assets, and these would be paid for. The new British-American company, he added, was to be a British registered company and not an American one. The question of the position of the British colonies next arose, whether they were included in the British interest retained by the Imperial Company or whether they were included in the foreign field to be worked by the new amalgamation. It may be taken that the colonies will come under the latter category, and the same remark applies to Cuba. Broadly speaking, the position is this: The United Kingdom will be in the hands of the Imperial Company, the United States will be left in the undisputed possession of the American Company, and the rest of the world, for the purposes of the amalgamation will be treated as foreign. As regards the question of bonus, the informant stated that the Imperial Company would continue to pay their bonus as provided by their agreement, but he did not know what would be the position with regard to the £200,000 promised by Ogden's. It would certainly not be paid by the Imperial Company.

The British combine was formed in February last, and was originally constituted of thirteen English and Scotch firms, including Messrs. W. D. and H. O. Wills, of Bristol; Messrs. Lambert & Butler, of London; Messrs. John Player & Sons, of Nottingham; Messrs. Hignett Brothers, of Liverpool, and Messrs. Stephen Mitchell & Son, of Glasgow. Two or three other firms have since entered the combination. The share capital of the company is £15,000,000 sterling, divided in equal number of preference, preferred ordinary, and deferred ordinary shares of one pound each, and the issue to the public in February consisted of 3,000,000 preference shares and £1,000,000 first mortgage debenture stock. The purchase money amounted to just under twelve millions sterling (£11,957,022), of which ten and a half million sterling (£10,518,097) was taken by the vendor firms in shares and debentures, principally preferred ordinary and deferred ordinary shares. The leading firm in the company is Messrs. Wills, who were the moving spirits in bringing about the combination, and whose capitalization was nearly seven millions sterling (£6,992,221), the next largest being Messrs. Lambert & Butler, with £754,306.

[The Daily Chronicle, London, Friday, September 26, 1902, p. 7.]

THE TOBACCO WAR—SOME POSSIBLE DEVELOPMENTS.

In the tobacco trade generally important developments are expected to arise from the visit to this country of American tobacco magnates. These include Mr. J. B. Cobb, vice-president of the Havana cigar trust; Mr. Duke, and Mr. Fuller, the legal representatives of the American trust. The visitors are staying at the Carlton Hotel, and yesterday they were, it is stated, joined by two representatives of Messrs. Ogdens, who came from Liverpool. The impression in the trade is that a speedy arrangement will be come to between the Imperial Company and the American trust. The former, it is asserted, is anxious to buy out the interests of its American rival in Britain, with the object of securing complete control of the home market. The war for trade supremacy has cost both "combines" a considerable amount of money, and it is an open secret that they are desirous of, if possible, putting an end to the struggle on terms which would be mutually advantageous to both sides. Already the Imperial Company has opened a number of retail shops in London and the provinces, and there is a possibility of their number being increased largely should the negotiations between the rival companies prove successful. The shops do not bear the company's names, but they are, as a matter of fact, "tied" houses. By reason of this new inroad upon their business the retailers are up in arms, bitterly resenting the action of the English company. As a result of this new move on the part of the Imperial Company directly to push their own goods, a Daily Chronicle representative learned yesterday that there is a possibility of yet another "combine" being formed. This time it is the manufacturers not represented on the English trust who speak of amalgamating, with the hope of turning to commercial account the growing hostility of the retail trade to the Imperial Company.

[The Daily Chronicle, London, Monday, September 29, 1902, p. 5.]

THE TOBACCO WAR—AMALGAMATION OF THE RIVAL TRUSTS—FORMATION OF AN ANGLO-AMERICAN COMPANY.

From hated trade rivals the American Tobacco Company and the British Imperial Tobacco Company have become close commercial allies, and the important developments foreshadowed in The Daily Chronicle of Friday last have come to pass. As the result of the conference in London between Messrs. Duke, Cobb, Harris, and Ogden on the one hand and Sir W. Willis and his fellow British representatives on the other, an arrangement fraught with future commercial possibilities of the highest importance has been arrived at. The following is the official statement:

"The business of Ogdens (Limited) has been transferred to the Imperial Tobacco Company, and the export businesses of the Imperial Company, Ogdens (Limited), and the American Tobacco Company and its allies have been amalgamated, and a joint company is in course of formation under the name of British-American Tobacco Company (Limited). The result is that the Imperial Company will, as between the hitherto competing parties, be left in possesion of the trade of the United Kingdom, while the American company is not to be disturbed in the United States or Cuba, and the British-American company will compete for the trade in other parts of the world. The Imperial Company will pay for the good will of Ogden's business in ordinary shares, ranking with the similar shares of the original vendors behind the 5½ per cent preference shares of that company. Mr. J. B. Duke, Mr. R. H. Walters, and Mr. Thomas Ogden will be elected to seats at the Imperial board, and the first directors of the British-American Tobacco Company will consist of Sir W. H. Wills, Bart., Messrs. J. B. Duke, J. B. Cobb, H. H. Wills, W. P. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo Vaughan, B. Cunliffe Owen, Percival S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Walters, Percy Ogden, and Harold Roberts. The transfer of Ogden's English business will take effect on the 30th instant, and from that day it will be in the hands of the Imperial Company. It is believed that this combination is the first attempt to unite any great international industry, and its progress will be watched with interest everywhere. It may mark a new development in the direction of British and American interests, joining hands instead of competing against each other in the sphere of commerce."

A Daily Chronicle correspondent learns that the capital of the new company will be £6,000,000. The result of the conference, with its scheme of amalgamation and formation of a new trust—for as such it is candidly regarded by the trade—is looked upon by wholesale and retail dealers alike with feelings of alarm. An immediate advance in prices is considered certain. The Wholesale Tobacconists' Protection Association has not been altogether unprepared for the turn which affairs have taken. From the war of the "combines" they have hitherto reaped a rich financial harvest. No secret has been made of the fact that they were carefully playing off one "combine" against the other; "squeezing" each in succession, and extorting concession after concession. But all this, it is anticipated, must now end. Absolute master of the home market, and with no powerful rival to fear, the Imperial Company, it is felt, will speedily dictate fresh terms to the trade. Already the wholesale tobacconists are moving in the matter, and steps have been taken to summon an early meeting of the trade.

A promient member of the wholesale trade in the course of an interview with a Daily Chronicle representative on Saturday said he felt certain that an increase in prices would follow from the amalgamation. "You can take it from me," he went on, "there will be no more bonuses. Smokers and the trade generally have done well out of the 'war.' The new order of things will, I fear, be bad for the wholesale dealer, bad for the retailer, but worst of all for the smoker. It is a curious thing." continued our informant, "that the Imperial Company was formed ostensibly in the interests of British smokers, to combat the threatened inroads of the American trust. Now that the Americans are retiring, the Imperial becomes nothing less than a gigantic trust itself, with the whole of the home market at its mercy."

"Are prices likely to be advanced very much?"

"That I can not say until the Imperial Company shows its hand. In the past the company has been 'squeezed.' Now its turn has come, and I shall be much surprised if it does not in its turn do the 'squeezing'—slowly, perhaps, but nevertheless surely."

Several retail traders were also seen on the subject. Without exception they took a very pessimistic view of the situation.

"The intentions of the Imperial Company," said one, "are already becoming manifest. For some time past they have been gradually establishing retail shops in London and the provinces, not under their own name, of course, but nevertheless theirs. This, no doubt, has been in anticipation of the home trade passing entirely into their hands. Now the number of these shops is sure to be extended. Without them the competition is keen enough, and a further increase will absolutely ruin many a struggling shopkeeper."

Our Bristol correspondent says it is locally believed that the list of directors on the new company is incomplete, and that one or more names will be added. It is stated that under the agreement the company is British registered, and not American registered. The Imperial Company will continue their bonus arrangements, but what will become of the £200,000 promised by Ogdens is uncertain.

The Britsh "combine" was formed in February last, and was originally constituted of thirteen English and Scottish firms, including Messrs. W. D. & W. O. Wills, of Bristol; Messrs. Lambert & Butler, of London; Messrs. John Player & Sons, of Nottingham; Messrs. Hignett Brothers, of Liverpool, and Messrs. Stephen Mitchell & Son, of Glasgow. Two or three other firms have since entered the combination. The share capital of the company is £15,000,000 sterling, divided into an equal number of preference, preferred ordinary and deferred ordinary shares of £1 each, and the issue to the public in February consisted of 3,000,000 preference shares and £1,000,000 first-mortgage debenture stock. The purchase money amounted to just under £12,000,000 sterling (£11,957,022), of which £10,500,000 sterling (£10,518,097) was taken by the vendor firms in shares and debentures, principally preferred ordinary and deferred ordinary shares. The leading firm in the company is Messrs. Wills, who were the moving spirits in bringing about the combination, and whose capitalization was nearly £7,000,000 sterling (£6,992,221), the next largest being Messrs. Lambert & Butler, with £754,305.

[The Standard, London, Monday, September 29, 1902, p. 3.]

THE TOBACCO COMBINATION—AN AGREEMENT ARRIVED AT.

It is authoritatively stated that the business of Ogden's (Limited) has been transferred to the Imperial Tobacco Company, and that the export businesses of the Imperial Company, Ogden's (Limited), and the American Tobacco Company and its allies have been amalgamated, and a joint company is in course of formation, under the name of the British-American Tobacco Company (Limited). The result is that the Imperial Company will, as between hitherto competing parties, be left in possession of the trade of the United Kingdom, while the American Company is not to be disturbed in the United States or Cuba, and the British-American Company will compete for the trade in other parts of the world. The Imperial Company will pay for the good will of Ogden's business in ordinary shares, ranking with the similar shares of the original vendors behind the five-and-a-half per cent preference shares of that company. Mr. J. R. Duke, Mr. R. H. Walters, and Mr. Thomas Ogden will be elected to seats at the Imperial Board, and the first directors of the British-American Tobacco Company will consist of Sir W. H. Wills, Messrs. J. B. Duke, J. B. Cobb, H. H. Wills, W. R. Harris, C. E. Lambert, W. W. Fuller, W. C. Player, C. C. Dula, Hugo Vaughan, R. Cunliffe, Owen Percival, S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Walters, Percy Ogden, and Harold Roberts. This transfer of Ogden's English business will take effect on the 30th instant, and from that day it will be in the hands of the Imperial Company.

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ordinary shares of £1 each; and the issue to the public in February consisted of 3,000,000 preference shares and £1,000,000 first-mortgage debenture stock. The purchase money amounted to just under twelve millions sterling (£11,957,022), of which ten and one-half millions sterling (£10,518,097) was taken by the vendor firms in shares and debentures, principally preferred ordinary and deferred ordinary shares.

A Bristol correspondent has had an interview with a gentleman intimately associated with the Imperial Company. While reticent as to details, he was able to throw a good deal of light on the nature of the terms by which Ogden's business has been acquired. Asked if it was true that the Imperial Company was paying a substantial sum for the good will of Ogden's, he replied that it was difficult to see what good will there was to be purchased. Of course, there were assets, and these would be paid for. The new British-American Company, he added, was to be a British registered company and not an American one.

As to the question of the position of the British colonies—whether they were included in the British interest retained by the Imperial Company or whether they were included in the foreign field to be worked by the new amalgamation—he remarked that it might be assumed that the colonies would come under the latter category, and the same remark applied to Cuba. Broadly speaking, the position was this: The United Kingdom will be in the hands of the Imperial Company, the United States will be left in the undisputed possession of the American Company, and the rest of the world, for the purpose of the amalgamation, will be treated as foreign. As regards the question of bonus, the gentleman stated that the Imperial Company would continue to pay their bonus as provided by their agreement, but he did not know what would be the position with regard to the £200,000 promised by Ogden's. It would certainly not be paid by the Imperial Company.

[The Manchester Guardian, Manchester, England, Monday, September 29, 1902, p. 4.]

END OF THE TOBACCO WAR—AMALGAMATION OF BRITISH AND AMERICAN INTERESTS.

It is announced officially that the business of Ogden's (Limited) has been transferred to the Imperial Tobacco Company, and that the export businesses of the Imperial Company, Ogden's (Limited), and the American Tobacco Company and its allies have been amalgamated, and a joint company is in course of formation under the name of the British-American Tobacco Company (Limited).

The result is that the Imperial Company will, as between the hitherto competing parties, be left in possession of the trade of the United Kingdom, while the American Company is not to be disturbed in the United States or Cuba, and the British-American Company will compete for the trade in other parts of the world. The Imperial Company will pay for the good will of Ogden's business in ordinary shares, ranking with the similar shares of the original venders behind the 5½ per cent preference shares of that company. Mr. J. B. Duke, Mr. R. H. Walters, and Mr. Thomas Ogden will be elected to seats at the Imperial board. The first directors of the British-American Tobacco Company will consist of Sir W. H. Wills, Messrs. J. B. Duke, J. B. Cobb, H. H. Wills, W. R. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo Vaughan, R. Cunliffe Owen, P. S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Walters, Percy Ogden, and Harold Roberts. This transfer of Ogden's English business will take effect to-morrow, and as from that day it will be in the hands of the Imperial Company. It is believed (says the Central News) that this is the first attempt to unite any great international combination, and its progress will be watched with interest everywhere. It may mark a new development in the direction of British and American interests joining hands instead of competing against each other in the sphere of commerce.

The following statement has been made by a gentleman who occupies a prominent position in the tobacco trade: "The announcement which has been made concerning the termination of the tobacco war has been anticipated for some days, and so far as the arrangement has been disclosed, the directors of the Imperial have effectually secured the control of the home trade as well as a proportion—which can not yet be ascertained—of the trade in all other parts of the world excepting the United States, where it is clear that the American Company is not to be disturbed. It is not to be expected that the Imperial will conduct their newly acquired business on the lines hitherto pursued by Messrs. Ogden, under the direction of their American allies. Seeing that the transfer will take effect so soon there is, however, no time for discussion on this point. The main effect is that British trade has been secured for British manufacturers, and for the first time Englishmen and Americans join together in developing trade foreign to both countries, while leaving each other in places in their own lands."

[The Glasgow Herald, Monday, September 29, 1902, p. 6.]

TOBACCO WAR ENDED—AMALGAMATION OF THE COMBINES—SIGNING OF THE AGREEMENT.

The Press Association is authorized to state that agreements were signed on Saturday in London transferring Messrs. Ogden's English business and the other British interests of the American Tobacco Company to the Imperial Tobacco Company, who are to pay for the Ogden Company's good will by an issue of ordinary shares. This has been accompanied by an agreement to amalgamate the export business of the competing parties, and to form an English company under the name of the British-American Tobacco Company (Limited). The transfer of the Ogden business takes effect next Wednesday.

The Press Association adds:

The announcement of the termination of the "tobacco war" has been anticipated for some days. So far as the arrangement has been disclosed, the directors of the Imperial Company have effectually secured the control of the home trade as well as some proportion of the trade in all other parts of the world, excepting the United States of America, where the American company will not be disturbed. It is unlikely that the Imperial Company will conduct their newly acquired business on the lines hitherto pursued by Messrs. Ogden, under the direction of their American allies, and seeing that the transfer will take effect on Wednesday next, there is no time for discussion of the point. The main effect of the agreement is, it is stated, that the British trade has been secured for the British manufacturers, and for the first time Englishmen and Americans have joined together in developing a trade foreign to both countries, while leaving each other at peace in their own lands.

The Imperial Tobacco Company was formed last February of thirteen English and Scotch firms, including Messrs. Wills, of Bristol; Lambert & Butler, of London; Players, of Nottingham; Hignett Brothers, of Liverpool; and Mitchells, of Glasgow. Two or three more firms have since entered the combine. The share capital of the company is £15,000,000 sterling, divided into an equal number of preference, preferred ordinary, and deferred ordinary shares of £1 each, and the issue to the public consisted of 3,000,000 preference shares and £1,000,000 first mortgage debenture stock. The purchase money amounted to nearly £12,000,000 sterling, of which £10,500,000 was taken by the vendor firms in shares, and debentures principally preferred ordinary and deferred ordinary shares. The leading firm in the company is Messrs. Wills, who were the moving spirits in bringing about the combination, and whose capitalization was nearly £7,000,000, the next largest being Lambert & Butler with £750,000.

A gentleman intimately associated with the Imperial Company, interviewed by a Bristol correspondent, said that the new company was to be a British registered company, and not an American one. The Imperial Company would continue to pay their bonus, but he did not know what would be their position regarding the £200,000 promised by Ogdens. It would certainly not be paid by the Imperial Company. The United Kingdom would be in the hands of the Imperial Company. The United States would be left in the undisputed possession of the American company; and the rest of the world for the purposes of the amalgamation would be treated as foreign.

[The Liverpool Mercury, Monday, September 29, 1902, p. 6.]

THE TOBACCO WAR—END OF THE STRUGGLE—ANGLO-AMERICAN AGREEMENT—LETTER FROM MESSRS. OGDEN.

The Press Association is authoritatively informed that agreements were signed on Saturday in London, transferring Messrs. Ogden's English business and the other British interests of the American Tobacco Company to the Imperial Company, who are to pay for the Ogden Company's good will by an issue of ordinary shares.

This has been acomplished by an agreement to amalgamate the export business of the hitherto competing parties, and to form an English company under the name of the British-American Tobacco Company (Limited). The transfer of the Ogden business takes effect next Wednesday.

The Press Association adds that the announcement which has been made concerning the termination of the tobacco war has been anticipated for some days. A gentleman who is a prominent figure in the trade says so far as the arrangement has been disclosed the directors of the Imperial Tobacco Company have effectually secured the control of the home trade, as well as some proportion, which can not yet be ascertained, of the trade in all other parts of the world excepting the United States, where, it is clear, the American company is not to be disturbed.

It is not to be expected, we are informed, that the Imperial Tobacco Company will conduct their newly acquired business on the lines hitherto pursued by Messrs. Ogden, under the direction of their American allies, and, seeing that the transfer will take effect on Wednesday next, there is no time for discussion of the point.

The main effect of the agreement is, it is stated, that the British trade has been secured for the British manufacturers, and for the first time Englishmen and Americans have joined together in developing a trade foreign to both countries, while leaving each other at peace in their own lands.

Appended is a copy of a letter forwarded by Messrs. Ogdens (Limited), to their retail customers, by Saturday's post:

BOUNDARY-LANE, LIVERPOOL,
September 27, 1902.

DEAR SIR OR MADAM: We beg to inform you that we have sold our business (so far as the United Kingdom is concerned) as from the 30th instant, to the Imperial Tobacco Company (of Great Britain and Ireland), (Limited). Any unexecuted orders must therefore be treated as canceled.

In thanking you for your support in the past, we desire to express the hope that the same pleasant business relations will be continued with the Imperial Company as have existed with us.

Your future orders should be addressed to the Imperial Tobacco Company (Limited), Boundary-lane, Liverpool.

Yours, faithfully,

OGDENS (LIMITED).

THE IMPERIAL COMPANY.

The Imperial Tobacco Company was formed last February of thirteen English and Scotch firms, including Messrs. Wills (Bristol), Lambert and Butler (London), Players (Nottingham), Hignett Bros. (Liverpool), and Mitchells (Glasgow). Two or three more firms have since entered the combine.

The share capital of the company is £15,000,000 sterling, divided into an equal number of preference, preferred ordindary, and deferred ordinary shares of £1 each, and the issue to the public consisted of 3,000,000 preference shares and £1,000,000 first mortgage debenture stock.

The purchase money amounted to nearly £12,000,000 sterling, of which £10,500,000 was taken by the vendor firm in shares and debentures, principally preferred, ordinary, and deferred ordinary shares. The leading firm in the company is Messrs. Wills, who were the moving spirits in bringing about the combination, and whose capitalization was nearly £7,000,000, the next largest being Lambert and Butler with £750,000.

[The London Times, October 2, 1902.]

THE TOBACCO TRADE.

The British-American Tobacco Company (Limited) was registered on Monday last with a capital of £6,000,000, divided into 150,000 preference shares and 4,500,000 ordinary shares of £1 each. The objects of the company are to adopt an agreement proposed to be made between the Imperial Tobacco Company (of Great Britain and Ireland, Limited) of the first part, Ogden's (Limited) of the second part, the American Tobacco Company of the third part, the Continental Tobacco Company of the fourth part, the American Cigar Company of the fifth part, the Consolidated Tobacco company of the sixth part, and Messrs. Williamson, Whitehead, Fuller, and James Inskip, trustees on behalf of the British-American Tobacco Company (Limited), of the seventh part. The further objects of the company are to carry on the business of growers, manufacturers, and exporters of tobacco and its products in any part of the world. The first 18 directors are to hold office until 1904. The head office is to be in London, but the solicitors registering the company are Messrs. Grace, Smith, and Hood, Liverpool. The registration duty paid on the formation of the company is £15,050. The company does not now offer any shares to the public.

[St. James's Gazette, London, Monday, September 29, 1902, p. 11.]

THE END OF THE TOBACCO WAR—AGREEMENT AND AFTER—FURTHER DEVELOPMENTS ANTICIPATED—SPECIAL INFORMATION.

Notwithstanding that the agreement between the Imperial Tobacco Company and the American trust had been anticipated for a week or more, the official announcement coming so soon after the first reports has taken many in the trade by surprise. There is a general disposition to give the British amalgamation every credit for having forced the Americans to give up the idea of being able to capture the British trade, but the agreement, so far as it has leaked out, tends to confirm the opinion that the Imperial company were forced to meet the American trust some considerable distance toward a compromise with a view to ending the struggle between them. The "war," although it has taught the Americans that there is still life in the British bulldog, has benefited no one, except perhaps the growers of the tobacco leaf.

When Mr. Duke's trust planted itself in England with the unconcealed object of becoming master of the situation, the demand for the raw material was greatly increased. A new and very large customer of the growers had come upon the scene. Just at that time, too, there was an unusual shortage of the raw material, and the extra demand sent up the prices 10, 20, and in some cases 50 per cent above the normal. Although the supply has slightly increased in the interval, there has been a shortage ever since, with the result that the inflated value of the raw material has been kept up. In view of the cutting down system that was resorted to by the Americans, it was impossible for the British manufacturers to raise their prices in order to recoup themselves for the extra outlay. The wholesale traders and the retailers were supposed to benefit by the "war," and they did to a certain extent, but it was infinitesimal, for although bonuses of £200,000 look very large in the aggregate they get to very small proportions before they reach the individual dealer. The only class that can be said to have really benefited was the farmers who grow the leaf.

Some of the British manufacturers suffered more than others. Those who amalgamated and became the Imperial Company were able to counteract very largely the decrease in profits by the amount they saved in reducing their individual expenditure. The manufacturers, however, who could not accept the principle of amalgamation and remained outside the British trust were not in such a favorable position, and at the outset the enhanced value of the raw material absorbed a fairly large percentage of the profits they were formerly able to count upon. As the "war" proceeded, however, much of the loss is said to have been made up in other directions. According to one of the independent manufacturers, a reaction on the part of the retailers set in against both the trusts, and the manufacturer who had stood aloof got increased trade.

The situation created by the agreement between the Imperial Company and the Americans is not quite clear. A representative of the "St. James's Gazette" who made exhaustive inquiries in all sections of the trade to-day found that there was a great deal of uncertainty as to the future. Everyone outside the firms that constitute the British trust is waiting for the full text of the argeement. The details published are regarded as too meager to form any opinion as to what the Imperial Company mean to do. One of the large independent manufacturers said he was not disturbing himself very much about the future of the British amalgamation. He was concerning himself far more about the probable effect the agreement would have on the price of the raw material. He thought that they might reasonably expect a reduction in the price of the leaf in case the majority of them refused to bind themselves to either trust, claiming only fair profits and desiring no bonuses. During the "war" they were able to secure a better living than they had formerly done, but they were not by any means satisfied with the position of affairs, which gave them no security for the future. Now that the Americans have capitulated, many of them fear that the Imperial Company will become autocratic. A meeting will probably be held shortly to consider the newly created situation. One of the leaders of the retail trade said they were going to fight for fair profits, and they were also, he said, going to protest against the Imperial Company embarking in the retail business. The British amalgamation, he said, already control two large London retail firms, and they were about to open more shops. This action, he contended, was in direct opposition to the interests of the retail trade generally, and if it were persisted in the retailers would appeal to the public to support them in fighting the company. It therefore does not look as if it will be all smooth sailing in the tobacco trade in the near future.

WHAT THE PAPERS SAY.

The opposing trusts have concluded an alliance which lays the smoking world at their feet—the smoking world, at all events, of Great Britain and the United States. What is more, they have inserted a clause in their treaty pledging themselves to work hand in hand for the conquest of the whole earth.—Chronicle.

The American wolf pounced upon the fold, expecting to find sheep. It found a bulldog instead. If we are compelled to smoke trust tobacco, we prefer that the trust should be of British origin, and from that point of view, and as a salutary lesson to the commercial filibusters of the United States, we are gratified at the triumph of the Imperial Company.—Daily News.

Mr. G. Fraenkel, the president of the Wholesale Tobacconists' Association, was disinclined to go very deeply into the subject. "We shall be friendly," he said, "with every manufacturer, but we shall keep our eyes open for any developments." Another wholesale trader whom our representatives saw said he feared that the victory gained by the Imperial Company would have far-reaching results. There was a rumor, he said, that the British trust intended to deal direct with the retailer. Such a movement, he thought, was doomed to failure because the small retailers—and they formed the majority of the trade—could not afford to buy direct from the manufacturer. A retailer as a rule, he pointed out, only wants small quantities of many kinds. Were he to get them direct from each manufacturer the postage would run away with all his profits. What he does at present, said the wholesaler—and what in his opinion he would continue to do—is to send his orders to the wholesale traders who kept all brands in stock and could make up a parcel which would cost the retailer no more in postage than would one from a manufacturer. Some of the independent manufacturers have made overtures to the wholesale dealers with the object of coming to an arrangement which will be cf mutual benefit to both sides.

The retail dealers have also some apprehension regarding the future.—The St. James Gazette.

It is permissible to point out that the American Company's eager desire for peace is not the result of any particular affection for the consumers of tobacco in this country, but is solely due to the fact that they have been worsted at the tactical game it pleased them to commence.—Standard.

We shall be agreeably surprised if the British trust, released as it now is from its struggle with its American rival, does not enter at once into more or less open hostilities against the firms which refused to enter it.—Leader.

"It is because we are free traders that these trusts of the American type," to quote the words used by Professor Graham at the British Association, "can have only a small range of culture in England."—Daily Graphic.

[Journal of Commerce, Liverpool, Monday, September 29, 1902.]

END OF THE TOBACCO WAR—AMALGAMATION OF THE TRUSTS.

It is officially stated that the business at Ogdens (Limited) has been transfered to the Imperial Tobacco Company, and that the export businesses of the Imperial Company, Ogdens (Limited), and the American Tobacco Company and its allies have been amalgamated, and a joint company is in course of formation, under the name of British-American Tobaco Company (Limited). The result is that the Imperial Company will, as between the hitherto competing parties, be left in the possession of the trade of the United Kingdom, while the American Company is not to be disturbed in the United States or Cuba, and the British-American Company will compete for the trade in other parts of the world.

The Imperial Company will pay for the good will of Ogden's business in ordinary shares, ranking with the similar shares of the original vendors behind the 5½ per cent preference shares of that company.

It is understood that Mr. J. B. Duke, Mr. R. H. Walters, and Mr. Thomas Ogden will be elected to seats at the Imperial board, and the first directors of the British-American Tobacco Company will consist of Sir W. H. Wills, Bart; Messrs. J. B. Duke, J. B. Cobb, H. H. Wills, W. P. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo Vaughan, B. Cunliffe Owen, Percival S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Walters, Percy Ogden, and Harold Roberts.

The transfer of Ogden's English business will take effect on the 30th inst., and from that day it will be in the hands of the Imperial Company. It is believed that this combination is the first attempt to unite any great international industry, and its progress will be watched with interest everywhere. It may mark a new development in the direction of British and American interests joining hands instead of competing against each other in the sphere of commerce.

[Canadian Cigar and Tobacco Journal, Toronto, vol. 9, No. 4, April, 1903, p. 13.]

THE TOBACCO INVESTIGATION.

The report of Judge McTavish on the investigation of the exclusive contract system in the tobacco trade has been laid before Parliament. It rings a rather dull and uninteresting curtain on a little drama that occupied a prominent place on the trade stage a short while ago. The document, which is quite lengthy and exhaustive, states in substance—

(1) That the contract system complained of by the petitioners does, in fact, exist, and is in general use in the cigarette and tobacco trade in Canada.

(2) That the provisions of the contracts are not illegal, either under the common law or under any statutory law heretofore enacted by the Parliament of Canada.

(3) That the manufacturers of cigarettes and of Canadian tobacco other than the American and Empire Tobacco companies are at a disadvantage in the distribution of their goods and in the prosecution of their business generally by reason of such contract system.

While this information may be of interest to the Members of the House, we hardly think it will be received as a startling announcement by the trade. The consignment and contract system existing in the cigarette and Canadian tobacco trade is thoroughly familiar to even the smallest dealer. The trade condition that exists by reason of this modern method of handling trade does not, in the judge's report, bring to light anything new to the trade. The report merely states those facts with which every reader of the Cigar and Tobacco Journal is thoroughly conversant. This must not be construed as a criticism of the report, for it is difficult to conceive of what the esteemed commissioner could do other than to ascertain the facts and submit them to Parliament. Yet the report will naturally be very disappointing to those competing firms who devoted considerable time and money both to securing the investigating commission and in bringing evidence before it. That their efforts have not been fraught with success is no reflection upon their judgment in attempting to alter a trade situation which, it must fairly be admitted, is very detrimental to the complaining manufacturers.

His Lordship concludes his report with the statement that "the extent to which legislative control over the freedom of contract should be exercised, and how far the rules of trade can be interfered with by statutory enactments without injury to the public interest, are questions of policy for the consideration of Parliament.

Whether Parliament will consider this question of policy is as yet uncertain. Freedom in the making of contracts between individuals, or corporations and individuals, is very necessary in every-day business life; and while in specific instances they may work to the detriment of competing firms, who are sidetracked by such contracts, it is extremely difficult to conceive of any law that could be framed to give them redress.

The evidence of the commission showed that similar contracts exist in a great many branches of trade, and are apparently an everyday incident of modern commerce. The trend of nearly every industry, as well as our own, is toward absorption, concentration, and control, and it is evident that it is with the condition we must deal, rather than hope for a change in the prevailing commercial system. Modern enterprise in all the varied significance of that term must, it seems, be the solution for each individual firm confronted with the problem.

[Commercial Relations of the United States with Foreign Countries During the Year 1902, Bureau of Foreign Commerce, Department of State, volume 1, p. 977.]

LEAF TOBACCO.

From January 1 to August 15, 1899, there existed a duty of 35 per cent on leaf tobacco, and from the latter date the Japanese Government has monopolized the import.

While the 35 per cent duty was in force, and in anticipation of the exclusive importation by the Japanese Government, there was imported by merchants and manufacturers an enormous quantity of leaf tobacco, valued at $2,533,004, against $2,254,774 in 1898, and $159,785 in 1897. The import of 1899 seems to have glutted the market during the two

years following and to have destroyed the Government's chances to do much business in the community, the value of the import having decreased to $226,237 during 1900, and to $15,075 in 1901. The establishment of the Government monopoly has had the effect to encourage the raising of tobacco in this country upon a much larger scale than formerly, official estimates increasing the acreage of 1902 to 61,358 acres, expected to yield 78,177,012 pounds.

As to quantity, the Japanese are not such excessive users of tobacco individually as are found in many other countries; they make more frequent use of it, but in lesser quantities, the small Japanese pipe, carried at the belt and holding less than a thimbleful, being emptied many times a day. Tobacco is largely used by the natives at seaports and in the larger cities in the form of cigarettes. Many are consumed by the jinrikisha men, and when one is called he places the cigarette behind his ear ready for another draw at the end of his run.

The American Tobacco Company has recently invaded this country with large capital and up-to-date methods, and is continuing to absorb the trade.

There were shipped from this port last year cigarettes valued at $681,490, against a total export of $838,293, and nearly all the balance was sent from Osaka, in this consular district. Some 70 per cent of the whole was shipped to China.

During 1900 the export of cigarettes to China was more than doubled, and during 1901 that of 1900 was more than trebled.

The duty on manufactured tobacco remains at 150 per cent.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for thirty minutes.

Mr. DALE. Mr. Chairman, in the time allotted me I wish to call your attention to a subject of intense interest to the district I have the honor to represent, and a subject so broad in its varied interests it should receive the attention of this House. I refer to the mining industries of the United States. In the very outset I desire to state that I shall use H. R. 14611 as the basis of my remarks. This bill provides for a bureau of geology and mining, and was reported February 13, 1906, from the Committee on Mines and Mining with a unanimous recommendation that the bill pass. In the early days of this session the gentleman from Colorado [Mr. BROOKS] introduced a bill of like import, which was referred to the Committee on Mines and Mining, and was thoroughly discussed by that committee and a number of amendments suggested. The gentleman from Colorado accepted the amendments, and, incorporating them in a new bill, reintroduced the same. So that, while the gentleman from Colorado should have full credit as the author of the bill, still as it now stands it is essentially a committee bill.

The distinguished gentleman from Wisconsin, the chairman of the committee, has prepared and filed a very able and excellent report (No. 1184), in which he shows in strong and concise language the growth and importance of the mining industry. I understand the enactment of the measure into a law will entail no extra expense upon the National Treasury, and that the proposed new Bureau is attached to the Department of Commerce and Labor because the organic act creating that Department gave it jurisdiction over the mining industry. The bill is now upon the Calendar of the Committee of the Whole House on the state of the Union, and I frankly confess I would not now be trespassing upon the time of the House if I were not fearful that in these closing days of the session the bill may not be reached. If I needed a further excuse for addressing myself to this subject, I find it in the fact that the single county of Lackawanna, Pa., which comprises my district, produced in the calendar year 1904—the last year for which official statistics are obtainable—the enormous output of 17,309,723 tons of coal. The average price per ton, as computed by Mr. William W. Ruley, chief of the bureau of anthracite coal statistics, Philadelphia, Pa., is $2.35 at the mine; so the value of this one product of this single Congressional district for the year 1904 will be 17,309,723 tons multiplied by $2.35, or $40,442,849.

Even this magnificent showing is exceeded by the adjoining county of Luzerne, so ably represented in this body by General PALMER. His district, composed of the single county of Luzerne, produced in 1904 over 24,000,000 tons, with a valuation at the mine exceeding $57,000,000. The output of coal for 1904 of these two counties, comprising the Tenth and the Eleventh Congressional districts of Pennsylvania, was over 41,000,000 tons, with a valuation at the mine of $97,920,979, and I believe the output for 1905, when officially ascertained, will show a value of over $100,000,000. So far as relates to the value of their coal production, these two counties stand at the head of the list—they are the banner counties of the United States. But, Mr. Chairman, I fully realize if this subject were simply of local interest it would be difficult to justify the asking of Congress to pass the proposed legislation. It is a fact, however, that in no country upon the face of the earth has there been so large and widespread deposits of coal as obtain in the United States. There are workable deposits of coal in twenty-seven States and in three Territories, and in all these States and Territories these deposits are being developed to a greater or less extent. The output from these widespread and workable deposits for the year 1904 was 352,310,427 short tons, with a spot value of $444,816,288—a remarkable exhibit, and one that confirms the United States in its position as the head of the coal-producing countries of the world.

In that year our production exceeded that of Great Britain by over 35 per cent, and lacked less than 95,000,000 tons of equaling the combined production of Great Britain and Germany, these two countries ranking second and third, respectively, in the production of coal. In addition to this, Mr. Chairman, coal is not the only mineral product of the United States. While my interests and studies have made me more conversant with coal than with other minerals, and while coal ranks first in value of our mineral and metal productions, it is only fair to state that iron ranks a close second, and its deposits are perhaps as widespread as those of coal. In the year 1904 twenty States produced 16,497,033 long tons of pig iron, with a total valuation of $233,025,000, and the production of iron ores in the United States exceeded that of any other country in the world. The production of gold in the United States in 1904 amounted to 3,910,729 ounces, with a valuation of $80,833,648. The production of silver was 55,999,864 ounces, with a commercial value of $32,035,378, and the production of copper amounted to 812,537,367 pounds, with a valuation of $105,629,845. The production of lead was 307,000 tons, with a valuation of $26,402,000, and of zinc there was produced 186,702 tons, valued at $18,670,200. For purposes of reference and for convenience I have grouped the mineral and metal products in a table, which, if there be no objection, I will not read, but will insert in the RECORD.

Table showing the output of the mines in the United States for the year 1904, and the valuation thereof.

		Production.	Valuation.
Coal	short tons	352,310,427	$444,816,288
Iron	long tons	16,497,033	233,025,288
Gold	ounces	3,910,729	80,835,648
Silver	do	55,999,864	[a] 32,035,378
Copper	pounds	812,537,367	105,629,845
Lead	tons	307,000	26,402,000
Zinc	do	186,702	18,670,200
All other minerals			347,631,227
Total			1,289,045,586

[a] Commercial value.

This table shows the total value of the output of our mines in 1904 to be in excess of one and a quarter billion dollars. Surely from the standpoint of dollars and cents the mining industry of the United States is important enough to call for the care and consideration of a separate bureau. But, sir, there is another phase of the subject to which I desire to call your attention. While it is true that during the past fifteen years the coal industry of the United States has more than doubled its output and its growth has been by leaps and bounds, it is also true that this industry is still in its infancy. Compared with Europe, we have only scratched the surface of our almost inexhaustible coal fields. While Europe, and especially Great Britain, has nearly or quite reached its maximum output, our vast coal fields are comparatively undeveloped. And in this connection I wish to read what Consul-General Mason, of Paris, has to say concerning the future of American coal, as found in Consular and Trade Report No. 2504, page 3. I quote:

It is in respect to quantity and quality of coal supply that the advantage of North America over European countries is decisive and overwhelming. Whatever the facts concerning ores may be, the known coal measures of the United States render their fuel supply secure, abundant, and of excellent quality for centuries to come. There are hundreds of thousands of acres of gas and coking coals of high quality in the Appalachian regions—to say nothing of other fields—which have as yet been hardly scratched by the pick and drill of the miner. New coal deposits of greater or less extent are being discovered from year to year. With what is now known the present enormous annual output of 280,000,000 tons of bituminous coal can be maintained for hundreds of years without exhausting the available supply. In Europe, on the contrary, the years of adequate coal provision are definitely numbered. In England the experts estimate the duration of the workable coal measures to be from sixty to one hundred years. Germany has a somewhat longer lease of industrial life dependent on the coal supply, but the subject is so acute that a heavy contract for the delivery of German coal to France for iron and steel works is understood to have been canceled recently at heavy loss to the sellers, because, as it is definitely understood, the Imperial Government objected to the depletion of the national coal supply for the benefit of the neighboring countries. France has native coal for a generation or more, but the mines are deepening, the cost of production is gradually increasing, and economists are looking with growing apprehension at the future. Twenty-five or, at most, thirty years hence, the question of an adequate coal supply will be a serious problem for France.

Our vast coal fields "have as yet been hardly scratched by the pick and drill of the miner." As an American I am glad we have this great storage of heat and power, for I have marked the interesting fact that the development of our min-

ing industry has been coincident with our growth toward world industrial supremacy. In my judgment there are those in this House to-day who will see the time when great ocean freighters, built expressly for that purpose, will leave the harbors of our coasts bound for European ports and loaded exclusively with coal; and as Consul-General Mason puts it:

It will be strange, indeed, if American foresight shall fail to recognize the opportunity which time shall ripen and the immutable laws of demand and supply will offer to American enterprise.

Mr. Chairman, to encourage that enterprise, to foster and aid its growth, to seek and publish information relating thereto, and to help in every legitimate way to build up an export trade would be the proper function of the proposed Bureau of Mines, since in the end it would lead to the employment of other thousands of toilers, and would increase the prosperity and material wealth of our country. But, Mr. Chairman, there is still another and a higher reason why the bill to which I refer, or a bill drawn on similar lines, should become a law. In my opinion, the establishment of a Bureau of Mines will make for the safety of life and limb of the workers in our mines. The bill provides inter alia that the Bureau—

Shall gather such data and information with regard to the operation of mines, labor, and wage conditions, and mining machinery and appliances as shall tend to the improvement, economy, and efficiency of mining methods and the safety of mining employees.

With all the safeguards possible, the work of mining is extra hazardous. I doubt if there be a more perilous occupation. When a miner descends a shaft 200, 500, 1,000, or 2,000 feet below the surface to engage in his daily toil there is no hour of the day in which he is exempt from danger. That danger may come in many shapes and in many forms—a sudden fall of unpropped roof, a defective powder charge with its consequent delayed or premature blast, of the explosion of gas followed by the fatal fire-damp. It is, alas, true that these accidents sometimes occur through the carelessness of the miner. Constant and continual familiarity with danger apparently causes him to forget ordinary caution, and that carelessness, that forgetfulness occasionally results in fatal accidents.

Recently in discussing the matter with a colleague on the Committee on Mines, I made the assertion that there were more killed and injured from accidents in our mines every single year than the entire loss of the United States Army and Navy in killed and wounded during our war with Spain. In attempting to verify that statement, I wrote to the Secretary of Commerce and Labor requesting information as to the number of killed and injured in our mines during 1904. His reply shows that no such statistics can be obtained at present, and the absence of this data presents another argument in favor of the esablishment of a Bureau of Mines. I will read Secretary Metcalf's letter:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, February 14, 1906.

Hon. THOMAS H. DALE,
House of Representatives, Washington, D. C.

SIR: I have received your letter of the 9th instant requesting information as to the number killed and the number injured in mines in the United States during the calendar year 1904, classified according to the kind of mineral produced, but I regret to say that there are no statistics compiled which cover the data you wish.

The Bureau of the Census makes an annual collection of mortality statistics, but does not deal with statistics of persons injured, and the mortality statistics are restricted by law to those of States and cities registering deaths, at the time of occurrence, under local compulsory laws.

There are but eleven States, including the District of Columbia, represented in the statistics now collected, and in none of these is mining so prominent an industry as in others; moreover, while the certificates of deaths filed by the coroners with the registration officials usually state the manner of death, such as "explosion," "burns," "fractures," etc., they do not usually specify that the death was due to an accident occurring in connection with mining, and that important distinction can not be accurately made.

Very respectfully, V. H. METCALF, *Secretary.*

After receiving this letter, I examined the statistics of my own State. I found that in the State of Pennsylvania there were in the year 1904 1,131 killed and 1,964 injured, or a total of 3,095 killed and injured by accidents incident to the mining of coal. I doubt if any State has a better mine-inspection law than Pennsylvania has placed upon her statute books, and I believe that Iowa alone has a law that comes anywhere near equaling that of Pennsylvania in its provisions for the safety of the miner. Since the production of coal in Pennsylvania was about 49 per cent of the production in the United States, I think you will agree with me that I am safe in assuming that the total casualties in the United States would equal double the casualties in Pennsylvania, and this would give over 6,000 killed and injured in the United States. If to this total were added the casualties in the mining of the other minerals and metals, the sickening figures, the sad result would be largely increased. Now, it has been officially ascertained that in the war with Spain our loss was 698 officers and privates killed, and the total number killed and wounded was 3,457. We justly shrink from the horrors of war and earnestly hope for the dawn of that day, foretold and so earnestly anticipated by the gentleman from Missouri, Mr. BARTHOLDT, when there shall be no war.

Yet, sir, here is an industry of peace—an industry which gives to our nation the iron to build its machinery, and the coal which furnishes its power—an industry, however, in which every year there are more killed and maimed than our entire loss in our last war, and still we hesitate to pass a measure which the best authorities believe would tend to lessen the appalling loss of life in carrying on that industry. Mr. Chairman, notwithstanding the fact I was once a coal operator, I do not claim that all operators are saints. I do assert, however, that these mine accidents are not always due to the grasping cupidity of the operator. I want also to correct an impression that seems to be very widely entertained, that if one can only be a coal operator he is sure to accumulate great wealth. It is true that where the conditions are favorable—where the veins of coal are of sufficient thickness and purity, large returns of profit come quickly, but these conditions are exceptional. Thin veins, faults, and impure coal are more apt to be the rule, and where these conditions prevail it is generally a race between the operator and the sheriff with a writ of foreclosure as to who shall own the plant, with the sheriff winning in a large number of cases.

As a rule the operators and superintendents having immediate charge of the mining operation come up from the ranks. I have in mind such an operator. He began as a boy carrying water to the workmen in the mines. Afterwards a doorkeeper, opening and shutting the doors for the ingress and egress of the cars—these doors being necessary for the proper control of the air in the mines. Then he became a driver boy, then a laborer, then a miner, then a foreman, then a superintendent, and finally an operator and part owner of a mine. He was a hard student, spending almost every evening over his books, and while his success may in part be attributable to his studious habits, still he is typical, insomuch as the superintendents and many of the operators come from the ranks and have a practical knowledge of mining. These men are humane; but, sir, because of the necessity of close application to their work, in order to make both ends meet, it is impossible for them always to know all that is transpiring in the mining world. There may be inventions and appliances that make for the safety of the miner which they would be glad to adopt if the knowledge of these appliances were only brought to their notice through the agency of a bureau of mines.

Mr. Chairman, I shall not attempt to picture the harrowing scenes following a sudden and terrible explosion of gas in the mines. It is appalling, and one who has witnessed it can never lose its impression, can never forget it. In an argument before the supreme court of Pennsylvania John R. Jones, esq., of Scranton, used this language:

Travel with us through the coal fields and you will observe the effects of the mine on every hand, in the mangled cripple who goes about with a crutch and cane; in the asthmatic cough of the miner whose lungs are filled with the smoke of the blast; in the blue marks of the powder-burnt face, and in the pathetic figure of him, the victim of the explosion, who with sightless eyes and palsied limbs spends his days in hopeless gloom.

In conclusion, Mr. Chairman, I am not wedded to any particular bill, but I do advocate the passage of the bill to which I have referred or a substitute drawn on similar lines. I plead, not in a spirit of demagoguery—which I despise and detest—but in the spirit of humanity, because it is my best judgment that the establishment of a Bureau of Mines will be a step toward reducing the dangers of what, in any event, must always remain the perilous occupation of the toiler in our mines. [Loud applause.]

Mr. SAMUEL. Mr. Chairman, the verdict of history will be that this Congress has produced some very wise legislation, such as will redound to the credit of those who have been instrumental in placing these laws on the statute books of the nation. But there are still some other questions that ought to have attention before final adjournment. One of these is the proper restriction of foreign immigration, and another is a law that shall make eight hours a day's labor in the United States. These are both live subjects for legislation by the American Congress, having to do with that great body of men who are the bone and sinew of this great country of ours. I shall expect to speak to you on both these subjects later on in this session. I now address myself to a question of reform in postal legislation.

To this Congress of thinking men, and more especially to the honorable members of the Committee on the Post-Office and Post-

Roads, I might not expect to contribute any new ideas in reference to postal reforms and improvement. But earlier in this session it was my privilege to introduce a bill (H. R. 11499) entitled "To provide for the merging of the fourth class of domestic postage into that of the third class," and I feel that the title in itself ought to gain for the bill a hearing in the interests of the people.

It was not until several weeks after introducing the bill in question that it was my good fortune to get time to read the last annual reports of the honorable Postmaster-General and of the honorable Third Assistant, and then I discovered that the very matter covered by my bill for the merging of the third and fourth classes of mail had been warmly urged by both Postmaster-General Cortelyou and his Third Assistant, General Madden. I am glad to be found in such good company. On page 73 of his report the Postmaster-General says:

It is not deemed wise, at least, at this time, to ask authority of Congress for the establishment of a separate parcel post in the domestic service, but an earnest recommendation is made that third and fourth class mail matter be merged at the rate of 1 cent for 2 ounces. This could be done without the necessity of rearranging the service. All merchandise parcels not exceeding 4 pounds in weight would continue to be carried in ordinary pouches and sacks at one-half the rate now charged, and afford a great opportunity for distributing light packages to a multitude of places not reached by express companies and at a charge sufficient to reimburse the Government for actual cost of carriage.

At page 23 of the Third Assistant Postmaster-General's report I find the following:

The matter of classifying the mails should be so simple that any postmaster, or any other person, ought to be able to determine the rate accurately and beyond doubt. There should be no necessity for a postmaster, when matter is presented for mailing, to submit the question to the Department for the consideration of experts in order to determine what rate should be charged, as is now so often necessary under our complicated classification system.

With regard to second-class matter, the complications have already been stated, and they do not, of course, apply as between matter of the third and fourth classes. But as to these two there is much difficulty of correct and satisfactory administration. It often happens that similar matter mailed at one post-office at the third-class rate is at another post-office, due to the different interpretation of the postmaster there, required to be prepaid at the fourth-class rate. This is a great annoyance to the public, and it is unjust and a great hardship to patrons of the service. It can be corrected only by a ruling of the Department. One of the postmasters is, of course, wrong in his interpretation. This is expensive to the person who is required to pay the higher rate, if it be improper, and that sort of thing brings reproach upon the service. The consolidation of the third and fourth classes, which I recommend, will correct this. Simplification is what is needed, and need badly, and it should be carried to the utmost.

Now, as to the question of parcels post, which may need a word just here: Under the present sparsely settled condition of certain portions of the United States the results of a general parcels post at this time would be that the Post-Office Department would get the long hauls and the express companies would get the short ones. I think that it may be considered as a settled proposition that parcels post will be a good thing and a desirable thing when the United States acquires a density of population to warrant it; such, for instance, as that in England at the present. When that time arrives and conditions warrant parcels post, no member of the American Congress will any more dare to oppose it than would a member of the opposition dare to offer a bill against rural free delivery, if the unfortunate event should come upon us of our friends, the enemy, ever again gaining the ascendency.

But the merging of the third and fourth classes of mail matter is a question that can be taken up now and here; and the conditions not only warrant it, but the people have a right to demand it, and where understood do demand it.

In no phase of our system of government do we so nearly legislate for the people—the whole people—as in matters of postal reform and improvement. The Army and Navy legislation, while in the interests of the General Government, does not touch the people as a people. River and harbor legislation is, in the final analysis, in the interest of certain communities. The tariff, if you please, the rallying shibboleth of the Grand Old Party for the past forty years, is possibly the only legislative question before the American Congress which first, last, and all the time is paramount to all other questions, and one which can safely be left to the wisdom of the Republican party to correct when and where corrections are needed. Yet the tariff does not interest all the people.

Different, however, is the question of a reduction in postage, which concerns the whole people. I am convinced that the time for a reduction in letter postage from 2 cents an ounce to 1 cent has not yet arrived—that there is no such general demand for it as should bring this Congress to a consideration of that question.

The purpose of the bill I have offered is to do away altogether with the fourth-class designation of postage, and by merging the fourth class (the merchandise class) with the third class (generally speaking, the printed-matter class) to corral all matter and things now included in both these classes into one class, to be known as the "third class." A few examples will show how it will work. On a pair of men's shoes, weighing, say, 36 ounces, now rated as fourth class, the postage charge is 36 cents. If made third class the charge would be but 18 cents. On a pair of women's shoes the charge under this bill would be about 12 cents, whereas it is now double that amount. Clothing, etc.—indeed, anything of a merchandise nature weighing under 4 pounds—would, under the bill I have proposed, cost the sender just half as much as he is required to pay now.

Then, too, there is the confusion and annoyance caused by the two classes—the third and fourth—being so closely allied at some points that postal officials are at times in a quandary as to which class the article belongs. Take, for instance, an ordinary calendar. If printed on cardboard or paper it falls within the third class, with postage at the rate of 1 cent for 2 ounces. But should it be printed on leather, wood, celluloid, or kindred substance, it is rated as fourth class, with the postage rate 1 cent an ounce. In the case of printed cards or blank cards the same difference occurs. A blank book is rated as fourth class.

If the same book should be ruled and contain printed headings, it receives the third-class designation. Burnt wood (I mean work done by the pyrographic process) offers a peculiar example. Not only do different post-offices make various charges on this species of hand product, but different clerks in the same office will be found to be at sea as to how it should be rated. Thus the two classes are so confusing at some points that fairly intelligent clerks are unable to differentiate, and I have been told that one of the worst sources of annoyance to the post-office clerk is to have persons object to paying postage at the fourth-class rate on an article which had recently been received through the mails from another office at the third-class rate—just half the amount. And while it is an annoyance to the post-office official it is no less an annoyance to the citizen who does the mailing, for he is entitled to a uniform rate with that which is being charged at other offices.

Now, the only feasible plan appearing to me to avoid the inconsistency of having any individual at any office overcharged, no matter whether in a metropolitan city or at the little office at the country wayside, is to so simplify the rates as that there shall be, or at least need be, no confusion in the classes. The first class is very easily understood. It consists of simply written matter or sealed matter. Either one of these conditions makes an article first class and requires 2 cents for each ounce. In the second class—being newspapers and periodicals mailed by publishers—there is no confusion.

I therefore ask the support of this House for the merger bill I have offered (H. R. 11499). By it all kinds of mail matter other than first and second class will be covered by the one designation of "third class" at the rate of 2 ounces for 1 cent. Confusion and annoyances to both postal officials and the public will be avoided, and it will be a concession in the lowering of postage, which will mean much to the common people, whom the lamented Lincoln said: "God must have loved, for he made so many of them." [Applause.]

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER] is recognized for fifteen minutes.

Mr. RUCKER. Mr. Chairman, a few days ago the gentleman from Michigan [Mr. TOWNSEND] entertained the House with a discussion, or more properly speaking, a recital of the more important measures enacted into law at this session. He boasted of the fact that the dominant party on this floor has the power to pass, without Democratic assistance and even with the opposition of every Democratic Member, any legislation desired. He extolled and glorified the virtues, efficiency, and patriotism of his party as reflected in the wise, beneficial, and wholesome legislation enacted.

He did not recite, however, the many most important measures which his party has failed to pass and which it has stubbornly, persistently, and willfully refused and still refuses to even consider. He should remember that while power has its glory it also has its responsibility—that the party in power is responsible to the people not only for the character of laws enacted, but likewise for partisan opposition to legislation demanded by the people.

The Republican party makes loud boasts of its friendship and devotion to the man of toil. Just before the Congressional elections our Republican friends grow vociferous in their hypocritical pretensions.

But when they have full power, time, and opportunity they refuse to act. Early in this session great labor organizations, representing and speaking for more than 3,000,000 wage-earners, respectfully, courteously, and urgently appealed to the President of the United States and to the Speaker of this House and others

in authority to give consideration to measures vitally affecting the welfare and happiness of this large number of worthy American citizens. How have you answered this appeal? You have spurned and ignored them, not because you love the horny-handed son of toil less, but because the Republican party loves the oppressors of labor, who make large campaign contributions, more.

You may with Democratic help enact an immigration bill with its best and most desirable features eliminated by your party, but you will not pass the anticonvict labor bill. You may with solid Democratic support pass a pure-food bill, but you refuse to pass the eight-hour bill demanded by labor.

You may with Democratic assistance, both in the framing and passage, enact a rate bill, but the corporations won't let you pass the anti-injunction bill.

The committees of this House are carefully formed so as to advance or prevent legislation, as the party in power wishes. For months friends of the workingman sought to induce the Committee on Labor to report the eight-hour bill, but their efforts were futile until on May 29, when it happened that only seven members of the committee—four Democrats and three Republicans—were present, and the Democrats, being in the majority, ordered the bill favorably reported. The gentleman from New Jersey [Mr. GARDNER] was authorized to make the report.

His report on the bill was filed in the House on June 26. I appealed to the Speaker to-day to recognize me for the purpose of asking unanimous consent for the consideration of this bill, and he promptly refused my request in a manner quite emphatic. I soon realized that even though I could speak with the tongue of angels and had all faith so that I might remove mountains, yet I could not possibly move a Republican Speaker of this House to consent to legislation in the interest of 3,000,000 American workingmen. Thus this just measure, ordered reported by Democratic votes, will die on the Calendar because we have not a Democratic Speaker in the chair.

In conclusion, I ask consent to include in my remarks some extracts from the able and convincing argument of Mr. Thomas Carl Spelling, of New York, attorney for the American Federation of Labor, before the Judiciary Committee of the House, April 12, 1906, in support of the bill known as the "Pearre anti-injunction bill."

Now, gentlemen, I desire to say it is your duty, and you know it without my telling you, to consider the interest of the public in this question of whether the courts shall abuse their powers or be kept within proper limits. What is the interest of the public? I tell you, gentlemen, that the people of the United States, outside of manufacturing, outside of the unions, have no interest whatever except a sentimental interest in the question whether any one man or any one corporation carries on business at any particular place in the United States or carries on business at all. If one fail and retire, there are others to take his place. Why, do you not see the result of the struggle of competition? You find a man in the front rank of the legal profession in a town. Something happens; he makes some mistake; perhaps his enemies become active; others come to the front, and he loses the lead. Perhaps he deserves to, and perhaps he does not. At any rate, sooner or later he takes a back seat and retires from the field.

Now, of what interest is that to the public? You know, gentlemen, that the public never pretends to take any interest in that, except a sentimental interest, and I say that no court of equity has any more right to interfere in the manner in which they have been interfering in these labor disputes than a court of equity would have in that case to set up as a peace officer, a guardian of the morals of the whole community, and compel the whole community to do what that court conceives to be justice, poetic justice, to that lawyer. And the same is true of merchants, and the same is true of manufacturers. But I will tell you, gentlemen, what the public has an interest in. Take all these manufacturers, taking them to represent the whole industry of the country. If these men get all the profit, they put it in a private bank account. Does that do the public any good? It may do the public some good, and we would dislike to see any good citizen, any "captain of industry," fail in business.

But what is the real interest of the people of the United States aside from these sentimental interests? If they pay out better wages to those men, the increase goes over the counters of all the shops and into the shops of the shoemakers, and to the milliners, and the barbers, and everybody, and it goes into general circulation in those communities. Not only that, but these shopkeepers and storekeepers are enabled to buy more goods. Some of that money goes to manufacturers again and elsewhere. It goes to fisheries and to miners, and it goes to farmers; because the extra money that those men get is used to buy farm products that they need to support them. That is where it benefits the public. Why, gentlemen, the steel trust last year had a net profit of $119,000,000. I do not know what its labor gets, but it is dissatisfied, and I have no doubt that it has cause to be.

Do you not think it would have been better if half or two-thirds or three-quarters of that $119,000,000 had been distributed in the many towns and cities where that trust has its plants, and been spread broadcast throughout the length and breadth of this country? Do you not think it would have been better, even if those men had received more than you or myself, sitting as a high priest of finance and commercialism, or than some of these Federal judges in the positions that they take, might consider to be their due; that it would have been better to have had this money distributed among the people? It would have been better for everybody. That is the interest that the public has in this matter, and I say that that interest and that contention is along the lines of justice, along the lines of public justice.

As much as we may favor the purpose of The Hague tribunal for the promotion of peace, as much as we may desire the attainment of absolute prosperity and peace between labor and capital, we all know that these conflicts called strikes and lockouts frequently occur, and are liable to frequently occur. That is one of the conditions of society for which no remedy has ever been found, and probably none ever will be found. It is inconvenient for us who are not immediately interested or involved; but whatever inconvenience or deprivation it may inflict upon us, we have to endure it, just as we have to endure the coming of a contest between two of these gigantic monopolies. We have to submit to the extortion when the small industries throughout the country are strangled to death by the trusts, and, so far as I am concerned, I do not know any remedy for that unless we amend the Constitution.

Workingmen are not in the habit of trying to get some court to exceed its jurisdiction. They are fighting this battle between capital and labor bravely—fighting it in the open. They do not do business, and from the fact of their greater numbers they can not do business behind closed doors in little rooms about half the size of this room. They must wage their war openly and in the public eye. But they do not go filing affidavits and trying to steal a march on the enemy by some cowardly trick. I do not know of but one instance in which workingmen ever applied for a remedy against a combination made against them and a blacklist. Why the blacklist of the workingmen? They form these combinations; they use all manner of cruel and unusual weapons to destroy the organizations; but we recognize that they have that right. We do not plead the baby act at all. We do not withhold anything that we claim ourselves, and, on the other hand, we claim nothing which we are not willing to concede.

Now, I might recount to you at great length the abuses of Federal courts in the matter of sending forth what may be properly called "special legislation"—that is, they usurp the legislative power and make an ex post facto law and crush and destroy one side in a labor dispute. They turn over the judicial power that the Constitution and Congress have given for other purposes. They turn that over to one side in a trade dispute where vital and far-reaching interests are involved, and that side employs it as an unfair, a crushing, and overwhelming advantage against what, despite its numbers, is the weaker adversary. And this legislation is sought in order to mark anew the dividing line between the jurisdiction in law and equitable jurisdiction.

I desire now to mention two illustrations. In the western district of Arkansas the judge of the Federal court issued an injunction against the strikers at the Texas and Kansas coal mine. The case is the Texas and Kansas Coal Company *v.* Denney et al. I recently read an article describing the condition of those miners, and there never was described anything in all my reading more wretched than the condition of miners working in the plants of those companies. Anyhow, Judge Rogers issued an injunction, and it is no worse than a great many others, and I desire to read part of it to you. Among other things he enjoined them from "congregating at or near or on the premises of the property of the Kansas and Texas Coal Company in, about, or near the town of Huntington, Ark., or elsewhere"—

They could not meet anywhere. They had to wander off in groups consisting of one each and hunt for their graves or hunt for a job elsewhere or faint on the road. They could not, two of them, meet together on the road and travel together. That is forbidden by the words of this injunction.

(Continuing reading:)

"near the town of Huntington, Ark., or elsewhere, for the purpose of intimidating its employees or molesting its employees or preventing said employees from rendering service to the Kansas and Texas Coal Company, from inducing or coercing by threats, intimidation, force, or violence, any of said employees to leave the employment of the said Kansas and Texas Coal Company, or from in any manner interfering with or molesting any person or persons who may be employed or seek employment by and of the Kansas and Texas Coal Company in the operation of its coal mines, at or near said town of Huntington, or elsewhere."

If they should meet a man in Patagonia, they could not persuade him not to go back to work under the terms of this injunction.

Mr. TIRRELL. Was that injunction appealed from? Was the legality of such an injunction as that ever tested? A judge might go on and issue an injunction saying that I can not speak for the next six months. He might do it, but it would be illegal to do it. Was that ever tested?

Mr. SPELLING. I am glad you asked that. I do not know whether it was appealed from or not. It is utterly immaterial. The mischief is already done. The ruin is wrought. The oppression is complete in a very short time after these arbitrary and ultrajurisdictional orders are granted; and you know that, and are bound to admit it. The right of appeal is not worth the time that it takes to name it in any of these labor disputes. Very few of these workingmen are able to employ lawyers; and suppose they were, it is unnecessary. I think it is absolutely vain and a waste of time for me to undertake to tell you gentlemen, members of the bar, about the utter futility of the right of appeal from these orders. The law is made by a judge assuming to make it in a judicial capacity. It is really special legislation, outside of his authority, and such as might issue from the star-chamber or from the throne of Caligula, and it goes forth as a thunderbolt and it strikes dumb and completely paralyzes one side of this trade dispute. And then you ask me about this right of appeal. It is absolutely worthless and not worth considering.

Now, I want to give you another instance. It happened right here. I want to say that these injunctions are increasing. They are being issued with increasing rapidity and in increased numbers. But I want to call your attention to one instance in the city of Washington within the last two weeks. The judge of one of the courts, upon a complaint filed by the Typothetæ, which is an association of employing printers of the United States, issued what was called a "restraining order" against the strikers.

The typographical union—the members of the typographical union—are on a strike. The whole union is not on a strike. Most of them are at work; but the whole union is backing up those who are still out on strike. Now, it happens that heretofore the unions have been working, I think, nine hours a day, and now they refuse to work any longer except at eight hours a day. And are not eight hours of that kind of work enough? I know something about it. It is more trying on the nerves; it is more exhausting to the vitality and to the eyes—it is usually done by artificial light—than the hardest kind of study.

Are not eight hours enough? But probably it does not become me to argue the merits of that question. That is my view—that eight hours are enough. At any rate, the union stood for an eight-hour day in the printing offices. It happens that these employing printers have a lot of men employed on time contracts at nine hours a day. That time contract means this: That they pay the men every week, and they are to stay with them, I believe, for a certain time, at so many dollars a week. Some of the members of the union went to these men who were

working on time contracts and told them that they had a right to quit; that the employers might sue them for damages if they had any case against them for quitting, but that that was the only consequence which could ensue, that they could quit.

I do not know how much else there is in this case; I do not care to go into all the facts. But these are substantially the facts: The Typothetæ goes into court and says that the union men are persuading these contract workers to violate their contracts, and thereupon the court assumes jurisdiction. Like a great guardian of morality or spiritual oracle of everything in this city, notwithstanding that there are adequate remedies at law for the violation of those contracts, the judge takes cognizance of the moral question involved in giving this advice. And it is not necessary for me to defend the morality of the men violating these contracts. But you gentlemen know that a court of equity has no business to interfere if I advise a man to violate a contractor to do or not to do anything else. That is a specimen of what is going on in this country under cover of the judicial ermine.

Mr. PARKER. I did not notice the word "persuade" in that previous injunction that you read. Is the word "persuade" there?

Mr. SPELLING. I am not sure. Suppose that he enjoined them from threatening these men. I would like to hear some lawyer come before some well-informed and reasonable and just man who knows the law, knows the limits of equitable jurisdiction, and make an argument that any court anywhere has a right to enjoin a man from threatening another personally under any circumstances. I throw out that challenge, and I am willing to meet it before any one such man, or before any number of such men. However, it is not involved in this controversy; that particular question is not involved here, because, as I said before, we are conservative. We stop short of the utmost boundary of our rights in this bill.

I want to point out to you where another error has arisen, where the courts have absorbed an old error from some bad precedent, and have followed it in a number of decisions, and have built up what might under some circumstances be called good law, but which I say is most detestably bad law. They have got across this line which separates personal rights—that is, the right of a man to make a bargain with reference to his labor, the right of a man to do business of a particular kind, or to do business generally or in any particular place or of any magnitude, which I say is a personal right, they have got across the line which divides those personal rights from property and property rights.

Now, gentlemen, there is nothing like a good illustration. Suppose a man is an employer; suppose he is manufacturing watches, and he employs a number of men—well, I will say one man, and he represents a hundred or a thousand.

This one man exercises his brain and his muscle and his nerves in making a watch. As a matter of fact it takes, I think, about a hundred men to make a watch, but that one man is representative. The employer has no property interests—he may have a personal interest, and it may be valuable, too—in the continuance of that employment. That man contributes those talents and those exertions. Perhaps the material in that watch is not worth more than one-fiftieth part of the aggregate value when it is completed, but I tell you that the property right of the employer is in that material, and that holds good at any stage of the process, whether it is one-tenth done or one-half done or completed. In other words, the property is represented and consists in the result of labor and not in the labor itself, and when anybody says, whether a chancellor or a Federal judge or any individual, that any employer of labor has any other interest in the labor of the men in his employ or whom he is seeking to employ he utters an absolute absurdity.

But I feel that I would be remiss in the performance of duty if I did not give special attention to the conflict now waged in New York between the Typothetæ and the Typographical Union, which the Typothetæ's attorney, Mr. Beatty, told us about. I have with me the wage scale now in force in that city, as presented to me by Mr. Frank Morrison, secretary of the American Federation of Labor, and it reads as follows:

NEW YORK SCALE FOR BOOK AND JOB OFFICES, MARCH, 1905.

Compositors: Book and job scale—hand composition, 44 to 50 cents per thousand; per week, $21.

Proof readers: Per week, $21.

Floormen and admen: Per week, $21.

Machine printers: Per week, $21.30.

You can scarcely realize the inadequacy of such wages if you have not lived in New York. Of the educational qualifications required of the employees I can not speak in detail, but they are very high. In short, each must be a man above the average in literary attainments. The most talented writers always expect the proof sheets to come back with a lot of query marks on the margin calling attention to rhetorical lapses, to say nothing of the absolute correctness required in the matter of orthography and punctuation.

Well, of 7,000 of these, 700 are on strike for an eight-hour day. It seems that the Typothetæ have yielded to nine-tenths of the strikers. But they have a legal and a detective force on the heels of the 700. Nevertheless, the other 6,300 are tending aid to the 700. But with the lawyers and detectives and bullys always hired to insult and pick quarrels with strikers and afterwards to appear as witnesses against them, there have been eight convictions for assault. The attorney for the Typothetæ got an injunction and flaunted it here proudly and exultantly. The poor, weak, unfair judge who issued it was no doubt made to believe that the mere business of the complainant was property. But that was not enough to warrant the issuance of an injunction. To complete the fabricated basis for the infamous outrage which he perpetrated upon these poorly paid and overworked men, who are among the best citizens of New York, notwithstanding their poverty, he had to hold that the capitalist has a property interest in the unemployed in what he would term the "labor market." But owing to the brazen zeal and blind partisanship of the Typothetæ and their legal representative, the rapacity, unfairness, and overreaching greed of the Typothetæ was made to appear in a very strong light. He thought he had advanced a very telling argument when he said it was necessary to enforce a nine-hour day, which really means lower wages than an eight-hour day, in order to capture and hold in New York the book and job printing of the United States.

There is one other question that I wish to touch upon. It is suggested by the question of the gentleman from Massachusetts. You see how far England has gone in modifying the common law. Now what has been done in the United States? Absolutely nothing in the interests of labor. One act was passed—the civil rights bill—in the interests, supposedly, of humanity. I believe it was declared unconstitutional; but at any rate it is a dead letter. Then you passed the anti-trust law, and the millions of dollars that have been spent from the time of Olney to the time of Moody in futile and vain attempts to enforce that law have been spent in vain. There never was anything accomplished in all that litigation; there has never been anything more brought to light as the result of the hundreds of thousands of dollars spent by the Bureau of Publicity than could be procured for 25 cents at some printing office in Wall street. And yet a great deal is said about the restraints which have been thrown around organized capital.

Now, two suits, I believe, have been won—the Addyston Pipe Company and the Trans-Missouri case. The Northern Securities case and the Trans-Missouri case stand on the same bottom and amount to the same thing. Some combinations in restraint of trade were dissolved. But to advance at a bound to the conclusion—because I want to save time—you all know that "communities of interest" have united men that control substantially all the railroad mileage in the country, and that monopoly is more complete, more absolute in its prestige and its power, than it was before these decisions were rendered.

There was the Addyston Pipe Company case—and all those interests, I understand, are scooped up and united in the steel trust, and they are enjoying great prosperity despite all of the so-called "legislation" against them. By reason of all this, I say the antitrust law is a dead letter. The interstate-commerce law stands on the same basis. There are more abuses in the matter of rates and fares, more discriminations and more oppression by railroad corporations, than there was before that act of 1887 was passed. I might give you my opinion about the attempts to regulate rates, but that is not called for and is not necessary.

These, gentlemen, are the only legislative attempts to change the common law in this country in the interests of the public. You did pass the eight-hour law, but gave it a limited application, and its enforcement is a farce. There is really no serious attempt to enforce it; or if there is, it is abortive. At any rate, the act, on account of its phrasing and the way it is used, is of no benefit particularly.

You take the legislation in the interest of capital and there is no end to it. You have your national banking law and you have laws of various kinds. You have bankruptcy laws in order to help business men, and I can not begin to enumerate them. There are volumes and volumes of such statutes. And I say that where labor asks so little, and asks it upon such obvious reasons of justice, simply asking you to go back to recognized fundamental principles, and give labor what it has always been conceded it was entitled to until the modern era of usurpation, I think, gentlemen, you ought to give it very careful consideration, and I hope to see the best results from this attempt to get a bill.

Mr. KAHN. Mr. Chairman, on the 18th of last April the entire world was startled by the message which was carried by telegraph and cable to the most remote regions of the universe that San Francisco had been visited by an earthquake and that a fire was rapidly destroying the city. Much that was true and much that was untrue appeared in the press during that period. As a matter of fact it has been amply demonstrated that 95 per cent of the damage that occurred there was caused by conflagration. The earthquake did comparatively little damage, and except in those portions of the city where the houses were old and cheaply built and those portions where the ground had been filled in, the buildings were left practically intact and showed no signs of damage or injury as a result of the tremor.

Many of the tales of horror that have been chronicled as actual occurrences were mere myths and emanated from the imagination of some fertile minded and resourceful individual who little thought of the harm he was doing the stricken community by his exaggerations.

For instance, I saw newspaper accounts of a herd of wild steers that ran up Market street, the main artery of the city, and when they had reached a huge fissure that had opened in the middle of that thoroughfare the entire herd tumbled in pell-mell and forever disappeared from view. Now, everybody who knows anything about San Francisco is aware of the fact that cattle are never landed within miles of Market street; and as a matter of fact the huge fissure which was said to have engulfed the alleged steers never had an existence. I merely cite this as an example of the gross misrepresentations that occurred in many very reputable journals.

Then, too, there is a prevailing impression throughout the country that all of the water mains in the city burst, and therefore the firemen were powerless to cope with the conflagration. That is not the case. The main supply pipes—three in number, and each 44 inches in diameter—that conduct the city's water supply from Lakes Pilarcitos, San Andreas, and Crystal Springs burst about 10 miles south of San Francisco.

These pipes were carried on a trestle over what is known as the "San Bruno Marsh." During the earthquake this trestle collapsed, and as a natural consequence the pipes burst. So that the water, instead of continuing to flow into the various reservoirs that are located on the heights of San Francisco, was spilled upon the marsh, while the city's reservoirs were soon emptied by reason of the backward flow of the water through the very pipes that had been feeding these reservoirs. I mention these facts because I believe the country should know the truth about the catastrophe.

Indeed, Mr. Chairman, to show you how slight was the damage by earthquake let me cite the case of the gas companies. After conditions began to again resume a normal state the companies had a thorough survey made of their mains, pipes, and house connections. The work had to be done carefully and completely, and I recently saw an announcement that the San Francisco Gas and Electric Company had issued its

statement to the effect that the company's entire damage from earthquake was only about 2 per cent. Why, sir, if it had not been for the fire all traces of the earthquake would have been completely effaced in less than ninety days. But the conflagration was probably the greatest in the history of the world. The great fire of London in 1666 burned an area of 463 acres. It has been recorded in history as one of the world's great calamities. The fire at San Francisco consumed 497 city blocks; in other words, there were more blocks burned at San Francisco in 1906 than acres in London in 1666. The area destroyed by the flames in the metropolis of the Pacific is greater than the combined area devastated by the conflagrations of Chicago, Boston, and Baltimore. The burned district of San Francisco covers 2,560 acres of closely built-up homes, churches, schoolhouses, factories, business blocks, hotels, apartment houses, and other structures. Thirty-four schoolhouses were destroyed by the all-consuming flames. Nearly every library in the city, including the great free library, was laid in ashes.

On the night of April 18, 200,000 persons were homeless, and on the following night 300,000 souls slept in the public parks and military reservations, under the blue canopy of heaven. The scenes of individual sacrifice and individual heroism that were enacted during those days will never be adequately described. But, through it all, the courage of the people of the doomed city never forsook them. They were still imbued with the spirit of the Argonauts of 1849. Even while the fires were raging, our leading citizens, called together by Mayor Eugene E. Schmitz, were taking steps to insure the reconstruction of the stricken community.

And here and now I deem it but proper to pay a tribute to the splendid ability of San Francisco's mayor. Up to the time of his election to the mayoralty, about five years ago, he had never been in public life. He had been a leader of an orchestra for many years, but had not actively taken part in governmental affairs. But when the emergency occurred, he rose equal to the situation and gave another demonstration of the splendid dignity, the undoubted ability, and the sound, sober judgment of the American citizen under any and every circumstance and condition. Mayor Schmitz had been elected to office as the candidate of the labor unions. He had been assailed bitterly and persistently in our newspapers. But since the disaster of April 18, many of his bitterest opponents have become his most ardent supporters. And right here let me explode another canard that was published far and wide. I mean the story about martial law having been proclaimed. That story is pure fiction. The military authorities rendered magnificent services during and since the calamity. But in all they did, they acted in cooperation with and at the suggestion of Mayor Schmitz.

I said the military authorities rendered magnificent service. I am afraid that I but poorly express the debt of gratitude that the people of San Francisco owe to Maj. Gen. A. W. Greely, Brigadier-General Funston, Maj. C. A. Devol, of the Quartermaster's Department; Maj. C. R. Krauthoff, of the Commissary Department, and Lieutenant-Colonel Torney, of the Medical Department, as well as to the officers and men under them.

Within three hours after the earthquake, and while the fire was raging and spreading, the soldiers of Uncle Sam's Army were patrolling the streets of San Francisco, protecting property and life. While it is true that a proclamation was issued by the mayor that all looters would be shot on sight, the fact remains that not in a single instance was it necessary to enforce the drastic order. All the stories of men having been shot down by the regulars while the former were engaged in dismembering the bodies of their hapless victims in order that they (the thieves) might possess themselves of the jewelry and gewgaws of their prey are purely the creation of some fertile imagination. General Greely told me personally that not a single instance of the kind had occurred, so far as a strict investigation could determine.

Nor were the officers and men of the American Navy less active. They, too, rendered yeoman service in saving property and protecting life. But it is impossible, in the brief period allotted me, to mention all of the splendid army of officials and individuals who found no duty too hazardous in their efforts to stop the ravages of the onrushing flames. The Federal officials, in saving Federal property, risked their own lives and fought the fires with courage undaunted while all around them roared a sea of flame and smoke. That three out of the four Federal buildings in San Francisco were saved is the greatest monument to the courage and heroism of these men and their officers. The police and fire departments of San Francisco sought neither sleep nor rest during the more than sixty hours that the fire raged. We of San Francisco are proud of them: we know their loyalty, their devotion to duty, and we know, too, how splendidly they fought during those trying hours in the face of almost insurmountable obstacles.

As I stated before, it is impossible to give a full measure of praise to all that deserve it, because my time is entirely too limited. But the acts and the deeds of our heroes are written indelibly on the hearts and in the minds of the grateful people of San Francisco. And what shall I say of the gratitude that fills their hearts for all the sympathy, moral and material, that has been showered upon them, not only by their fellow-citizens throughout these United States, but by all the peoples of all the world? I feel that I can but inadequately express their sentiments to the Congress, to the President and all of his Cabinet, to the governors and the citizens of the various States of our Union, to the mayors and the residents of the thousands of municipalities throughout our nation that heard the cry of San Francisco's distress, nor heard it in vain. The Southern Pacific and the Santa Fe railroads rushed supply trains into the stricken city on passenger-train schedules, and in all that city of houseless and homeless thousands there was none that wanted for food even from the beginning of the holocaust, and in a very brief period there was none that wanted for shelter. For all those who heard that cry we utter a fervent "God bless you."

And as a Representative in this House from the stricken city, I feel I should be recreant in my duty if I omitted to say a few words in regard to the manner in which her people acquitted themselves in the hour of their peril and distress. Every order, every command, every request that was issued by those in authority was obeyed to the letter. There was no murmuring; there was no whimpering.

Each man assumed his own burdens, and tried to cheer up those less fortunate than himself. For days the city was in absolute darkness at nightfall. For days the water supply was impaired. For weeks it was found inadvisable to start fires within doors, and all cooking had to be done in the streets. There was danger of epidemic from contagious diseases unless sanitary regulations were zealously enforced. Our people accepted all of these conditions cheerfully, hopefully, buoyantly. It was a return to the days of the frontier—to the days when we had a primitive civilization on the shores of the Pacific. Our property loss was probably the greatest in the history of mankind. As nearly as I have been able to learn the lowest estimate of the loss, the most conservative estimate, is $350,000,000. Some estimates are as high as $500,000,000. The question of insurance is a burning, vital question with the people of San Francisco at this time. I am informed that the amount of insurance carried on the destroyed property aggregated $208,000,000. The splendid report emanating from the Judiciary Committee of this House and also the one from the Judiciary Committee of the Senate indicate that Congress has no jurisdiction over the question of insurance. It is perhaps unfortunate that such a condition should exist. I am told, and I learn from the San Francisco newspapers, that more than half of the insurance companies that have been doing business in that city for many years have announced that under no circumstances will they pay more than 75 per cent of their policies.

Some companies have repudiated their policies entirely, and I am informed reliably that only thirty-three or thirty-four companies have announced, up to the present time, that they would pay their losses dollar for dollar. The question of insurance is not alone of interest to the people of San Francisco, but to the people of the entire United States, and the people of the United States ought to know the names of those insurance companies that repudiate their policies and those that refuse to meet their just obligations. Mr. Chairman, when Congress reconvenes next December, I hope to place in the CONGRESSIONAL RECORD the name of every insurance company that refuses to meet its just obligations in that city, in order that the people of the United States, the people who pay their premiums in the hope of recovering their losses in case of fire, may know the names of those companies that are unreliable and dishonest and that will not pay their obligations when the time comes for them to do so. Every person that carries a fire-insurance policy is interested in this matter. Every person is entitled to know and ought to know whether the company that collects its premiums from him is honest or dishonest.

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

Mr. KAHN. Yes, sir; certainly.

Mr. MANN. Do these insurance companies that refuse to pay the full amount of the insurance make any claim that part of the loss was by the earthquake and not by the fire?

Mr. KAHN. They do not. As far as I have been able to learn, there have been about thirteen companies who had clauses in their policies to the effect that if the proximate cause

of the fire was some act of God, such as an earthquake, then they would not be responsible, and one of those companies, up to the present time, has announced frankly and candidly that it will take advantage of that clause and will refuse to pay any of its losses. Now, of course, that will lead to a legal fight probably, but that is the only instance that I know of where a company has fallen back on some clause in its policy. About sixty of the other companies have simply signed a compact, as far as I have been able to learn, saying that under no circumstances will they pay more than 75 per cent of the amount due under their policies.

Mr. MANN. Without regard to any claim of justice at all?

Mr. KAHN. So I have been informed. Now, mark you, there were only about 117 or 118 companies doing business in San Francisco. So that 50 per cent of all the companies have declared they intend to repudiate their contracts. If they persist in that intention, they ought to be exposed thoroughly and fully. The insurance commissioner of California, Hon. Myron E. Wolf, will prepare an official list of the honest and the dishonest companies in the near future. I feel that as a Representative from that city, which has suffered so much and to which the loss of this insurance money means so much, I ought to make known to the people of the United States and to the entire world, for that matter, the name of every honest company and the name of every dishonest one. [Applause.]

Sir, the people of San Francisco are doing all that mortal man can do to recover from their present misfortune. The labor unions of the building trades promptly declared that there would be no demand on their part for an increase of wages, and that for the time being they would work nine hours instead of eight. Temporary structures are being erected everywhere. But we need this insurance money, and we must have that which is rightfully and justly due us.

And so, Mr. Chairman, we shall continue to hope for a settlement of this vexatious question. The people of San Francisco are determined to rebuild their city, to recover from their present misfortune. They come of that stock that does not know the meaning of the word "fail." They will build anew, and they will build better and stronger and firmer than before. They have the most magnificent harbor in the world. They have a climate that knows neither the extreme of summer's heat nor winter's cold. They possess a soil that will produce anything that grows on the face of God's footstool. They have unbounded, undying faith—faith in the future of their glorious State and their beloved city, and they will work constantly, earnestly, loyally, and uncomplainingly to rear their stricken city from her ashes. [Loud applause.]

Mr. WHARTON. Mr. Chairman, I would like to make a few remarks upon the agricultural appropriation bill, and especially upon that part of it which pertains to the meat inspection provision, commonly known as the "Beveridge amendment," and the bill that was reported by the House Committee on Agriculture, which was up for consideration this afternoon.

In the first place, Mr. Chairman, there has been an unwarranted and inestimable amount of damage done not only to the packers of Chicago, but to an industry that is one of the largest in the Middle West, namely, the cattle raisers. I think I am correct in stating that the State of Texas alone contains at this time about 9,000,000 head of cattle. I believe there is somewhere in the neighborhood of 45,000,000 head of cattle in the United States.

Now, then, the disclosures that have been made have been made simply, in the first instance, because of a book written by one Upton Sinclair, and which was taken notice of by the President of the United States, who thereafter sent a commission to make an investigation of the conditions in the stock yards. This commission, composed of Messrs. Neill and Reynolds, presented to the President a report which was intended to carry terror to the hearts of everybody who ate canned meat or meat of any description. I can not say what the motives of anybody in this investigation have been except by an examination of those things we have before us in the form of evidence. One of the things that we have is the report of these commissioners, Neill and Reynolds, this privy council, sent out by the President, given authority by him, made official by his stamp; and all you have to do is to examine their report to see whether or not there is any truth in its apparent purport.

In the first place, it makes a general statement of the conditions that exist there, and everything that the Commission attempts to prove is done in an argumentative manner.

There is another report, if you remember, a report made by the Department of Agriculture, a report which is thorough. It went into detail. It gave the names of the places that were examined, it gave the time and the place, and the things that were found to be against sanitation, and the conditions that existed at the time and just as it was. This later report of Neill and Reynolds was simply a sort of résumé of the mental condition of the two commissioners. They point out things in that report which, as said by the President, were revolting; but they attempt to show them as general conditions, as practices existing, as general practices of the people who worked in that industry, and permitted by the owners of that industry, when in fact it was not warranted by the conditions as they found them.

Now, then, in the first place, the very instance that was pointed out—one of the things which Messrs. Neill and Reynolds, this privy council, found—was the case of a poor, inoffensive hog that had been killed and was going down to the cooling room, and it went along on that little trolley on which all these hogs are carried until they get into the cooling room. Through some accident, some mishap, the hog fell on the floor, and, as Mr. Neill in his report says, went part way into a man's privy. That may have been true in that particular isolated instance; but I want to say, if it was, it was only an insolated case of such a happening as that. Every working day in the year hundreds and hundreds, even thousands, of hogs go along that same trolley that this one went along, and this is only one instance of such an occurrence in operations involving the handling of thousands of hogs.

There is another instance in Mr. Neill's report, in which he said while making this examination he was walking along through one of the working rooms when he saw a large table covered with meat, meat which was going into the canning department, to be sent out as prepared food products. Now, this table was as long as the table in the room of the Committee on Agriculture, and three times as wide as that table, which would hold hundreds and hundreds of pounds of meat, and there he found that evil thing, a piece of rope and a piece of pigskin! Think of it; one little piece of rope and a piece of pigskin! One little incident in a bunch of meat that contained thousands of pounds, and on examination he said "Why, I did not examine to see if that was the general condition of that meat there on the table." A whole table full, and he just saw this particular isolated instance. Picked it up, and laughed, showed it to Mr. Reynolds, and walked along.

Now, what do you think of the testimony of a man who did such a thing as that? Why, when he saw this, did he not examine that table of meat to see if any more such instances were present? Sent out there to find out and observe the conditions as they were for the purpose of reporting to Congress, a report which was to go to the country, and not only to this country, but every country that uses our canned products. But, no, when the time for the report came, when it was liable to create an impression in the minds of the people which would influence them to the extent of injuring the products of this industry to the extent of millions of dollars, he has nothing but inferences and innuendo. Why, do you think it would have been made by a man who had had any experience, who had gone out there with the intent to find the conditions as they were and bring back a truthful and an accurate account to Congress? Would he have done it in that slipshod manner? I do not think any reasonable man would say that he would have done that way at all. No; of course he would not. They would have gone out, if they were competent and honest commissioners, and started to make an investigation along thorough lines.

They would have tabulated the places visited, they would have tabulated the things and conditions they actually observed, and put it down with some regularity, so that when they came back they could report upon it and tell what they saw. They would tell it to us on their responsibility, and say under what conditions it occurred. Then we would have something to be guided by. But here they take up this isolated case which they had observed, drag it in here and throw it on the people, the workers of that district as a general practice of these workers.

Why, he makes in his report a charge something like this: The conditions in which these people, and especially the girls in the canning department work, has a tendency to lower their moral degredation. They throw a blast like that upon a lot of girls whose only crime in the world is the fact that they are compelled to work and slave as laborers out there and be insulted and dragged down and villified by a man like Mr. Neill. This is a slander made to bolster up his report and is not warranted by the true conditions.

In another place in his report he testified before the committee that he saw meat thrown upon the floor, dragged from room to room in rotten wooden boxes, through which course it was in the way of gathering the expectoration of tuberculous and other diseased workers. When pressed for the reason for that

statement before the committee, he said he thought that they were tuberculous workers there, because they looked like it from his observation of them as he walked along. Is there a man in the world who would dare to get up in an audience and make such a broad assertion like that—that people working in a certain line were tuberculous, without having opportunity for at least some investigation? Why he was just casually observing, and he charged these people to be tuberculous, not one or two, but as a class—that they had that appearance to him generally. When pressed further for an explanation of the basis of his statement as to the other diseased workers, he said that they looked and had the smell of people that he had examined in the G. U. section.

Think of that as a statement to make to the country, that this meat that was consumed, not only in this country, but abroad, handled by people in this condition, when he knows, if he ever talked with physicians who had any practice in that district, or with anybody who knows anything about it, these 30,000 people engaged in that industry, that he told a deliberate falsehood when he made those statements. [Applause.] He knows that those conditions are not true. He knows that he went out there to make that report just as he made it. He knows that he had no foundation for the things that he put in that report, and he knows that those things which he saw, if he did see them, were simply isolated cases, like those which will happen in the management of any large concern. I do not care anything in particular about the packers, but I do care about the people who work in that district, because anything that affects the packers affects them directly. If the packers do not have a demand for their product they do not have a demand for the labor of the people who work there, and if there is no demand for the labor of the people who work there they must lie idle. They are poor people; they must work somewhere. They have lived and worked there all their lives. That is their line of business, just the same as working in a mine is the business of a miner.

Mr. GARRETT. How long a period did that Neill-Reynolds investigation cover there?

Mr. WHARTON. He said it covered about two weeks.

Mr. GARRETT. And how long a period did the investigation made by the Agricultural Department cover?

Mr. WHARTON. I do not remember the time, but my recollection of it is that it was something like a month.

Mr. GARRETT. Prior to or coincident with the Neill-Reynolds investigation?

Mr. WHARTON. Prior. If I remember correctly, it was some time in April that that investigation was made, months before Neill went out to make his investigation.

Now, there is just one other question that I want to speak about, and that is a question that received some attention here this afternoon. They spoke about the payment of the inspection by assessing a fee on each head of cattle killed. There is no doubt that inspection is needed.

The best inspection that we can have is none too good. It is demanded by everybody who is interested, everybody who eats the meat, everybody who has one interest or another in that industry, and by the public at large. It is a matter which concerns the public health. For that reason alone it is of enough importance to the public to be borne at the public expense. But here is one great objection that I have to assessing the cost of inspection as a fee upon each individual animal killed. I claim that the inspection has for one of its purposes the establishment of confidence in the minds of foreigners who use our products. If that be true, of course there are interests in foreign countries which have every object in the world to decry our meats, to keep them under suspicion, and to create as much opposition to them as possible.

Now, if this fee was assessed on the cattle, or if the packer, in other words, had to pay the fee, the argument would be made, "Why, certainly; the packers pay $3,000,000 a year, a large amount of money, for their inspection. What good is that to us? We want something which will be a guaranty to us that these food products are exactly what they are represented to be; we want to know that they are pure, clean, and wholesome. We can not know that as long as the inspection is paid for by the packer. What we want is Government inspection.. We want the stamp of the approval of your Government before we will be satisfied to accept your meats." Now, we want the impression to go abroad, and to be founded on the fact that these meats are all right, that they have been examined by the Government and that that examination will be accepted by everybody interested as a guaranty of the purity and wholesomeness of our American meats and their cleanliness of preparation. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Chairman, I would ask if there is anyone on the other side of the House who would like to be recognized?

Mr. WILLIAMS. Mr. Chairman, at this moment there seems to be no one on this side who desires to speak.

Mr. JOHNSON. Mr. Chairman, during the entire session of Congress now drawing to a close I have not addressed the House except upon pending legislation. I shall depart from my usual custom for the few minutes accorded me this evening.

I wish to talk about the State which I have the honor in part to represent on this floor. I am led to that course because many Members of Congress do not know how to pronounce the name even, although the State has taken a conspicuous part in every era in American history. The name is historic, significant, and euphonious when pronounced properly, South Carolina. When pronounced as I frequently hear it, it is harsh and meaningless. As I said a moment ago, the State has always taken a conspicuous part in every crisis in our history. Her people have been a people of marked individuality and characteristics. It has frequently happened that South Carolinians were in a hopeless minority, but her people have never left any doubt as to their position on public questions.

We have, Mr. Chairman, a unique and ideal civilization. A few weeks ago, when a divorce congress was in session in this city, South Carolina was the only State in the Union that had no delegates there. She needed none. South Carolina is the only English-speaking State in the world where the courts are forbidden to dissolve the marriage ties. We believe that when a man and a woman, in the presence of man and God, plight their troth, for better or for worse, for weal or for woe, only death should them part. It is a sacred and inviolable union.

The constitution of the State prohibits any court created by that constitution from ever undertaking to assume jurisdiction in a divorce case. The constitution prohibits the legislature from conferring that power on any court hereafter to be created. This unique and ideal civilization results in our being taught from infancy that a woman's honor is above the law and beyond price. No man dare lay the strong hand of violence on a woman. No man will dare destroy the ties that even the courts are forbidden to break. Our people will defend a woman and the sacred ties of the home with their lives, if need be. From these circumstances some people believe us a hot-blooded people. It is to our credit that even our failings lean to virtue's side.

We have not only this high idea of civilization, but we are one of the most magnificent States, agriculturally and industrially, in the Union. Most people would suppose that the great corn States would take the prize in the production of Indian corn. Let me call your attention to the fact that in 1889 the American Agriculturist, published in New York, offered a prize of $500 in gold for the largest yield of corn on 1 measured acre. The contest was open to all the farmers in the United States. The South Carolina Agricultural and Mechanical Society supplemented this offer with $500 more if the successful contestant was a South Carolinian. Mr. Z. J. Drake, of Marlboro County, S. C., won the prize, making 254 bushels and 48 pounds of corn, the largest known yield in the history of the world. The full account of this remarkable corn contest can be found in the American Agriculturist, of New York, for March, 1890. It would pay any farmer well to read it.

Having astonished many of you by showing that the largest yield of corn produced on 1 acre was in South Carolina, I will go one step farther and show that it is not the rich lands of Mississippi, Louisiana, Arkansas, and Texas that have produced the largest yield of cotton on 1 acre, but that distinction belongs to South Carolina. In 1904 the First National Bank of Spartanburg, S. C., offered a prize of $100 in gold for the largest yield of cotton on 1 surveyed acre of land. This contest was confined to Spartanburg County, the county in which I live, and the county, by the way, which is the largest cotton-manufacturing county in the South.

Mr. C. A. Murph, who won this prize, made 4,284 pounds of cotton on 1 acre of land. I insert here the names and yield of fourteen contestants, and it will be observed that the lowest yield was 1½ bales of cotton per acre. It is not intended to convey the impression that all farmers make 255 bushels of corn or 4,284 pounds of cotton, but this test shows what can be accomplished in the production of corn and cotton in South Carolina by intelligent effort:

THE $100 PRIZE.

Monday the committee to award the $100 prize offered by the First National Bank for the best yield of cotton on 1 acre met and received

the returns. They are as follows, the weight of the seed cotton being given:

C. A. Murph	4,284
Thomas Murph	3,422
J. J. Tinsley	3,350
J. C. Lee	3,348
G. C. McMakin	3,031
C. G. Smoak	3,009
John T. Gentry	2,962
J. W. Ballenger	2,527
J. B. Lee	2,524
Paul V. Moore	2,255½
A. S. Wingo	2,215
D. H. Golightly	2,198½
J. A. Weir	1,968
T. J. Moore	1,935

C. A. Murph, near Rich Hill, received the prize. It will be noted that the first four all live near Rich Hill, indicating that the soil in that vicinity is well adapted to cotton.

Mr. Chairman, not only in the production of corn and cotton, but in manufactures South Carolina has made marvelous progress, and to-day she makes a magnificent showing. In the seventies, when we began to construct cotton mills in the South for the manufacture of coarse goods and succeeded remarkably well, it was said that the South possessed peculiar advantages in the manufacture of the coarse grades of cotton goods, but that we could never manufacture the finer grades in competition with New England. As the years went by we continued to build mills for the manufacture of finer goods, and now we are manufacturing cotton fabrics which turn out 7, 8, 10, and 12 yards of cloth to the pound. We have not found that we did not possess the same advantages in the manufacture of the finer grades that we possessed in the manufacture of the coarser grades. I will insert at this point an extract from the Manufacturers' Record, which is authority on subjects of this kind and can be absolutely relied upon for accuracy. This shows the growth of cotton manufacture in the South by decades:

Of the growth of cotton manufacturing in the South during the last five years much has been written, and yet a bare recital of what has been done, as told by the statistics of this industry, may well command attention. Elsewhere in this issue we are publishing a detailed statement giving the name, address, and number of spindles and looms of every cotton mill in the South. This list shows a total of 642 cotton-mill companies or firms, many of the companies owning two or more mills, with an aggregate of 9,470,000 spindles. Comparing this with the statistics of the past, we have the following statement of the growth of this industry in the South:

Year.	Number of spindles.	Capital invested in cotton manufacturing.
1880	667,000	$21,000,000
1890	1,712,000	60,000,000
1900	4,452,000	112,837,000
1906	9,470,000	230,000,000

I also insert an extract from the Scrap Book, quoting from the Manufacturers' Record certain figures showing the marvelous growth of the South in the industrial world:

In a hazy sort of way many persons in the North have long been aware that the Southern States are giving their northern sisters a close race in the fight for industrial honors. The fact is, however, that in the course of the last quarter of a century the progress made by the "New South" has been little short of phenomenal. This will be readily appreciated by all who glance over the following examples of commercial growth. The figures for 1880 are from the Government census of that year, and those for 1905 have been obtained by R. H. Edmunds, the editor of the Manufacturers' Record:

"From $257,000,000 invested in capital for factories to $1,500,000,000; increase, $1,243,000,000.

"From $457,000,000 yearly value of products of factories to $1,750,000,000; increase, $1,293,000,000.

"From $21,000,000 capital invested in cotton mills to $225,000,000; increase, $204,000,000.

"From $313,000,000 annual value of cotton crop to $680,000,000; increase, $367,000,000.

"From 225,000 bales of cotton used in southern cotton mills to 2,163,000; increase, 1,938,000 bales.

"From $39,000,000 yearly lumber product to $250,000,000; increase, $211,000,000.

"From 397,000 tons of pig iron produced to 3,100,000 tons; increase, 2,703,000 tons.

"From $261,000,000 yearly value of exports abroad to $555,000,000; increase, $294,000,000.

"From $660,000,000 yearly value of farm products to $1,750,000,000; increase, $1,090,000,000.

"From 20,600 miles of railroad to 60,000 miles; increase, 39,400 miles.

"From 179,000 barrels of petroleum produced to 42,495,000; increase, 42,316,000 barrels.

"From 45 cotton-oil mills to 780; increase, 735 mills.

"From $800,000 capital invested in cotton-oil mills to $54,600,000; increase, $53,800,000.

"From 667,000 spindles in cotton mills to 9,205,000; increase, 8,538,000 spindles.

"From 211,377 tons of phosphate mined yearly to 1,087,428; increase, 876,051 tons.

"From 397,776 tons of coke produced yearly to 6,244,185; increase, 846,409 tons."

To crown it all, from $3,051,000,000 assessed property valuation to $6,500,000,000; increase, $3,449,000,000, or an average increase of $138,000,000 for the twenty-five years.

I also insert a table from the Manufacturers' Record, showing the number of mills, spindles, and looms by States, brought down to April 1, 1906:

State.	Mills.	Spindles.	Looms.
Alabama	54	767,276	15,059
Arkansas	4	35,628	240
Georgia	113	1,770,967	38,590
Kentucky	7	87,062	1,338
Louisiana	3	91,700	2,350
Maryland	17	201,750	3,624
Mississippi	20	168,607	4,707
North Carolina	243	2,465,982	51,235
South Carolina	136	3,320,408	84,214
Tennessee	20	219,308	4,475
Texas	15	79,433	2,343
Virginia	10	223,526	8,028
Total	642	9,470,647	216,293

I desire to insert in the RECORD at this point two tables, showing the takings and consumption of raw cotton for the year ending August 31, 1905, by the northern manufacturers and by the southern manufacturers:

Stocks, takings, and consumption of raw cotton by northern manufacturers during the year ending August 31, 1905, by States.

State.	Stocks Sept. 1, 1904 (bales).	Net takings during year (bales).	Consumption during year.		Stocks Aug. 31, 1905 (bales).	Average weight per bale (pounds).
			Bales.	Pounds.		
Total	267,155	2,233,193	2,138,829	1,063,919,990	411,519	497
Connecticut	11,996	124,129	112,029	55,121,649	24,096	492
Indiana	1,323	26,623	24,484	12,335,726	3,467	503
Maine	18,209	161,525	147,670	74,078,007	32,064	502
Maryland	1,445	61,302	58,630	27,778,469	4,117	474
Massachusetts	149,386	1,089,236	1,044,169	520,975,936	194,453	499
New Hampshire	35,206	289,722	269,076	135,761,595	55,912	505
New Jersey	3,590	30,599	27,903	12,823,576	6,286	480
New York	10,115	172,946	157,250	77,993,864	25,811	496
Ohio	2,711	28,486	21,884	10,421,136	9,313	476
Pennsylvania	4,638	64,780	57,606	28,647,973	11,812	497
Rhode Island	24,693	180,775	168,564	83,552,394	36,904	496
Vermont	1,574	12,806	11,784	5,995,997	2,596	509
All other States	2,204	40,264	37,780	18,373,708	4,688	486

Stocks, takings, and consumption of raw cotton by southern manufacturers during the year ending August 31, 1905, by States.

State.	Stocks Sept. 1, 1904 (bales).	Net takings during year (bales).	Consumption during year.		Stocks Aug. 31, 1905 (bales).	Average weight per bale (pounds).
			Bales.	Pounds.		
Total	81,299	2,294,895	2,140,151	1,012,079,237	236,043	473
Alabama	10,793	245,467	228,942	113,338,977	27,318	495
Arkansas	65	3,738	3,408	1,689,737	395	495
Georgia	14,548	511,148	477,004	219,717,434	48,692	461
Louisiana	53	14,926	14,701	7,118,663	278	484
Mississippi	1,140	36,530	33,913	16,736,679	3,757	494
Missouri	596	5,082	5,128	2,743,595	550	535
North Carolina	15,333	622,747	594,174	277,921,815	43,906	468
South Carolina	31,969	675,627	620,839	292,550,372	86,757	471
Tennessee	2,513	57,460	50,135	24,874,787	9,838	493
Texas	602	31,623	29,172	14,716,049	3,053	504
Virginia	1,691	62,605	57,223	28,165,597	7,073	492
All other States[a]	1,996	27,942	25,512	12,505,532	4,426	490

[a] Includes Florida, Indian Territory, Kansas, Kentucky, and Oklahoma.

It will be observed from these tables that South Carolina is the second State in the Union in cotton manufacturing, Massachusetts being first. Our success in this field of endeavor is due to conservative management and the high character, industry, and intelligence of the help. Our people are not acquainted with the methods of frenzied finance. Subscriptions to stock are paid for in cash at par. We have no watered stock. Even in cases where the stockholder desires to pay his subscription or any part of it in property, the law requires that fact to be stated upon the subscription list, and there must be written on the face of the subscription list a minute description of the property and the value he places upon it, so as to advise the other stockholder of the facts and enable him to determine for himself whether he will place cash against the property at the price indicated. We have no promoters or contributed influences, who issue thousands and millions of dollars' worth of watered stock as the price of their influence.

A moment ago I spoke of the high character, industry, and intelligence of the employees of the South Carolina mills. All

the employees are native born. They were born and reared on the farms and have habits of industry, thrift, and frugality, and these qualities have caused and will maintain success in the operation of the mills.

So, Mr. Chairman, South Carolina, by her peculiar civilization, to which I have referred, her splendid climate, her soil so well adapted to the cultivation of cotton and corn, and her manufactures, is a most inviting spot.

Mr. PADGETT. Mr. Chairman, the House being in Committee of the Whole House on the state of the Union, it can not be inappropriate, at least it will not contravene the custom of the House and its practice, to make some remarks pertaining not to the bill under consideration, but to matters relating to the state of the Union.

I desire at the outset of my remarks to call attention to what I consider one of the most remarkable and one of the most extreme and dangerous statements ever made by a public man in American history. I realize that the President of the United States who now occupies the White House was elected to that honorable position by a wonderful majority, an unprecedented majority of the popular vote.

I realize also that he is an exceedingly popular man at the present time, and it might be considered perhaps a little amiss to offer a suggestion that might be construed as a criticism of either an act or a statement of the present Chief Magistrate of these United States. I refer to the statement made by the President in his address delivered at the laying of the corner stone of the Office Building of the House of Representatives, commonly designated as his "muck-rake speech." After delivering himself upon various subjects the President used this language:

> It is important to this people to grapple with the problems connected with the amassing of enormous fortunes and the use of their fortunes, both corporate and individual, in business. We should discriminate in the sharpest way between fortunes well won and fortunes ill won, between those gained as an incident to performing great services to the community as a whole and those gained in evil fashion by keeping just within the limits of mere law honesty. Of course no amount of charity in spending such fortunes in any way compensates for misconduct in making them. As a matter of personal conviction, and without pretending to discuss the details or formulate the system, I feel that we shall ultimately have to consider the adoption of some such scheme as that of a progressive tax on all fortunes beyond a certain amount, either given in life or devised or bequeathed upon death to any individual, a tax so framed as to put it out of the power of the owner of one of these enormous fortunes to hand out more than a certain amount to any one individual, the tax of course to be imposed by the National and not the State government. Such taxation should of course be aimed merely at the inheritance or transmission in their entirety of those fortunes swollen beyond all healthy limits.

It occurs to me, Mr. Chairman, that that statement, made by the President of the United States, coupled with the fact that he is an exceedingly popular man, is calculated to mislead and to do an enormous amount of injury in this country. Because of his popularity the country may not pause to weigh and consider the gravity of the utterance or its dangerous tendencies. It seems to me that the President loses sight of the foundation principles upon which this Government is based and launches forth toward the goal of socialism, the outpost of socialism, to which no public man of standing in this country has ever yet approached. It is to be noticed that the President recognizes and calls attention to the fact that there are fortunes well won and fortunes ill won, and yet in his remedy he treats all alike.

I am aware that the President calls it a tax. I deny that the remedy which he proposes is in any sense a tax. He boldly declares and proclaims, as a remedy for what he considers to be an existing evil, confiscation of the estates of private citizens. It will be noticed that the President declares that the limitation shall be, to use his exact words, "a tax so framed as to put it out of the power of the owner of one of these enormous fortunes to hand out more than a certain amount to any one individual," and just before that he uses this language: "I feel that we shall ultimately have to consider the adoption of some such scheme as that of a progressive tax on all fortunes beyond a certain amount, either given in life or devised or bequeathed upon death to any individual." That is to say, the President of the United States is advocating that the National Government and not the State government, under the guise and the semblence of the exercise of the taxing power, shall take away from the individual during his lifetime the power to dispose of his estate and his property beyond a certain amount, and upon the death of the individual to limit the right of descent and of inheritance. I shall not attempt to carry out this discussion to all of its logical consequences. The statement of the proposition will arouse in the thoughtful mind reflections that are calculated well to put to serious thought the conscience and the judgment of the American people. This remedy proposed by the President of the United States, to take away from the States the control of inheritance and confer it on the Federal Government and to take away from the individual citizen the right during lifetime to dispose of his estate, and upon his death the right either of descent or of inheritance by will or under the State law, to receive the estate of the ancestor, and this curtailment to apply to all beyond a certain amount, I would say is a doctrine that is subversive of the fundamental principles upon which rests the theory of our Government and the very genius of our institutions.

Mr. GARRETT. Will my colleague yield for a question?

Mr. PADGETT. Certainly.

Mr. GARRETT. Does my colleague believe as a lawyer that, under the income-tax decisions, reasoning by analogy, the utterances of the President of the United States upon that question amount to anything more than mere spectacular thought, like so many other things that the present distinguished occupant of the White House has dealt with in his public career?

Mr. PADGETT. I think, so far as realization is concerned, it is purely spectacular. I think that, so far as its injurious effects and consequences upon the public mind and public thought, calculated to arouse discontent and to breed feelings that are subversive of the best interests of the country are concerned, it is extremely dangerous. Let us think for a moment. Suppose that we should adopt the principle laid down by the President and here enunciated, and that we should fix any amount that a person could transmit by gift in life or that could pass under the law of inheritance or by descent or will after death, and suppose we should fix that at fifty millions, how long would it be, having undermined the fundamental right and doctrine of private estate and private property, until there would arise in this country the advocates who would assert that fifty millions was too much and that twenty-five millions was a sufficiency?

If $25,000,000 were then adopted, how long would that remain in force until another sect would arise and assert that $10,000,000 was enough for any one man to own or to transmit; and if ten million were adopted, how long would it be until a sect would arise declaring that five millions was sufficient, reducing it down. This declaration undermines the very basic principle upon which our institutions rest—the doctrine of the ownership of private property. And you will bear in mind that this is in no sense an advocacy of a tax, notwithstanding he calls it a tax; because a tax carries with it the idea of a contribution by the citizen of his legitimate share, based upon the general law, toward the maintenance of the Government; but this declaration, boldly made, asserts the purpose to take away from the individual all of his estate except a given amount. For instance, suppose the Government should establish that $50,000,000 was the limit, and a man was worth a hundred million, and you take away from him all above $50,000,000. Is that a tax? Is that the idea upon which the principle of taxation rests in this Government? Nay, verily. But I only use this as an introductory, if you please, to what I desire to call attention to now. The President recognizes that times are out of joint; that conditions are in a wrong state, and that a remedy is needed. I agree with him, but I do not agree as to the remedy which he proposes.

Mr. GILBERT of Kentucky. Does not the Government already, under our system of jurisprudence, prevent an estate from accumulating to the extent that it becomes a menace to public order by repealing the laws in relation to entailment and primogeniture and other property rights that existed in the old country?

Mr. PADGETT. Yes; to some extent; but still leaves the right of transmission. It does not confiscate.

Mr. GILBERT of Kentucky. But why was the right of transmission curtailed? Was it not done for the public good?

Mr. PADGETT. Yes, sir.

Mr. GILBERT of Kentucky. Do you not think that if the Standard Oil Company could entail a profit of $100,000,000 year after year for a generation that it would become a menace to good order?

Mr. PADGETT. It might do so. A corporation is a creation of law. The law prescribes and limits its power and purposes and may decree how much or what character of property it may own.

Mr. GILBERT of Kentucky. Do you not think that every citizen holds his property subject to the public good? The titles to our lands are said to be allodial—that is, whenever a public exigency demands it, they can take that property by paying a just compensation for the property.

Mr. PADGETT. But——

Mr. GILBERT of Kentucky. Why should not that apply to vast estates that become a menace to good order?

Mr. GARRETT. If my colleague will permit me to suggest,

never yet has the Government sought to take, and never yet has the idea been advanced that the Government would take, except what was sufficient to serve the purposes of government and administer the affairs of government.

Mr. PADGETT. And for a public use and upon the return of an equivalent consideration.

Mr. GARRETT. And if my colleague will permit further, the fact that the laws permitting entailment have been repealed does not inure to the benefit of government.

Mr. PADGETT. But only to distribution of the money——

Mr. GILBERT of Kentucky. But preventing private fortunes from accumulating from one generation to another indirectly inures to the benefit of the Commonwealth.

Mr. PADGETT. Certainly; the distribution of money to those entitled to it, but it does not confiscate it. If you will bear with me for a moment, I have your idea, and I think I shall meet it. I call attention to this as the remedy suggested by the President for conditions that are existing, which he admits are evil and are wrong and need a remedy. I agree with him that there are evil conditions existing; that they need to be remedied, but I disagree with him as to the remedy proposed. It will be noticed that the proposition of the President does not suggest a change of conditions which make possible the accumulation of these menacing fortunes. He suffers these conditions to continue, but advocates the confiscation of the fortune after it has been made. Would it not be wiser and better to change the wrong conditions and prevent their accumulation? What are the evil conditions? Why do they exist? It is because the laws and machinery of the Government have been used for the purpose of creating and maintaining artificial conditions. Natural conditions have been destroyed by legislation. There has been substituted in its stead an abnormal condition, an artificial condition. The taxing power has been used not for the legitimate purpose of government, but to foster and build up, as it is said, and protect the interests and businesses of private individuals. The Government has been constituted an agent, and the powers of government have been used as the machinery and as the engine, not for governmental purposes, but for private ends, for the purpose of building up a few at the expense of the many.

What has been the result? A few have prospered, and as the few have prospered there has arisen a rivalry, not of competition among themselves, but a rivalry to secure more of Government benefit and more of Government protection. More and more the effort has been put forth to induce the Government, through the agency of the taxing power, to place its strong arm beneath the business of this individual and build up his business, and this one has joined with the other to the same end until we have existing in this country a mighty power exerting itself upon legislatures and the instrumentalities of government to run the Government and to use the powers of Government for the upbuilding of the classes at the expense of the masses of the American citizenship. [Applause.]

Let me illustrate with reference to the tariff. The tariff is simply a tax. The collection of tariff duties is simply the exercise of the powers of government to tax. In our State government we have a direct system of taxation. The tax assessor assesses the property, the tax collector collects and gives a receipt, and you know precisely in dollars and cents how much you have paid. Not so in the Federal system, which we call the "tariff." That is an indirect method, one that is hidden away from the observation of the common masses of the people. Nevertheless it is a tax. Let me illustrate. An importer of merchandise comes, we will say, to the port of New York with a cargo of merchandise of any of the manufactured articles that are used and consumed in the commerce and the business of this country. But, for simplicity of illustration, let us say that he comes with a cargo of men's hats. He has purchased those hats in a foreign market at such a price that he can sell them to the American consumer at $1 each and make a fair and reasonable profit. Immediately that he reaches the port of New York he is met by a customs officer—a tax collector, if you please—who says to him: "Sir, before you can enter the ports of this country and receive the benefits of our market you must first pay upon each hat the sum of 50 cents." I take that as an illustration because it is about the general average of the tariff tax. I imagine that man addresses to him the question: "Sir, why is this; for what purpose?" A Democrat there says to him: "Sir, you propose to receive the benefits of our markets. It is but just and right that you should contribute something, your legitimate proportion toward the payment of taxes and the burdens of government." Every man who hears the statement, I care not what his politics, admits that that is a just statement. But a Republican standing there says: "No, sir; I deny that. I assert that the taxing power of the Government is not to be used solely for revenue. It is to be exercised for other and different purposes." And very naturally you ask him: "Sir, what are those other and different purposes?" And he says: "For the sake of protection." And you ask: "What do you mean by protection?" He says to you that "Over here in New Jersey, or New York, or Pennsylvania, or South Carolina, or Tennessee, or Texas, or any of the States of this Union, we have certain of our citizens that are engaged in the manufacture of hats." We will say, for simplicity of illustration, that Jones & Smith are engaged in the manufacture of hats. They are not willing to sell their hats to the American consumer at $1 each and be satisfied with the profit that would arise at that figure. In order to enable Jones & Smith to sell their hats to the American consumer at $1.50 the Government levies a tax of 50 cents upon the hat of the importer in order to increase its cost and force him to sell to the American people at one dollar and a half, in order to enable Jones & Smith to sell at one dollar and a half.

Now, bear in mind that the 50 cents that is levied upon the hat of the importer goes into the Treasury, but the 50 cents upon the hat of Jones & Smith does not go into the Treasury, but they put it into their pockets. Now, what are the statistics? They show that for every dollar of imported merchandise upon which the Government receives the tariff tax there are, at the lowest estimate, $10 upon which the Government receives no tax, but upon which the tribute money goes into the pockets of these private individuals.

Now, you will permit this illustration, simple as it may seem, to extend and enlarge, so as to embrace all of the manufactured products of this country. Our wearing apparel, our household goods, our farm machinery, railroad equipment, and everything that enters into the consumption of the American people, and you have some idea of the enormity of this question and of its vital importance to the American people. Then it is that you begin to realize and properly appreciate how it is that the Government of the United States has been using the taxing power of the Government to levy tribute upon the private citizens of the United States, upon the labor and the toil and the production of the American people, and this tribute has been emptied into the coffers of these favored and protected classes to build up these enormous fortunes of which the President complains.

You perceive at once that if you place the tax at 50 cents Jones & Smith make 50 cents. If you place it at 25 cents, they only make 25 cents. If you place it at 75 cents, they make 75 cents upon each hat. And thus it is, my friends, as we slide up and down this tariff tax, we see enough to illustrate and to demonstrate how it is that the Government of the United States, through the exercise of the taxing power, levies a contribution upon the labor, toil, and production of the masses of American citizenship and empties it as tribute money into the tills of this favored and protected class.

Mr. GOULDEN. Will the gentleman permit a question?

Mr. PADGETT. Yes, sir.

Mr. GOULDEN. Is it not a claim made by our friends on the other side that it is necessary to have this protective tariff in order to build up the infant industries of the country? Will you tell the House something about these infant industries that have been so long growing out of their swaddling clothes and that still seem to need the nursing bottle?

Mr. PADGETT. I am just coming to that. The first tariff that was levied at the formation of the Government of the United States declared upon its face that it was for the purpose of protecting American industry; and yet the average tax upon duties collected upon imports was less than 10 per cent. Yet with more than $9,000,000,000—nine thousand eight hundred millions of dollars, if you please—according to the census of 1900, invested in the manufactures of the United States, and with all the capital and all the wealth of the country, the average tariff tax on dutiable goods was 49 per cent in the year 1900 by the Federal statistics. The infant in 1790 received a protection of less than 10 per cent, and this giant of whom we are complaining, and of whom the President is complaining in this speech that I quoted, is receiving a protection of 49 per cent in 1900. If you please, I desire to call your attention to another fact.

Mr. JOHNSON. Will my friend from Tennessee yield a moment?

Mr. PADGETT. Certainly.

Mr. JOHNSON. I do not like to disturb the gentleman, but I should like if my friend during the course of his argument would tell us just where free trade ends and protection begins. I have noticed a great many gentlemen on the other side of the House talking about free trade when we are discussing rates far in excess of any that Mr. Clay or Mr. Morrill and the original protectionists ever dreamed of.

Mr. PADGETT. The gentleman will excuse me if I fail to follow his invitation to enter into a discussion of the abstract questions of protection and free trade. I do not think that anybody in this country, notwithstanding statements to the contrary, advocates free trade. Everybody is for a tariff. The question is, For what purpose, with what end, shall these tariffs be levied and collected? The question I desire to discuss, and what I am leading up to, is this: The concrete proposition. Are existing conditions, are the tariff taxes that are now being collected justified by the conditions? Should there be a revision of the tariff? I say there should be and that the revision of the tariff is the legitimate remedy for the conditions complained of by the President of the United States in the speech I quoted, and not the confiscation of the estates of the individual citizen. [Applause.]

Mr. WALLACE. Will the gentleman allow me?

Mr. PADGETT. Yes.

Mr. WALLACE. Was not the lowest tariff that this country ever knew in 1792?

Mr. PADGETT. I just referred to that.

Mr. WALLACE. Did you state under what Administration that was?

Mr. PADGETT. That was in Mr. Washington's Administration. Now, if you will pardon me and allow me to proceed without interruption, two theories are advanced as a basis and support for the doctrine of high tariff taxes now existing. It is said, first, that it is necessary to maintain the high standard of wages, and then it is said that it is necessary for the protection of the manufacturer against foreign competition. I desire to address myself to those two questions. I admit that a tariff multiplies riches in the hands of the beneficiaries of the tariff. We have abundant illustration that the wealth of the country has been gathered in tribute from the many, to the building up of these colossal estates that challenge the best thought and the best patriotism of the American people. But is it justified, is it right that this should be continued, upon a theory and a hypothesis that is not correct? I say that these conditions would justify the manufacturer in paying to the laborer a higher wage rate; but I say that as a matter of fact they have not done so, and I wish to use the official figures of the Twelfth Census to demonstrate what I say, that the wage-earners of this country have not received a fair and a legitimate share or per cent of the production of their labor.

Now, let me call your attention, if you please, to the abstract of the Twelfth Census of the United States, which I hold in my hand, and, first, to table 152, on page 300 of the Abstract. It is there shown that the number of manufacturing establishments in the United States in 1900 was 640,056. The capital invested is given $9,858,205,501. The proprietors and firm members numbered 708,623. The wage-earners were 5,370,814. The total wages paid amounted to $2,323,055,634; miscellaneous expenses, $1,030,110,125; cost of materials purchased in the raw state and in a partially manufactured condition, and freight, fuel, etc., amounted to $7,363,132,083. The value of the product was $13,058,562,917. Now, what do we get? What per cent of profit to the manufacturer, after deducting the wages paid and the cost of material, miscellaneous expenses, and freight? It left him a clear annual profit of 23¾ per cent. The per cent of wages paid was 17.78.

Now, you hear it said very often that the labor cost of manufactured articles is anywhere from 50 to 80 per cent of the cost of the article. Yet, here are the figures of the census, that any school boy can take and figure out for himself. Taking the more than 600,000 manufacturing establishments, their total cost in wages, the total value of the wage product, and the per cent received by the laborer is only 17.78, or, in round numbers, 17¾ per cent. I also call attention, on the same page, to table 153, that gives a comparison between 1900 and 1890; and I desire to call your attention to the fact that in 1900, after deducting for these items and the additional cost of salaries paid to employees in addition to wages paid, the net profit was 19.37 per cent and the wages were 17.88 per cent. In 1890 the profit was 19.89 per cent, and the wages paid in 1890 were 20.17 per cent. In other words, the wage-earners in 1890 were paid a larger per cent of the value of their productions than they were in 1900, while the manufacturer received an increase in profits.

Now, if you will turn to page 302 of the Abstract of the Twelfth Census, you will find a number of pages where there are given the various manufacturing industries of the country, beginning with agricultural implements, ammunition, baking and yeast powders, bicycle and tricycle repairing, boot and shoe factories, and all the manufacturing industries of the country. The capital invested, the value of the product, the cost of the materials, and all these items are set out here. I have taken a few of these for the purpose of calling your attention to some comparisons.

Let us take agricultural implements. In 1890 the wage per cent paid to the wage-earner was 22.27. In 1900 it was 22.18 per cent, a slight decrease.

The profit in 1890 to the manufacturer was 21.71 per cent. In 1900 the manufacturer's profit had risen to 22.7 per cent. You note that the wage per cent fell off and the profit increased. Take baking and yeast powder. In 1890 the wage per cent was 7.75 per cent. In 1900 it was 4.92 per cent. Take the profit, if you please, in 1890, and it was 71.31 per cent. In 1900 it was 80.65 per cent. And here we have the baking and yeast powder manufacturing industries of the country that are getting profits ranging from 71 per cent to 80 per cent annually upon the capital invested that in 1900 was paying their wage-earners 4.92 per cent of what they produced. What a shame. What a travesty on justice.

I submit to any fair-minded man the solemn question whether the wage-earners in that industry received a legitimate share of the profits produced by their labor. No honest man can say they did.

Let us pass to some others, if you please—and I have taken them at random. Take shipbuilding. In 1890 the wage per cent was 34.43. In 1900 the wage per cent was 31.83. It had fallen off 3 per cent. The profits in 1890 were 16.7 per cent. In 1900 it was 20.99 per cent, or had gone up nearly 5 per cent in profit. Manufacturers' profits increased; percentage of the wage-earners decreased.

Now, here is one that will shock the integrity and the intelligence of every honest man. We have heard a good deal said about tobacco and the tobacco trust. Here are some figures. I have transcribed them here because they do not make the light as good now as they used to, and I can see these a little better. In 1890 the wage per cent in the tobacco industry was 10.55 per cent. In 1900 the wage per cent was 6.85, a decline from 10 per cent to 6 per cent. In 1890 the profit per cent was 96.66. In 1900 the profit was 140.47 per cent upon the capital invested, and the tariff duty was 111.84 per cent. I have the official documents here to exhibit and to give the page and the very place upon which the figures are given.

I submit to you, my countrymen, is it fair, is it just, is it honorable, is it patriotic, that the tariff duty should be maintained at such an exorbitant rate for the protection of any industry that has received an annual profit of 140 per cent upon its capital invested and is paying its laborers 6.85 per cent of the value of the products which they produce?

Take these figures home with you and consider them as you sit alone with your conscience and your God. And yet they say there is no occasion, no necessity, for revising the tariff, and that this tariff tax ought to be maintained in order to enable the industry to continue to exist, and to enable the manufacturer to continue to pay to his wage-earners the wages which they are now receiving.

Let me call your attention to another industry. Take hosiery and knit goods. In 1890 the wage per cent was 24.65. In 1900 it was 25.51 per cent. In 1890 the net profit was 29.02 per cent; in 1900 it was 24.48 per cent. Iron and steel—in 1890 the wage per cent was 18.32. In 1900 it was 15.02 per cent.

In 1890 the per cent of profits was 17.49 and in 1900 the profit per cent was 28.3, an increase of the per cent of profits from 17 to 28 and a decrease of wage per cent from 18 to 15.

And you may take the list through and through—they are all given here—and you will find the same comparative and relative proportion of the increase of profit to the manufacturer and a decrease in the percentage of the wage-earners' share on the product of his labor.

Mr. GOULDEN. Does not this account in a large measure for the fact that you can take four of the leading financial magnates in this country, namely, the heads of the steel, the coal and coke, tobacco, and beef trusts, and their combined wealth exceeds two thousand million dollars, all made within the past forty years?

Mr. PADGETT. I have already said that this use of the taxing power of the Government to levy tribute upon the toil and the labor and the production of the masses of American citizenship, to empty them into the coffers of the favored classes, is the proof of the cause of these colossal fortunes that threaten American institutions. [Applause.]

I now wish to call attention to the boot and shoe factory products. In 1890 the wage per cent was 27.49; in 1900 the wage per cent had gone down to 22.69. In 1890 the profit per cent was 43.12, and in 1900 it was 31.68. There is an exception to the rule as laid down here by these figures to which I have called attention. There was a decrease in profits during the decade in that particular instance. Let us now take men's

clothing. In 1890 the wage per cent was 23.22; in 1900 the wage per cent was 19.12. The profit per cent in 1890 was 60.74, and in 1900 it had gone up to 79.80. Yet the tariff duty was 75 per cent upon men's clothing; and they say, in the light of these figures—and they are the figures of the Census Department of the United States taken only as samples—that it is necessary to maintain this tariff-tax condition in order to enable the wage-earners of this country to receive their present wage scale. To-day we have the highest tariff tax that was ever known in the history of the American people, and in 1890, by the Census of the United States, the wage-earners were receiving a higher per cent of the products of labor than they were receiving in 1900.

Let me call your attention to another phase of the question as the tariff relates to the wages of laborers and what the census and the statistics of the Bureau of Statistics show:

In the year 1905 the average ad valorem rate of duty collected upon dutiable goods was 45.24 per cent. The effect of the duty is to increase the cost of the article to the consumer an amount equal to the duty, and it has a similar effect upon the cost price to the consumer of goods of domestic manufacture of like character. The very object and purpose of levying a protective tariff duty upon foreign imports is to increase the selling price of similar goods of domestic manufacture. So that generally speaking the average cost price to the consumer upon both domestic and import goods included this average tariff duty of 45 per cent. So that on the general average in the purchase of each dollar's worth of such goods there was included 31 cents as tax if imported goods, or tribute if domestic manufacture, and 69 cents represents the actual cost value of the article. I have already called attention to the fact that the laborer only receives 17.78 per cent of the value of the product of his labor, as shown by the census figures before referred to. So that the wage-earner only receives the benefit of 17.78 per cent of the 31 cents, or 5½ cents, while the manufacturer receives 25½ cents of the 31 cents. In the light of the above figures it is not difficult to tell who is receiving the great bulk of the benefits of the present high tariff duties, nor is it more difficult to explain and understand the cause and the reason for the piling up of "those fortunes swollen beyond all healthy limits." Nor is it difficult to discern that this clamor for the maintenance of these excessive tariff rates is not really in the interest of the wage-earners.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I had intended to discuss our foreign trade and to show by figures even brought up to April 30 last, that our trade conditions were such that we were competing with the foreigners at their own door, and if we can carry in the last six years and ten months more than three thousand millions of dollars of our products and pay the freight charges and the cost of handling abroad and sell them in competition at the door of the foreign manufacturer, certainly here at our own door we can compete with him without this artificial stimulus that is piling up these enormous fortunes. But I must forego that matter and content myself with extending my remarks in the RECORD.

Mr. Chairman, I submit herewith a statement of the amount of the exports of domestic manufactures for the years 1900 to April 30, 1906, and also a statement showing some of the various articles and the value thereof exported during the year 1905, and from this statement it is apparent to every fair-minded man that our export trade is not a mere incident; it is not simply the sale or disposition of our surplus products or shopworn goods, but it is a substantive and distinctive business of American enterprise in which we all feel a just measure of pride. These goods are transported to and sold in all the countries of the earth. Freight charges and additional costs for handling are paid, and yet these goods are sold in Europe and Asia at the very doors of foreign competitors in competition with the foreign markets and foreign conditions and foreign labor. It is idle to say that this enormous business is not conducted at a profit. Because the very fact of its increase from year to year shows that it is a profitable trade which our manufacturers are seeking and cultivating and they should do so, and their efforts have my sympathy and commendation.

It is claimed that the foreign markets are cheaper than our home markets; that foreign goods can be and are sold cheaper than American goods, and that for this reason American manufacturers can not compete with foreign manufacturers, and that the present excessively high schedule of tariff duties must be maintained to enable our home manufacturers to maintain themselves. Mr. Chairman, I submit these figures as a complete answer and refutation of that contention. If we can transport this enormous amount of manufactured goods to Europe and sell them successfully at a profit in competition with European products, why can not we sell the same goods to the American people at the same profit here at home and make, in addition, the freight charges and other costs of handling abroad? These figures successfully dispute and overturn the necessity for charging American consumers a higher price for products than are charged to foreigners. Mr. Chairman, I feel a deep and abiding interest in the welfare and prosperity of the American people and in the development of its civilization and the promotion of the welfare of its citizenship. I fully appreciate the enormity of the evils springing up in our country, as evidenced by these abnormal and excessive fortunes caused by and superinduced by the perversion of the functions of government and the creation of the artificial conditions whereby legislation levies tribute upon the toil and production and consumption of the many to concentrate wealth in the hands of the few. The statistics I refer to are as follows:

Exports of domestic manufactures.

1900	$433, 851, 756
1901	410, 932, 524
1902	403, 641, 401
1903	407, 526, 159
1904	452, 415, 921
1905	543, 607, 975
1906 (to April 30)	494, 774, 806
	3, 146, 750, 542

1905.

Agricultural implements	$20, 721, 741
Books, maps, etc	4, 844,160
Brass, and manufactures of	3, 025, 764
Cars, carriages, and parts of	10, 610, 437
Chemicals, drugs, dyes, etc	14, 450, 490
Clocks, watches, and parts of	2, 316, 414
Copper, and manufactures of	86, 225, 291
Cotton manufactures	49, 666, 080
Iron and steel manufactures	134, 728, 363
Leather, and manufactures of	37, 936, 745
Oils, mineral, refined	73, 433, 787
Paper, and manufactures of	8, 238, 088
Tobacco manufactures	5, 690, 203

Mr. Chairman, this is a great country of ours. We are proud of it. It is vast in its territory, extending from ocean to ocean and from Gulf to lake. We look over the scope and breadth of it and we feel in the grandeur of our citizenship that no pent-up Utica contracts our powers. We look over it, and we see the great mountain that lifts its head into the very blue of heaven, and we say, how grand is the mountain. We see the valley outstretched, with its landscapes of flowing streams and field and farm and flower, and we say, how beautiful are the valleys. We gather from the mountain side and from the valley the flowers and inhale their fragrance, and we say, how sweet are the flowers. Let us not forget, Mr. Chairman, manhood is grander than the mountains, womanhood is more beautiful than the valleys, and patriotism is sweeter than the fragrance of the flowers. [Applause on the Democratic side.]

Mr. SPARKMAN. Mr. Chairman, I rise for the purpose of discussing bill H. R. 5281, introduced early in this session by the gentleman from Maine [Mr. LITTLEFIELD], entitled "A bill to remove discriminating duties against American sailing vessels in the coastwise trade." Although this bill may not be reached, and should not be considered at this or any other session of Congress, I think in view of its vicious character I can not do better than to use the time allotted me in discussing some of its features.

This bill, Mr. Chairman, is one of the most unjust measures ever introduced into this body. It is unjust alike to every interest concerned. To the shipping interests because it will deprive them of the aid of the splendid pilot systems at many, if not all, of the ports to be affected by it in our South Atlantic and Gulf States, from Virginia to Texas, inclusive, without furnishing an adequate system to take its place. To the pilots because in destroying their business it will rob them of the means of support for themselves and their families, besides taking from them or rendering useless—which is the same thing—the property and costly plants, accumulated by them as a result of years of economy and saving for the carrying on of their business, without giving to them just compensation therefor. To the States to be affected because the laws of Congress and the necessities of their commerce will continue upon them the burden of providing efficient pilots for both the domestic and foreign ships that seek their harbors, while this bill would deprive them of the usual means of so doing. That these would be the results no one at all familiar with the conditions surrounding the various pilot systems in the States mentioned will for one moment doubt.

The whole bill is objectionable, Mr. Chairman, but I wish to

call attention especially to sections 1 and 2, amending sections 4442 and 4444 of the Revised Statutes of the United States.

Section 1, among other things, provides that—

Whenever the master or mate of a sailing vessel of the United States employed in the coastwise trade, claiming to a skillful pilot, offers himself for a license, the inspectors (meaning the inspectors of hulls and boilers) shall make diligent inquiry as to his character and merits, and if satisfied from personal examination of the applicant, with the proof that he offers, that he possesses the requisite knowledge and skill, and is trustworthy and faithful, they shall grant him a license for the term of five years to pilot any vessel within the limits prescribed in the license.

Section 2 provides, in substance, that no State or municipal government shall impose upon any such pilot any obligation to procure a State or other license in addition to that so issued by the inspectors, or any other regulation which will impede such pilot in the performance of his duties; and further prohibits the levying of any pilot charges by any State or municipal government on any vessel piloted by anyone holding such inspector's license, or upon any vessel so engaged in the coastwise trade, being towed into or out of any port of the United States by a vessel under command of a pilot licensed as provided for in said bill.

It will thus be seen that the bill proposes to create pilots out of the masters and mates of coastwise sailing vessels at the option of such masters and mates and the inspectors of hulls and boilers, and to substitute them for the local pilots by prohibiting, as it does, the enforcement of any State or municipal requirement to take or pay for a State pilot by any coastwise vessel piloted by a captain or mate, or towed by any boat under the command of a pilot, so licensed, which, as I shall show presently, will practically put the pilots at a large majority, if not all, the ports in the States mentioned, out of business.

Mr. Chairman, I shall take but little time in showing the importance of an efficient pilot system to our maritime commerce at each port in this country. Indeed I should consume no time at all in such an effort but for the suggestion made by the mere introduction of this bill here that its advocates and friends do not consider such a system as longer worthy of consideration or of preservation.

But, sir, the experience of the world condemns such an idea. For hundreds of years the pilot has been considered an important adjunct to maritime commerce. In fact, the system had its origin in the necessities of the sailing vessel when the demands of commerce for the first time sent her from her own harbor to distant lands and unfamiliar waters for the purpose of distributing the products of earth to the consumer; and from then until now the skill of the local pilot has been considered necessary, at least to the sailing ship, entering or leaving a port.

The Supreme Court of the United States, presided over by the ablest and most enlightened men produced by our civilization, said in the case of Ex parte McNiel (13 Wall.) that "the pilot is as much a part of the merchant marine as the hull of the ship or the helm by which it is guided;" and the learned justices might well have added "as indispensable to the successful voyage as either," for if dangers are found in the dashing billows, and the hurricanes sweep far out at sea, perils also lurk in the hidden rock and the shifting sands near the coast. The trained pilot may only be trusted to guard against the one, while the skilled navigator can alone cope with the other. Men are trained for both positions, and may, indeed must, have a general knowledge of the duties of both, but neither is necessarily skilled in all the duties of the other. The navigator is trained aboard the ship and at sea; the pilot mostly in the harbor and on the bar where he is expected to follow his vocation. At least that is the way it should be, and as it is under the systems in all the maritime States of this country. Under them the pilot is controlled by the States, or rather I should say by local boards created by State legislation, and composed of men living in the communities immediately bordering on the harbor to be served by the pilot, and who are hence familiar with all the necessities of such harbor. This has ever been the practice of the maritime world, and rightfully so, too, as all pilot matters can be much better controlled by the localities nearest a given harbor or bar than by an authority remote from such pilotage grounds.

The Supreme Court of the United States in discussing this very feature of pilotage says:

It is local, and not national, and it is likely to be best provided for, not by one system or plan of regulation, but by as many as the legislative discretion of the several States deem applicable to the local peculiarities of the ports within their limits.

The conditions, Mr. Chairman, at no two harbors are the same, and especially is this true of the harbors infl the section of the country to which it is intended this bill shall apply. The harbor at Tampa and that at Pensacola are not alike, but are essentially different as to conditions, and the same is true of Key West and Jacksonville, as it is of all the other harbors in that section. Courses and distances, currents and channels, the bars and the banks are different. In many the bottoms are constantly changing, a bar perhaps forming to-day where none existed yesterday, currents setting in one direction now and in another a little later, requiring constant and daily watching on the part of the pilot in order to be fitted to conduct the ship safely over the bar and through the harbor.

Now, sir, the States in their control of pilotage undertake to guard against these dangers. Under the present State systems a pilot must serve a long apprenticeship, from four to eight years, not on a dozen, or even two bars, but on the one bar upon which he is to become a pilot, studying its conditions, its currents, the nature of the bottom, taking soundings, piloting vessels, familiarizing himself with courses and distances, and in the meantime must go to sea, spending several months upon a sailing vessel, until he shall have thoroughly learned how to handle all classes of ships. Then he is examined by a local board of pilot commissioners or port wardens, at least one of whom usually is an expert pilot for that particular bar. Having been thus examined and found competent by this expert board, he is given a license to pilot alone on that bar and no other, and there he must live and work to the day of his death, unless he leaves the business or in like manner qualifies himself to pilot in some other port.

That, sir, is what the States require for the safety of life and property. What does this bill propose to give us? Why, sir, under its provisions the pilot need never have seen the harbor, or to have taken a ship across its bar, nor is he required to possess any of the qualifications of a pilot except such as he may have gathered as a seaman. All that is necessary under the provisions of this bill for the creation of a full-fledged pilot is for the captain or mate of a coastwise sailing vessel to appear before the inspectors of hulls and boilers anywhere in the country, maybe hundreds—yes, thousands—of miles away from a particular harbor in which he may wish to act as a pilot, and knowing nothing, perhaps, about its condition or of the requisite qualifications of a pilot there, claim to be a skillful pilot, and offer himself for a license, when it shall become the duty of these same inspectors to examine his proof, and, if they are satisfied from such personal examination that he is qualified, to grant him a license to pilot within the limits mentioned in the license, which might embrace not only that one harbor, but the whole Atlantic and Gulf coasts as well.

And this, Mr. Chairman, is the system that is to take the place of that now in existence in the States south of the Potomac, and under which our commerce has been builded up to its present respectable proportions.

Why, sir, it is absurd on its face. The blind is to give sight, ignorance to lend wisdom, a nonprofessional is to create a professional, a nonexpert an expert.

Another feature of the State system—one, too, of transcendent importance—is that known as "compulsory" pilotage. I say "transcendent importance" because no system of pilotage could exist, nor could maritime commerce be carried on, without it. There is not a commercial nation of the world to-day of any consequence whose pilotage system does not contain this feature in some shape or other, either in the matter of employing a pilot or, which is practically the same thing, in the payment of his fees when he is prepared to render and tenders his services, whether they are accepted or not. The purpose of this requirement is to guard against the results of cupidity and greed by putting a check upon the gambling instinct, for without compulsion masters of vessels, in order to save pilotage fees, will often take dangerous risks in entering and leaving a harbor without a pilot.

Then, again, there is no greater objection to compulsory pilotage than to many other burdens in the nature of taxation which we have to bear in order that government may live and be effective in the protection of life and property. The citizen often has to pay for instrumentalities of government from which he reaps no direct benefit. A police force, for instance, is a feature of every municipality, though everyone does not need a policeman. Public schools are established throughout the land, yet all persons taxed for their support may not patronize them. On this same principle, among others, compulsory pilotage is justifiable; indeed, is justified. It is no objection to say that this individual or that, this vessel or the other, does not need the aid of a pilot. There are vessels which do need them, and the importance of the commerce is such as to justify the tax on all in order that trained pilots may be at hand when needed.

I for one believe that a sound policy, based upon the idea of protecting life as well as property, would require every vessel when on pilot grounds, whether entering or leaving a harbor, to take a pilot, and if she should not, pay pilotage fees in any event. As before stated, it is the only way to keep up the sys-

tem, and the system must be maintained if commerce is to grow and flourish.

Now, the Supreme Court of the United States has also lent its indorsement to this system in the strongest kind of language, for in the case of the *China*, reported in 7 Wallace, and decided nearly forty years ago, Justice Swayne, speaking with reference to and construing that part of the pilot laws of the State of New York which provided for what is known as "compulsory pilotage," said:

> It is necessary that both inward and outward bound vessels of the classes designated in the statute should have pilots possessing full knowledge of the pilot grounds over which they are to be conducted. The statute seeks to supply this want and to prevent, as far as possible, the evils likely to follow from ignorance or mistake as to the qualifications of those to be employed, by providing a body of trained and skillful seamen, at all times ready for the service, holding out to them sufficient inducements to prepare themselves for the discharge of their duties and to pursue a business attended with so much of peril and hardship. The services of the pilot are as much for the benefit of the vessel and cargo as those of the captain and crew.

And this, sir, is our system to-day, a system which prevails in the States affected by this bill, a system the result of hundreds of years of experience, during which the marine vessel has developed and grown from the small sailing boat that scarcely ventured out of the harbor where it was launched to the proud ships of to-day, sailing every sea and conveying the products of earth to every nation and people.

The system was held in such great favor by the fathers of the Republic that in the very first session of the First Congress, under the present Constitution, the Members of that body, with many weighty problems pressing upon them for solution, yet found time in the midst of their labors and perplexities to deal with this great question, enacting, among other things pertaining to our maritime commerce, the following:

> Until further provision is made by Congress, all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States, respectively, wherein such pilots may be or with such laws as the States may respectively enact for the purpose.

This they did, though under the Constitution they might have taken full control of the entire system.

Now, that instrument had been framed, perhaps, with never a thought by its authors that pilots were embraced within its commerce clause. But the statesmen of that day—than whom no abler or patriotic have lived in any age or country—wisely left the matter with the States, thus placing the seal of their approval upon State management and local control, where it has remained, with one exception, ever since. That exception was an act of Congress in 1871, which relieved coastwise steam vessels from compulsory pilotage.

This action, Mr. Chairman, may not have been wise. It has been criticised by many, but I shall not stop to discuss its wisdom. Still, there were reasons for the action, whatever their merits, sufficient for the legislators of that day. Steamboat navigation, unknown and unthought of when the act of 1789 was passed, but introduced more than a quarter of a century afterwards, had grown to considerable proportions by 1871, and Congress, in passing the act referred to, was actuated mainly, no doubt, by the thought that the greater ease with which steam vessels could be handled in all kinds of weather, in deep as well as shoal water, making them independent of winds and waves and currents, rendered the service of a local pilot in many instances comparatively unimportant, while the greater relative cost of operating them made it advisable, in the opinion of many, to release them from pilot charges, except when the pilot's services were accepted by the master of the vessel. Moreover, Congress no doubt considered that the local pilot systems could be kept up to a high degree of efficiency by coastwise sailing vessels and foreign shipping combined, and that coastwise steam vessels might well be exempt from the compulsory features of the State laws, the main thought being, no doubt, to equalize more nearly the conditions in the matter of operating expenses between the two classes of boats—sail and steam—with as little interference as possible with the system in the various States. And very little damage, Mr. Chairman, has been done to the pilots by that slight innovation, as coastwise and foreign shipping have been found sufficient to keep up the system to that degree of efficiency demanded by commerce.

But this measure, Mr. Chairman, if passed will interfere very seriously with the efficiency of those systems. It is proposed in this bill to take that step which the statesmen in 1789 would not take, and which those in 1871 did not and would not have dared to take in view of the results which they knew too well would follow. They knew, and I repeat that everyone acquainted with the facts knows, that the passage of this bill will destroy the pilot systems at a majority of the ports in the Southern States, and seriously cripple them at all the others.

Mr. GOULDEN. Will the gentleman allow me an interruption?

Mr. SPARKMAN. Certainly.

Mr. GOULDEN. Would it be possible to maintain an efficient pilotage system in the Southern States, the South Atlantic and Gulf ports without a State compulsory pilotage?

Mr. SPARKMAN. It would not, Mr. Chairman.

Mr. GOULDEN. May I say to the gentleman that as a member of the Committee on Merchant Marine and Fisheries who investigated this matter thoroughly, that that was the testimony adduced here before that committee during the last three years.

Mr. SPARKMAN. Now, Mr. Chairman, the pilots in these States are supported by coastwise sailing vessels and foreign shipping. I have taken some pains to ascertain the amounts received at these ports from the former source, and find the average, from the best information I can obtain, to be about two-thirds of the whole. So that the effect of the passage of this bill will be to cut off 66⅔ per cent of the earnings of these pilots. Can anyone suppose that they can live on this? Why, sir, at the very best the expenses are from one-fourth to one-third of the earnings, while at some they amount to much more. So that the entire gross income at these places would be taken for expenses and nothing left. If it should be answered that at some of the ports the pilotage receipts from foreign shipping are more than one-third, I reply that at a large majority of them their earnings from that source are much less, and at those the pilots would not be able to pay even operating expenses, to say nothing of a living for themselves and their families.

The conclusion, then, is justified that nothing but disaster to the State pilot systems can follow the passage of this bill unless the States affected and on whose shoulders the burden, under the laws of the United States, would still rest of keeping them up, should resort to some other method of taxation than that of collecting pilot fees for their support, and I ask this House if it is right for Congress to force a tax or burden upon one State or one group of States not borne by all, as would be the case in the South Atlantic and Gulf States if this bill should become a law?

Now, Mr. Speaker, what is the excuse for this ruthless attack upon the pilot system of the South? The title of the bill says it is to remove discrimination against coastwise sailing vessels. Reference is here no doubt made to the exemptions just referred to of coastwise steamboats from compulsory pilotage. But, sir, there is no unjust discrimination, as the small expense of running a sailing vessel when compared with the much larger cost of operating the steamboat puts the former more nearly upon an equality with the latter. Indeed, if there is any difference, the discrimination is against the steamboat, the operation of which costs some eight or ten times more for a vessel of a given tonnage than a sailing vessel of the same tonnage. True, the former can make more trips during a year, but this difference in speed does not compensate for the greater expense of running her. And it is a fact easy of proof that the net earnings of the sailing vessel are for this reason among others much greater than those of the steamboat. In fact, I doubt if there is any water craft in the world that pays as well as the American coastwise sailing vessel.

True, some of the advocates of this bill say that it is otherwise. But the facts show the hollowness of their claim. For instance, I read in the hearings before the Committee on Merchant Marine and Fisheries on this bill, held in January of this year, a statement made by Mr. Pendleton, a majority owner in more than 100 coastwise sailing vessels plying in the South Atlantic and Gulf waters, his vessels being of comparatively light draft, who as a lobbyist has been here for years pressing the passage of this bill, and who has done more to inspire and foster whatever sentiment there may be for its passage than all others. In his statement, to be found on page 11 of the testimony then given, he boldly asserts:

> That there is not a vessel on the Atlantic coast of the United States in the coastwise trade which has run up against these pilot charges—

Meaning those in the South Atlantic and Gulf ports—

> that has paid interest and insurance for the past ten years.

And further, that if there were one he would not ask for the passage of this bill.

Then, Mr. Chairman, he should have his bill withdrawn, fold his tent, and silently steal away from these corridors and galleries, for I am going to call attention to one coastwise sailing-vessel owner who says his vessels pay, and that quite handsomely.

I hold in my hand a booklet gotten up for another purpose—

by no means in the interest of this measure or that of the pilot—in which the writer, a schooner owner of Massachusetts, I believe, takes anything but a pessimistic view of the present conditions and future prospects of the coastwise trade, and especially of sailing-vessel owners. The booklet is entitled "The Coastwise Trade," and the leading article is headed "A new era in the coastwise trade." The book is prepared by and for the Gilbert Transportation Company. I will read from this article a few choice extracts. Listen!

The coastwise trade has always been a source of pride and of wealth to New England. The sailing vessels which have been built in her shipyards and have been outfitted at her ports have widely extended her commerce, have furnished profitable employment for the hardy and adventurous sea folk of her coasts, and have made the fortunes of many of her oldest and wealthiest families.

The coastwise trade is to-day making fortunes as it did of yore. It was at one time thought that the sailing vessel would be entirely superseded by the steamship; but the course of events has demonstrated that this was a mistaken surmise. Great as has been the development of steamboat traffic, it has not by any means entirely displaced the sailing vessel. This is especially true in regard to the coastwise trade. Experience has shown that in this trade there is a class of traffic which can be and always will be more profitably carried on by sailing vessels than by steamships. To handle this class of transportation the demand for the sailing vessel is rapidly increasing.

Then the writer, after referring in glowing terms to the business of the Gilbert Transportation Company, which is the owner of quite a number of coastwise sailing vessels, says:

The Gilbert Transportation Company devotes its attention almost exclusively to the southern lumber trade and the West India trade.

From the southern ports of the United States the company's vessels bring to the northern ports yellow-pine lumber and phosphate rock, taking to the South return cargoes of northern merchandise.

* * * * * * *

The company's vessels are specially constructed for the economical handling of lumber. Steamships can not handle this freight nearly as cheaply and can never profitably compete with the company's class of schooners in this traffic. The shallowness of the water in the southern ports and rivers and in some of the smaller northern ports demands vessels of light draft, such as the company's fleet; and on this account there is no possibility of competition from the larger class of sailing vessels.

And a little further on he furnishes a statement of the earnings of some of the vessels belonging to his fleet. Again listen to what he says:

The *Belle O'Neil* in twelve months made seven trips; net earnings, $2,908; cost of vessel, $14,000; annual percentage of earnings on cost, 21 per cent.

The *John Bergen* in twelve months made seven trips; net earnings, $4,200; cost of vessel, $15,000; annual percentage of earnings on cost, 28 per cent.

The *Glad Tidings* in four months made two trips; net earnings, $1,100; cost of vessel, $14,000; annual percentage of earnings on cost, 24 per cent.

The *Catherine M. Manahan* in seven months made four trips; net earnings, $4,000; cost of vessel, $45,000; annual percentage of earnings on cost, 15½ per cent.

The *Winifred A. Foran* in two months made one trip; net earnings, $700; cost of vessel, $17,000; annual percentage of earnings on cost, 25 per cent.

The *Marion E. Rockhill* in two months made one trip; net earnings, $300; cost of vessel, $4,500; annual percentage of earnings on cost, 38 per cent.

It will be observed that the average annual net earnings of these vessels was 25 per cent.

Members will also note that this enterprising firm finds the waters in the southern ports shallow, and that, too, notwithstanding the Government's aid in deepening the harbors and rivers in that section.

Mr. Pendleton also makes another effort to sustain his contention that the pilot systems of the south are unjust by citing one or two cases, not typical, you may be sure, but extreme ones, selected as being most favorable to his contention.

At the hearing before the Committee on Merchant Marine and Fisheries on a similar bill in the Fifty-eighth Congress, a little more than a year ago, he referred to the experience of one of his vessels, the *John R. Bergen*, on a voyage from Norfolk to Charleston and return, a comparatively short run, which he said only paid him on the down trip $97.06, after deducting pilot charges in and out of each place, which altogether were $270.40. The vessel, according to his figures, carried about 800 tons of freight, and he sent her down because, being at Norfolk, he did not wish her to be idle—quite a commendable spirit. But he also had a return cargo, on which he received $1.85 per ton, or $1,480, and after the pilotage was all paid the net amount must have been at least $900 or $1,000 for the round trip. Assuming, then, that on this short run he could have made twelve trips a year—not an unreasonable assumption when we consider Mr. Pendleton's enterprising spirit—the annual net earnings would have been ten or twelve thousand dollars, a neat sum when we consider that Mr. Pendleton's vessels only cost on an average, so I am advised, not more than $20,000 or $25,000 each.

Another illustration selected from the experiences of his hundred and odd vessels was the schooner *Laura*, which sailed from New York to Charleston loaded with coal, her gross earnings for the one trip being $2,246.65, of which he paid in expenses, including pilotage, $1,934.10, leaving net earnings $312.55. Now he complains of and emphasizes the alleged pilotage charge of $143.22, but says nothing of the nature of the other items of expense, amounting to $1,760, which, however, no doubt included his 5 per cent brokerage, as it is understood that these agents always charge brokerage, even when the agent is the principal owner. But the $312.55 were the net earnings for the trip one way, and if he did as well in proportion on the return trip as he did with the *Bergen*, as it is reasonable to suppose he did, the upcoast voyage being usually, I am told, the more profitable, he would have received at least $1,200 for the round trip, which, giving her eight round trips for the year between New York and Charleston, would have netted him $9,600, in addition to brokerage, which came out of the gross earnings.

Now, Mr. Chairman, if these were his poorest voyages—and they must have been or he would not have selected them—what must he have made out of his more profitable trips? Why, I doubt if any coastwise steam vessels are doing as well, and yet the sailing-vessel interests claim they are unnecessarily discriminated against. Why, sir, the complaint is childish and should not for a moment receive countenance here or elsewhere.

Of course the sailing vessels pay, or they would not be operated. And why, pray, should coastwise vessels not pay, both sail and steam, for they enjoy the greatest monopoly in the world, recognized, protected, and fostered by law? No foreign ship can compete with them, and if under these conditions, conditions by which the American consumer is heavily taxed for the benefit of the coastwise shipowner, he can not make more than a fair return upon his investment, tell me under what circumstances he could prosper?

But advocates of this bill point to an alleged falling off in the construction of sailing vessels in contrast with a marked increase in steamboat building as proof that the southern pilot is crushing the life out of the sailing-vessel business.

Now, in the first place, Mr. Chairman, there has really been no backward movement in sail-vessel construction. The most that can be said is that for the decade ending with 1904 it has been practically at a standstill, with a slight increase for the past year or two. But certainly the small amount paid to the pilots in the southern ports could not in the least degree be responsible for this condition. Other forces have been and are at work, and upon them must rest the responsibility, if responsibility it is, as whatever disparity there may be along that line is a result of an evolution in the merchant marine which no pilot laws can affect or control. Besides, sir, fluctuation in sail-vessel construction has marked the history of that industry from the beginning of our Government till now, and during all these years compulsory pilotage has been in existence in the South, and for a greater part of that period in nearly all the North Atlantic States as well.

So I conclude that there is no undue discrimination against the coastwise sailing vessels resulting from the State or United States pilotage laws. Certainly none that would call for such a radical departure from the policy of the fathers, which we have followed for more than a century.

But, Mr. Chairman, there is a charge lodged against the pilots about which I had as well say a word before passing, as I shall in a moment, to another branch of the subject. We are told that they themselves occasionally discriminate against coastwise sailing vessels, and one or two alleged instances are cited. If these charges be true, which I do not admit, the cases are not typical, and do not justify the condemnation of the whole system. No complaint is made that the States discriminate in their laws or regulations; on the contrary, we may safely assume that these laws and regulations condemn every kind of discrimination. So that all that is necessary is a more rigid enforcement of the State laws, or if legislation is needed the legislatures of the States can certainly be trusted to apply the necessary corrective and will do so if appeals are made to them with one-tenth of the earnestness displayed here in efforts for the passage of this bill.

Mr. WACHTER. May I ask the gentleman a question?

Mr. SPARKMAN. Certainly.

Mr. WACHTER. Is it not a fact that Gulfport, Miss., under the pilotage system which applies, charged an English schooner for pilotage in putting out only $40 and an American schooner $130, and is it not a fact the American schooner was libeled and the case is in the courts now?

Mr. SPARKMAN. I will say, Mr. Chairman, I understand there was some such case as that there. This was not an English vessel, however, in the ordinary sense, as the vessel, so I am informed, was owned entirely by Americans, but sailing under the English flag, and since that time the whole thing has

been corrected. and the discrimination, if discrimination it was, is not now being made. I understand the attention of the Mississippi legislature was directed to the matter, investigation made, and a law passed to prevent such acts in the future.

Mr. WACHTER. Will the gentleman state to the House something in regard to the revenue collected by the Norfolk association?

Mr. SPARKMAN. I am willing to do it, but I have not the time. I will say in a general way the pilots of these South Atlantic and Gulf States do not on an average obtain more than $1,100 a year. I mean their net earnings are not more than that.

Mr. WACHTER. Has the gentleman the figures for the Norfolk Pilotage Association?

Mr. SPARKMAN. I have not the exact figures with me; no, sir.

Mr. GOULDEN. Will the gentleman allow me a word? I want to say that the testimony given before the Committee on Merchant Marine and Fisheries showed there were two ports in which, perhaps, abuses had crept in; at least this was alleged. From Norfolk came a report that the pilots were making small fortunes from the charges made for services rendered. From no other port was there any complaint.

Mr. SPARKMAN. All systems of laws are open to abuse, and perhaps in their enforcement injustice is sometimes done. But that furnishes no reason for their repeal. Laws we have for the protection of human life, but they do not always protect; statutes there are to prevent larceny, and still theft abounds. Yet no one would have the boldness to suggest a repeal of the laws for the protection of life and property because these laws are sometimes violated or not enforced.

Again, the advocates of the measure point to the river and harbor improvements made by the Government as proof that the necessity for the bar and harbor pilots has ceased or been greatly reduced. By reason of these improvements it is claimed that now any ordinary sea captain or mate may with ease safely pilot sailing vessels into any of these harbors.

Never was a greater mistake made. While the harbor channels in many places have been deepened, yet pari passu with every increase of channel depth the draft and width of vessels navigating these waters have been increased, so that it is as difficult for many of them to enter these southern harbors now as it was forty years ago, and before any serious attempt was made to improve the rivers and harbors there.

Furthermore, with all the improvements made or to be made—and work at none of these harbors has been completed—the ship, whether sail or steam, domestic or foreign, will always be menaced with the dangers that come from shifting bars and treacherous sands, against which no engineering skill can effectually guard the entering or departing vessel.

Take, for instance, the harbor of Tampa, where I live, and on which the Government has expended quite a large sum of money, deepening the channel some 8 or 9 feet within the past few years. Scarcely a vessel comes there from north of Cape Henry—and there are many of them—but has to be lightered before she can approach the city's docks. And this is true with nearly all the ports in the country, and will continue to be true until the evolution of shipbuilding in the direction of vessels of deeper draft shall have reached a maximum limit.

But, again, it is said local pilots are unnecessary, as the towboats can do the work, and, crude though this measure is, provision is herein made for this class of boats, not by requiring them to have a skilled bar pilot on board, for that would not suit the purposes of this bill, but one of these inspector-created pilots is to do the work. It is a well-known fact, however, that these tugboats can not, even with a skilled pilot, take the place of the pilot at all times, if he can do so at any time. They are not constructed for rough weather, and when the storm comes and the waves run high they will be compelled to seek shelter, while the unfortunate ship with her crew and cargo will be obliged to remain outside and ride out the storm, with the danger of being driven and wrecked upon the shore.

Furthermore, there should always be a skilled bar pilot on the vessel being towed, for a knowledge of the bottom and the currents is essential. Being usually towed in the rear of a towboat, by a long hawser, she is constantly in danger in shoal waters, where the currents are swift of sheering to one side or the other and grounding upon the banks or a recently formed bar. This often happens, and is just what happened to the battle ships *Kearsarge* and *Kentucky* in New York Harbor last January. There was a pilot upon the flagship *Maine*, the leader of the fleet, but none on the *Kearsarge* and *Kentucky*, which were following with a distance of only about 400 yards between each ship. The flagship went out easily, while the other ships mentioned suddenly sheered to one side and grounded, partly because the sailing master, as was found, so it is said by the board of inquiry, thought the current was setting in one direction when it was actually running in another—a mistake a bar pilot familiar with the harbor, shoals, and currents would not have made.

The *Rhode Island* in May last, also without a bar pilot, grounded on York Spit at the entrance to York River, Va., the sailing master evidently not knowing what a pilot would have known, viz., that the bar was there. A pilot had tendered his services while the ship was outside but the same were refused, the commander thinking, no doubt, he could go in without one. These vessels were all subsequently floated. But think what might have been the consequences if they had not been gotten off, costing as they did many millions of dollars in their construction, to say nothing of their removal as wrecks and the inevitable injury to the channel.

Mr. Chairman, some criticism of the naval officials has been indulged in on account of these and other similar accidents, the claim being that they showed incompetency on the part of those in charge of the vessels. But the trouble is not there, as the naval officers are as highly skilled in the duties rightfully expected of them as any other similar class of experts in the world. The trouble is that they are often expected to perform the duties of a pilot, for which they have no training other than that possessed generally by American sailing masters, which does not enable them to take vessels into our Southern harbors, with their treacherous currents and shifting sands.

Sir, the rules of the Navy Department regarding the taking of pilots by the commanders of naval vessels when entering and leaving a port should be changed. The rule now is to take one when the commander deems it necessary. The idea, of course, is to save pilotage fees, and the rule compels the master to take unnecessary risks in order to save them. I unhesitatingly say that these naval vessels should be required always to take a pilot, except when some special reasons may exist for not doing so.

The present Secretary of the Navy evidently thinks more stringent rules necessary, for in a letter to a Member of this House, written just after the grounding of the *Kearsarge* and *Kentucky* in New York Harbor, in response to a suggestion that legislation should be enacted compelling naval vessels to take pilots when entering and leaving a port, he said that the Department then had under consideration the question of revising the present regulations in this respect.

I have heard of no change, Mr. Chairman, but no doubt the incident referred to, as well as those which have followed, will bring about the desired improvement.

But to return to the towboat, where much of "the milk in the cocoanut" may be found. It is no doubt intended by the interests pushing this bill to use the towboat as one of the instrumentalities for driving the pilot out of business; then to form a towboat trust, which the large cost of these boats, placing them beyond the reach of the pilot or small shipowner, will easily permit. I dare say that even now many of those favoring this legislation are interested in these towboats, and are looking forward to the passage of this bill and the driving out of the pilots to increase their business and the earnings of the towboats.

Now, we are told that the captains of these sailing vessels will take a bar pilot whenever he thinks it necessary. But one trouble, Mr. Chairman, is that he will rarely see the necessity until it is too late. He is not apt to "lock the door until the horse is stolen." The captains and mates licensed at the behest of the owners to act as pilots will do so until their ship is wrecked and the pilot's services are no longer needed. Why, sir, they take all kinds of risks now, if we are to believe the statements made by the friends of this bill.

The distinguished gentleman from Maine [Mr. LITTLEFIELD], who reports this bill himself, says that even now the masters of sailing vessels will often stay outside when a storm is blowing and at great risk and danger to the vessel in order to save pilotage fees, rather than make a harbor where these fees might be collected. If then they assume these great risks, when required as they now are to take a pilot while entering and departing from a port, what will be the result if this requirement is repealed? The same incentive existing now to take unnecessary risks, intensified by the known wishes of the owner that the master shall do his own piloting, will urge him to dispense with the services of the local pilot no matter what the exigencies or the necessities for one may be.

But, sir, the argument that evil should be done that good may come therefrom—that a wholesome law should be repealed so as to remove the tendency to violate it—is novel, to say the least. As well might one favor the destruction of all property in order to remove the temptation to take that which rightfully belongs to another.

Then, again, with the destruction of the pilot systems which this bill will bring about there will be no pilots at many of the ports to engage.

This experiment, Mr. Chairman, of doing away with compulsory pilotage has been tried before. It was tried in New York fifty or more years ago, and while the experiment was being made one of the most disastrous wrecks ever recorded in the history of navigation occurred within the pilot grounds off the Jersey coast. A vessel bound for New York Harbor, loaded with immigrants, approached Sandy Hook. A pilot on the outside tendered his services, which were refused by its captain, and the wreck of his vessel, together with the loss of hundred of lives, was the result of his rashness and cupidity.

This disaster so shocked the public conscience that the legislature of New York at once restored compulsory pilotage, to remove the same on coastwise shipping some years afterwards, as did all the coastwise States north of the Potomac, and as North Carolina has done within the last year and a half at the port of Wilmington. The reasons for this I will note presently. But the action of these various States has been criticised, as it is claimed that the absence of a pilot has been a powerful factor in many marine disasters occurring in their waters. Hundreds of once stanch and costly vessels lie wrecked upon the shores of this part of our coast, and many of them, too, within pilotage grounds, mute but eloquent witnesses of the folly of attempting to enter a port without a skilled pilot.

True, a great many of these disasters may be accounted for by the fact that there is more shipping done north of the Potomac. Many may also be attributed to the "act of God," but certainly the great number on that part of the coast where compulsory pilotage is not required, as compared with the disasters in that section where it is enforced, speaks volumes in favor of the present system and but little for the skill of the masters and mates whom this bill proposes to make pilots. For if they can not keep off the unchanging rocks and shoals, plainly marked on the charts of the North Atlantic, how can they be expected to avoid the ever-shifting bars of the southern ports?

Disasters, too, have recently occurred at the one port south of the Potomac, that at Wilmington, N. C., where compulsory pilotage has been lately abolished by State action. I am told that at that port the grounding of ships is now quite frequent, one of the more recent being a ship belonging to the same Mr. Pendleton who is so strongly advocating the passage of this bill. I am further informed that his ship was libeled for services rendered in extricating her from her perilous position. Certainly these and hundreds of other like instances do not argue much in favor of this legislation.

I have said, Mr. Chairman, that this measure is unjust to the pilots, and so it is. But it is more—it is cruel—for besides the peril to the shipping interest, to life and property, which its passage would entail, it would throw out of employment and upon the cold charities of the world two-thirds of these pilots, together with their wives and children, with no vocation or means of support, many too old and all unfitted to enter other pursuits, and this, too, that a few shipowners, already earning large dividends out of a heavily protected monopoly, may be able to save a few thousand dollars, which they do not need, and which in any event they get back out of the consumer, for it is the consumer, after all, who pays the port charges, as well as the freight upon the articles which he consumes.

But the majority report, evidently recognizing the truth of this, seeks to minimize its force by saying that there are only about 130 pilots after all to be affected. Of course it would be difficult to draw a distinction between a piece of injustice to that number and a larger or smaller number. The wrong is just as great, the injustice quite as censurable, when 130 worthy men, together with their wives and children, are affected as when a greater number is considered.

But, sir, the number given in the report is not correct. There are at least 300 of these pilots altogether who only tax commerce to the extent of about $1,100 each on an average, or $330,000 per annum. And it is to save this sum that the advocates of the bill under consideration would perpetrate this great wrong upon the shipping interest of the country, upon the States, and upon the pilots. Three hundred and thirty thousand dollars per annum out of a billion dollars of commerce now carried on at these southern ports! Not one-third of a mill, Mr. Chairman, upon the vast commerce which they serve. Why, sir, is any other business taxed so lightly? There is not a municipality or county or State in the Union where property does not bear a much heavier tax for the protection it receives.

Mr. Chairman, the pilots are not overpaid. No skilled labor charged with such responsibilities but receives more for its work. True the pilots at a few of the ports earn more, but at many they get much less, so that the average is about $1,100 per annum. Is that too much for a man who devotes his life to such a pursuit? Consider for a moment the burdensome character of his duties. No statute laws govern the hours of his labors. He has no fixed time for home and its pleasures, no assurance that he may lay aside the cares of his arduous life when the night comes or that the roof of his friendly cottage will shelter his head when the day is gone. But at any hour, whether in the night or day, in calm or storm, he must be prepared to face the raging billows and to risk his life in the performance of those duties which the laws both of the State and of the nation cast upon him, and upon the proper performance of which rests the safety of thousands of human lives and the security of millions of property.

Yet, sir, there are those who would rob these public servants, for public servants they are, of this small pittance, even though suffering and want shall come to them and their families.

Now, Mr. Chairman, this matter should be left as the fathers of the Republic left it, with the States, and they, sir, can be trusted to deal with the subject fairly and for the best interest of all concerned. No State but wants to build up its commerce, and wherever it can safely dispense with any service or remit any charge burdensome to its commerce it can be trusted, and more safely too, than Congress to remove the burden.

Our own maritime history demonstrates this, for while originally all the Atlantic States, with perhaps one or two exceptions, had compulsory pilotage, one after another, as foreign commerce has become sufficient to support the pilot systems within its borders, has abolished the same on coastwise vessels, until to-day none of the States north of the Potomac has compulsory pilotage except on foreign vessels, the last to abolish the practice being Maryland. Then, too, North Carolina, as before stated, has taken similar action with reference to the port of Wilmington.

And as those have done so will all the others on the South Atlantic and Gulf do if commerce continues to grow there in the future as we hope it may. But until the time arrives when foreign shipping shall have become sufficient to support and keep up these pilot systems to that degree of efficiency demanded by commerce there should be no change. Otherwise the people there will be driven to the necessity of either seeing their commerce leave their shores, or, as I have said, be compelled to resort to other methods to raise money with which to support their pilots—methods to which the people in the other maritime States, left by Congress to manage their own affairs, did not resort and did not have to resort.

The people in these States kept compulsory pilotage until the time arrived when, in their judgment, they could safely remove the burden. Why, then, should the people south of the Potomac be treated differently? I think this body will decide that there is no reason for such a radical departure from the policy which has controlled from the beginning of the Government until now, and under which the coastwise sail-vessel owners have prospered as no other vessel owners have done.

Mr. Chairman, I do not deny but that Congress has the right to pass this law. I only claim that it should not do so. It would be much better for it to take charge of the whole matter, as it would have the power under the Constitution to do, than thus to take from the States the means of supporting the pilots while still throwing upon them the burden so to do. And if I were given the option to do the one thing or the other, I would unhesitatingly cast my vote in favor of complete rather than partial control by the Federal Government.

Now, Mr. Chairman, it is claimed in the majority report that practically all the shippers in the Southern States had indorsed this bill, but this claim, sir, is not in accord with the facts. I believe this report shows that there are twelve telegrams or letters from Florida, mostly lumbermen, none signed, however, by more than one person or firm, and as many more telegrams and letters, perhaps, from each of the other South Atlantic States, including one or two of those on the Gulf, while in opposition to the bill, from all over the country, petitions, letters, and telegrams have come from commercial bodies, merchants, lumbermen, shippers, importers, exporters, masters of vessels, engineers, bankers, and underwriters protesting against this measure.

Prominent among these protests is a resolution adopted by the executive council of the American Federation of Labor at its recent meeting in this city, which I read:

RESOLUTION ADOPTED.

As H. R. 5281, a bill to abolish compulsory pilotage in certain ports and with reference to certain vessels—coastwise sailing vessels—would destroy the pilotage system of those ports owing to the insuf-

ficient foreign trade at those ports to sustain the same, and as such destruction and the saving to commerce would be at the expense of and the danger of human life, it was resolved by the executive council of the American Federation of Labor that we protest against the passage of said bill. Its passage would be unwarranted. It would encourage the worst spirit of parsimony at the risk of the lives, not only of the crew, but also the traveling public.

The Cummer Lumber Company, too, one of the largest sawmill and lumber firms in the State of Florida or in the South, also protests in the following language contained in a letter addressed to myself and bearing date "Jacksonville, Fla., March 31," this year:

We wired you last night relative to the bill entitled "Discrimination against sailing vessels in coasting trade," and in this connection we would state that Capt. Montcalm Broward, of our city, showed us a report (No. 1482) in which, on page 63, we are quoted as being in favor of the Littlefield bill.

It is true that in January, 1905, acting on the spur of the moment and under a false impression, we urged the passage of this bill, but after having discussed the matter carefully with the pilots here we can see that we were wrong, and are therefore anxious to set ourselves right.

We regret exceedingly that we were quoted in the matter at this late day, as we can see wherein the passage of the Littlefield bill would work a hardship on the shipping interests, and we have done all in our power to rectify the error made in 1905.

Trusting you will appreciate our position in this matter, we are,

Very respectfully,

CUMMER LUMBER COMPANY,
By A. G. CUMMER.

So, Mr. Chairman, we have arrayed against this bill these great industrial forces, speaking not only in the interest of the pilot, but in favor of life and property, and the continued growth and upbuilding of our maritime commerce now developing more rapidly than ever before in the history of the country.

Then, sir, why strike this blow at American commerce when the States themselves can be trusted to act? Why make so much haste in the direction of the centralization of all powers in the hands of the Federal Government, when at least this one can be better left with the States?

The pilots themselves merit a better fate, for there is no class of people more deserving. No skilled vocation or profession performs so much and obtains so little from the great interests they serve. Facing danger, often beyond the hope of relief, risking life for the cause they serve, they are ever at the post of duty, and they should not be wantonly destroyed in order that avarice may increase its gains or monopoly its power. [Loud applause.]

The CHAIRMAN. The gentleman from Washington [Mr. CUSHMAN] is recognized for one hour and twenty-seven minutes. [Applause.]

Mr. CUSHMAN. Mr. Chairman, in the more than seven years that I have been a Member of this body it has been upon very rare occasions that I have inflicted myself upon this presence for the purpose of making any remarks. And, sir, the thought that is uppermost in my mind to-night is the cordial welcome that I have always received upon this floor from my associates upon both sides of this Chamber. The welcome I have always received here, sir, I take it, has been occasioned more by the rarity of my appearance than any excellence of my performance.

But, sir, be that as it may, the recollection of that welcome will constitute one of the delightful and treasured memories of my existence as long as life shall last, and which nothing in the hereafter can dim nor destroy. And I trust that I will never speak often enough on this floor to wear out my welcome.

A few days ago upon this floor I delivered a few omnivorous and semidigested remarks upon the subject of the tariff and other kindred issues. I was unable to complete those remarks by reason of lack of time. However, sir, that fact did not in any way interfere with the symmetry of that production, because any speech that I ever make is just like a ring of bologna sausage—I can cut it off anywhere. [Laughter.]

However, it occurred to me, sir, that this might be an auspicious occasion for me to take up the thread of that discourse once more.

I desire to be understood at the outset that there are a few of us yet remaining upon the Republican side of this Chamber—of which number your humble servant is an obscure member—who yet believe in the honesty, the legality, and the efficacy of an American protective tariff.

And when I say an American protective tariff, I mean such a tariff as is enshrined in the faith of our fathers; the old-fashioned political faith of our ancestors—a tariff tried by time and tested by events.

I do not indorse the free-trade heresies, and neither do I subscribe to any of those political idiosyncrasies that occasionally crop out on this side of the Chamber, when men who are always asserting their Republicanism are at the same time eternally assaulting the bulwarks of their party—not from outside the breastworks, but from inside the defenses.

Speaking for myself, I have never believed in floating the flag of my country nor the banner of my party at half-mast.

Therefore, I trust upon this occasion I will be able to make it plain just where I stand.

TOWNE VS. ROOSEVELT.

Mr. Chairman, one of the favorite and approved methods of some people in this world of diverting attention from their own faults and follies is to make an hysterical onslaught on some one else who has been more wise or more fortunate. When I heard the distinguished gentleman from New York [Mr. TOWNE] on this floor a few days ago making an onslaught upon the President of the United States, it occurred to me that he was a past master at that system. It seemed to me, sir, that the gentleman was endeavoring to divert the attention of 90,000,000 of American people from the unnumbered and egregious follies of himself and his brand-new ally, the Democratic party, by making an onslaught upon the President of the United States.

Sir, I am not here to contend to-night that President Roosevelt is either *immaculate* or *immortal*. I doubt not, sir, that he has a few personal weaknesses, like all other members of the human race. I doubt not that he has made one or two small mistakes—and any man is likely to make mistakes who is *alive* in the domain of American statesmanship. But a political mummy like the Democratic party, as dead as Rameses, has had few opportunities of late to make any mistakes that should have any lasting or tangible results. [Applause on the Republican side.] Democratic opportunities of late have been decidedly abridged, but their energy toward error and their enthusiasm in the direction of folly seems to be as strong as ever.

Theodore Roosevelt needs no defense from me nor any other man. His record is written amidst the political stars, and is a part of the common and glorious history of our Republic.

And I undertake to say that his name will shine star bright in the memory of 90,000,000 of his race when the names of TOWNE and Bryan are recalled only as the champions of error and the adherents of folly. [Applause on the Republican side.]

My distinguished friend [Mr. TOWNE], when he was upon his feet the other day, did me the distinguished honor to class me as a *humorist*, or, at least, as an alleged humorist, which soft impeachment it is not necessary for me at this time either to affirm or deny, except to remark in passing that I do not claim to be a humorist of the same sublime class as my friend from New York.

It is true, Mr. Chairman, that once or twice in my life, when I made a great effort, I have been able to say something amusing enough to cause a temporary laugh among a few people. But, sir, my distinguished friend from New York [Mr. TOWNE] said some things in the campaign of 1896 that the entire American nation have been laughing at ever since. [Laughter and applause.] As a humorist, sir, my friend stands upon a lofty and a lonesome pinnacle. [Renewed laughter and applause.]

MONEY—THE LIFEBLOOD OF THE BODY POLITIC.

When my friend from New York [Mr. TOWNE] was upon his feet, he essayed to discuss briefly the money question. Among other things he said—and if I do not quote him exactly, I certainly will not do violence to the substance of what he said—turning to the Republican side of this House, he said:

You [the Republicans] * * * committed yourselves unreservedly to the contention that there is no discoverable relation between the quantity of money in circulation and the range of prices.

When the gentleman said that, he said, in substance, what I do believe. Sir, it is necessary that a nation should have a *sufficient* volume of money, but it is not necessary that a nation should have a *vast* volume of money. And the volume of the circulating medium is not to be compared in the same breath, as regards importance, with the unquestioned value of the currency and the rapidity with which it is circulated through the channels of trade by business prosperity.

When the gentleman [Mr. TOWNE] made his famous free-silver speech in this House years and years ago—the echoes of which are yet ringing around this historic Chamber—he compared the circulating medium of a nation with the blood in the human body. That comparison, sir, was most apt. But the remarkable part of the performance was that the gentleman who was using the illustration failed utterly to grasp the one main point that made the comparison appropriate.

Sir, a mere deposit of blood in the human body, or the fact that there is blood in the human body, never in and of itself maintained life, sustained health, or averted disease. A few

days ago I stood by the side of a bier [laughter]—no, Mr. Chairman, it was not the kind of a beer that some gentlemen seem to have in their minds. A few days ago I stood by the side of a bier and looked down upon the cold and pulseless outline of a corpse. There yet remained in that body every ounce of blood that had circulated through it in the days when he stood upright and walked abroad among his peers; but he was as dead as Julius Cæsar. Yes; he was dead as the Democratic party. [Great laughter on the Republican side.] Sir, what that cadaver needed was not a larger body nor more blood, but an unimpaired physical organism to pump through that body the blood that was already there. And what this nation needed in 1896 was not more money, but an unimpaired industrial organism to pump through the body politic the money that we already had. [Loud applause.]

THE MONEY QUESTION.

Now, I want to say just a word upon the money question. And I expect I ought to apologize for this, Mr. Chairman, because in the year of 1896 the American people had a peculiar and pronounced symptom. They had a great rush of brains to the *head* [laughter], and while they were in that condition they settled the money question by declaring for sound money, and, in effect, the gold standard; and in the political graveyard, away over in the corner of the potter's field, was erected another small white monument that marks the last resting place of the dead and discredited remains of another bygone Democratic issue—16 to 1. [Laughter and applause.]

Now then, sir, just a word on this subject personal to myself. All my life long I have been an adherent of the single gold standard, with no qualifying adjectives. [Applause.] In the years of 1889 and 1890, away out amidst the sand hills of Nebraska—and that was seven long years before the famous campaign of 1896—I was writing gold-standard editorials for what was, perhaps, the most humble apology for an American country newspaper published anywhere on the Western Hemisphere. [Laughter.] I do not know very much now, and I knew a great deal less then; but even then I knew enough to know that I believed in the single gold standard, and I said so unhesitatingly on all occasions. And the man does not live who can produce a single recorded utterance of mine in favor either of free silver, or its twin heresy, bimetallism. So much for my own record on the money question.

Now, as to the record of the Republican party on the money question, just a word or two.

Now, I am not one of those who contend that all the declarations of my political party have been divinely inspired. The truth about it is, the Republican party in its platform made one mistake upon the money question at a time when it was not a great and overpowering issue before the American people; but when it did become the leading issue before the people and all men began to study it the Republican party proceeded to get on the right side of that issue, and has remained there consistently ever since. [Applause on the Republican side.] That was ten long years ago. The Democratic party not only have not got on the right side of that question, but, judging from the declarations of their last national platform, they have not got on any side of it yet. [Laughter on the Republican side.]

A POLITICAL CHARIOT RACE.

Now, sir, I am somewhat tempted in my discussion of the money question to-night to display a small chart; but oh, Mr. Chairman, when I recall at this time what has heretofore happened to some distinguished men in this body who have had the "chart habit," I am almost deterred therefrom. [Laughter.] During his earlier years my distinguished friend from New York [Mr. TOWNE] was given to drawing charts. I remember, years and years ago, when that gentleman with his magic chart in this Chamber harnessed together a bushel of wheat and an ounce of silver and attached that splendid team to his political chariot, and amidst the applause of the multitude started round the political race course. Ah, sir, what happened to Phæton, of mythological fame, on the day that he drove the chariot of the sun for his venerable daddy was not a circumstance to the wreck and ruin that overtook my distinguished friend in his chariot race. [Laughter.] Mr. TOWNE was driving a magnificent span—a bushel of wheat and an ounce of silver yoked together and squarely abreast, and they made a splendid *start*. The oratorical bleachers and the political grand stand fairly went wild with applause at that splendid get away. But as they neared the first quarter post a few of the old veterans of the track seemed to notice that something had gone wrong with the harness. The nigh hoss seemed to be shooting right out through the collar, while the off critter was falling right back through the breeching. [Laughter.] It was an awful situation. Nobody but a hero could hope to cope with it. Nobody but a political Ben-Hur would have dared to tackle it. But, sir, my friend was equal to the situation. He determined if he could not win that race driving them *abreast* he would win it by driving them *tandem*. [Laughter.] And, sir, without an instant's pause to unbuckle a hame strap or grease an axle, in full view of the grand stand, without a single change of scenery, and without extra charge for the additional act, he swung the nigh hoss into the lead, and they came down toward the last quarter post at a gait that would have made Messala's best pace look like 30 cents. [Laughter.] I regret to say, sir, that it was on the home stretch that occurred the crowning catastrophe. The nigh hoss, old "Bluestem," an American thoroughbred, tore clear loose from the harness and went under the wire so fast that it took two men to see her go by; but the off critter, an old flea-bitten silver gray that never was reliable in emergencies, tore right out backward through the harness and started backward down the track in exactly the opposite direction. [Laughter.] Sir, I undertake to say that that was the greatest smash up that ever occurred on the political track in all recorded history. Some men were unkind enough to say that Mark Hanna, who was then in charge of that track, had willfully thrown that race. But, sir, what became of the youthful charioteer, Mr. TOWNE? When that smash up occurred he went straight up into the air so high that he has not lit yet. [Great laughter.]

Now, I want to say one or two words upon the money question merely in passing. The statement has been continuously made upon this floor that the prosperity that has come to the American nation recently has not come by reason of a protective-tariff law, but by reason of the unprecedented and unusual production of gold. Let me for a moment only review the facts: In 1892, when the Republican party was in power, we had a high protective-tariff law upon the statute book, and it is known of all men that we then had prosperity. And, sir, in the political campaign of that year we, the Republicans, asserted on every stump that if that policy of protection were reversed and supplanted by a free-trade policy, business and commercial disaster would come to this nation. That statement was denied by every Democratic orator on every stump between the two great oceans. Sir, in that campaign Mr. Cleveland was successful. He and his party came into power, and the panic very promptly arrived. [Laughter.] Inasmuch as that had happened which the Democratic party asserted could not happen, that party was placed in the peculiar position and under the necessity of finding some excuse to give the American people why that panic had occurred. So, with considerable unanimity and enthusiasm, they immediately began to proclaim up and down the length and breadth of the land that it was a shortage in our money metal and a fundamental error in our monetary system that had produced the panic. You will remember that we then had substantially the same money system under which, for thirty years prior to that time, we had enjoyed great and continuous prosperity. It struck me at that time as a very remarkable incident that this so-called "evil" in our financial system should have lain dormant for thirty years and then broke out in most violent form at just the moment when we got a free-trade law upon our statute book. [Laughter.]

But, sir, four years finally rolled around, and President McKinley and the Republican party came into power. And what did they do? They made no great or fundamental change in the money law; they simply wiped off the statute book the free-trade law and wrote in its place a protective-tariff law, and a great and grateful wave of prosperity once more swept over this nation.

That placed the Democratic party under the peculiar necessity of finding another excuse why that thing had happened which they had continually asserted could not happen; and they were under the further embarrassment of having to find an excuse whose character should not utterly discredit everything else they had theretofore said upon that subject. Therefore they at once began to assert that prosperity had not returned to this nation by reason of the enactment of a protective-tariff law; oh, no; but that that prosperity had been caused by an unusual, a remarkable, and an unprecedented increase in the supply of gold at that time.

Now, if I should be able to show to-night that there was a greater relative proportionate increase in the production of gold in the United States during the period of that panic than there was a like period of time that followed it and when we had prosperity, why, if I should be able to show that, that

would leave that particular contention of the Democratic party in a very sad plight, wouldn't it?

Now, I hope to prove one or two things in relation to that claim of increased gold production.

First, I will prove that the production of gold in America was increasing enormously during all the time that that disastrous free-trade administration was in power.

Now, then, if gold was increasing then, and they could not produce prosperity under that condition, what right have they to say that it is the increase of gold which alone is producing prosperity now?

If gold increased then and we had panic, and gold is increasing now and we have prosperity, any wise man will know that it must have been some other cause which produced the panic, and likewise produced the prosperity. Because, if a large production of gold produces prosperity at one time, it ought to have exactly the same effect at another time.

Second, I will not only prove to you that the production of gold was increasing enormously during the period of that panic, but I will prove to you that it was increasing in greater proportion and in larger ratio during that very panic than for several years immediately following.

Now, I want to call your attention for a moment to a very modest little chart. And I give you my word that I bring this little chart here with great fear and trepidation, in view of what has occurred to my distinguished friend from New York [Mr. TOWNE]. Yes, Mr. Chairman, I bring forward this chart with a hesitancy bordering almost upon timidity. But here it is:

PRODUCTION OF GOLD IN THE UNITED STATES.

(Including Alaska.)

	Year.	Gold produced.
PANIC	1892	$33,015,000
	1893	35,955,000
	1894	39,500,000
	1895	46,610,000
	1896	53,088,000
	1897	57,363,000
		Increase in 6 years of—$24,348,000=73% increase.
PROSPERITY	1898	$64,463,000
	1899	71,053,400
	1900	79,171,000
	1901	78,666,700
	1902	80,000,000
	1903	73,591,700
		Increase in 6 years of—$15,537,000=24% increase.

(Note.—Figures in this table are taken from the Report of the Director of the U. S. Mint, under the Treasury Department of the United States.)

Now, Mr. Chairman, I want to make a very brief explanation in regard to this chart and in regard to what I think this chart shows. I would like to make that explanation without interruption, and after I conclude my explanation if any man present desires to ask me any question regarding this chart, I will be happy to answer him if I can.

The figures upon this chart are taken from the report of the Director of the United States Mint. Those figures are as reliable as any figures on earth. Whatever fault anyone may be able to find with my argument predicated upon these figures, the figures themselves can not be successfully assailed.

In the first place, this chart shows the production of gold in the United States for twelve consecutive years, from 1892 until 1903, inclusive. It shows the production of gold in the United States during each and every one of those twelve years.

Sir, it is known of all men that during practically all of those first six years—perhaps not quite all, but practically all—we had a condition of adversity and panic. It is also known of all men that during these last six years, from 1898 to 1903, there was a condition of great and abounding prosperity in the United States. Therefore I have divided this chart into two parts. The upper half, covering the first six years, is marked "panic," and the lower half, covering the last six years, marked "prosperity;" and the object of this chart is to contrast the production of gold in the United States during that first six-year period with the gold production of the United States during the last-named six years.

Now, inasmuch as the statement is continually made that the panic during those first six years was caused by a shortage of money and an underproduction of gold, and the further statement that the prosperity during the last six years was caused by a mighty increase in our production of gold, therefore it becomes a very pertinent and proper subject of inquiry to make a comparison between the amount of gold produced in the United States during the first period and the amount produced during the last period.

Now, if the fact should appear that gold production was increasing in the United States in greater proportion and in a larger ratio during the six years of panic than during the six years of prosperity immediately following the panic, then no wise man will assert that it was the production of gold that produced those two widely different conditions, because if a large production of gold produced prosperity during the last-named six years, then why did not a greater proportionate increase in the production of gold produce prosperity in the first six years?

Now look at the chart, if you please. You will observe that in the six years between 1892 and 1897, inclusive, there was an increase in the production of gold in the United States from $33,015,000 produced in the first year to $57,363,000 produced in the last year, and the increase was reasonably regular from year to year during that period.

By contrasting those figures you will notice that during those six years there was an increase in the annual production of American gold of $24,348,000—over twenty-four and a third millions of dollars. And yet, in spite of that enormous increase, we were having panic and hard times during that very period.

Now look at the second half of the chart, the lower part, representing the six years that followed. You will observe that in the six years following the increase in the production of gold in the United States was a good deal less than it had been in the six years before. In 1898 we produced $64,463,000, and by 1902 that production had risen to $80,000,000. How much increase was that? That was an increase of $15,537,000—that is, an increase of about fifteen and a half millions in the last six years.

Therefore this chart, in substance, shows that during these last-mentioned six years we increased our production of gold about fifteen and one-half millions, while in the six years before we increased our production of gold about twenty-four and one-third millions; and the remarkable part of this matter is that during that first period, when we were increasing our production of gold more rapidly, the free-trade policy was giving us hard times, and during the last period, when we were not increasing our production of gold as rapidly, a protective-tariff Administration was giving us good times.

Now, I want to ask one question: If an increase of fifteen and one-half million dollars in our gold was sufficient to give us prosperity during this six years, why did not an increase of twenty-four and one-third millions give us prosperity during this first six years? If an increase in our gold production of 24 per cent has produced prosperity when the Republican party was in power, will you please explain to me why an increase in our gold production of 73 per cent failed to produce prosperity in that other period, when the Democratic party was—for the greater part of the time—in power? [Applause.]

Mr. STANLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CUSHMAN. Certainly.

Mr. STANLEY. Does that chart that the gentleman has prepared there show the production of gold in the Klondike as a part of the United States?

Mr. CUSHMAN. The chart includes the production of gold in Alaska.

Mr. STANLEY. As a part of the United States?

Mr. CUSHMAN. As a part of the United States; but not in what the gentleman calls the "Klondike," that being a part of the British possessions.

Mr. STANLEY. But in Alaska.

Mr. CUSHMAN. Yes.

Mr. STANLEY. Is that included in the chart?

Mr. CUSHMAN. Oh, no; and the reason I did not include the product of *other nations* in this chart was out of especial consideration for the Democratic party; because that party is now talking about the product of *other nations;* but a few years ago they were proclaiming to everybody in the United States that we were absolutely independent of *other nations,* and that they were going to give us an American system of finance "without the aid or consent of any other nation on earth." [Applause and laughter on the Republican side.] The gentleman got hold of the hot end of that, didn't he? Mr. Chairman, at this time there runs through my mind the lines of that beautiful old poem—

Fools walk in where angels fear to tread,
And suckers bite when whales have gone to bed.

[Prolonged laughter and applause on the Republican side.]

Mr. STANLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Washington yield?

Mr. CUSHMAN. Oh, yes.

Mr. STANLEY. Mr. Chairman, I have never plead guilty to the charge of being a fool. I do not plead guilty to that charge now; but if I shall continue during the rest of my natural life to look as little like a fool as the gentleman does like an angel, I shall be a Solomon.

Mr. CUSHMAN. Mr. Chairman, if there was anything offensive in my remark, I shall be glad to withdraw it. I did not mean in any way to hurt the feelings of my friend, who has always been very kind and courteous to me, and I shall be glad to withdraw the remark.

Mr. Chairman, what I desire to say is this, that the men who have been running up and down the face of the earth proclaiming to unthinking American citizens that it is the vast, the unusual, the unprecedented increase in the supply of gold in the United States that produced this prosperity, have simply been trying to cover up the tracks they made in another campaign. I am glad to belong to a political party that has a history and is not ashamed to rehearse it; I am glad I do not belong to a political party that starts into each new campaign trying to obliterate and cover up the crooked tracks it left in the last.

Now, sir, if anyone in the hereafter should ever do me the honor to refer to this little chart of mine in connection with the discussion of this general subject, I trust that such person will neither misunderstand or misquote me in this connection.

I fully understand and realize, sir, that the record of the production of one single product for the brief period of twelve years constitutes a foundation altogether too narrow and limited upon which to successfully rear a great economic theory.

And I did not produce this little chart for that purpose. Now, sir, I do not claim that this chart in and of itself *proves* anything. But I do claim that it *disproves* one thing: It disproves utterly and totally those loose harangues that in the last ten years have been by the reckless or the untruthful and dedicated to the ears of the unthinking, to the effect that the recent prosperity of this nation has been occasioned by the tremendous and unprecedented increase in the production of gold in the United States.

The man don't live who can look that chart in the face and honestly deny the logic of what I say. During all those hard times the production of gold was increasing enormously. Look at that chart and you will see that the production of gold in 1893 was about three millions over what it was the year before. And in the year of 1894 there was an increase of about three and one-half millions over the year of 1893. And the next year, the year of 1895—when we were right in the midst of the panic—there was the biggest increase in the production of gold that there had been in any year for thirty years. That year (1895) there was the enormous increase over the year before of $7,110,000. And in spite of that enormous increase in the production of gold we were having the hardest kind of times. You could not get hold of 15 cents without putting a mortgage on your life!

But the Democratic party, which could not produce prosperity in those days when all that gold was being produced, now lean back with great complacency and say, "Oh, it's the great production of gold that produced prosperity since the Republican party went into power." Why didn't it produce prosperity then?

WHEN THE AMERICAN PEOPLE DISCOVERED GOLD.

I confess that the discovery of gold is a happy incident in the life of any nation. But, sir, it is not always, nor most frequently, the gold that is discovered in the *mines* that helps humanity in all its walks of life; it is the gold that the human race has discovered in the various and multiplied avenues of trade and traffic that has chiefly helped mankind. I confess to the gentleman that the American people did "discover gold" while the Republican party was in power. The American farmer discovered gold when under increased business activity the price of all his farm lands rose to a higher figure than ever attained before. The American farmer "discovered gold" again when the price of all his farm products rose by reason of the increased demand of American laborers for the food products of the American farm. The American manufacturer "discovered gold" during a Republican Administration when our expanding American commerce exceeded all prior bounds and our products went to other lands and other people where they had never gone before. The American laborer "discovered gold" during a Republican Administration when the rusty hinges of the American factory swung open to the legions of American laborers and once again there poured into the pockets of the erstwhile idle a stream of golden wealth and wages. Ah, sir, the greatest "discovery of gold" that the American people ever made in all their history was the gold they discovered in their pockets at the same time they discovered a Republican Administration in full control of all branches of the American Government. [Applause on the Republican side.]

Mr. Chairman, I shall insert with my remarks two other tables, or charts, that I prepared on this question of the production of gold.

Gold produced in the United States, including Alaska.

1893	(panic)	$35, 955, 000
1894	(panic)	39, 500, 000
1895	(panic)	46, 610, 000
1896	(panic)	53, 088, 000
1897	(panic)	57, 363, 000
	Increase in five years	21, 408, 000
1898	(prosperity)	64, 463, 000
1899	(prosperity)	71, 053, 400
1900	(prosperity)	79, 171, 000
1901	(prosperity)	78, 666, 700
1902	(prosperity)	80, 000, 000
	Increase in five years	15, 537, 000

Gold produced in the United States.

1892	(panic)	$33, 015, 000
1893	(panic)	35, 955, 000
1894	(panic)	39, 500, 000
1895	(panic)	46, 610, 000
1896	(panic)	53, 088, 000
	Increase in five years	20, 073, 000
1897	(prosperity)	57, 363, 000
1898	(prosperity)	64, 463, 000
1899	(prosperity)	71, 053, 400
1900	(prosperity)	79, 171, 000
1901	(prosperity)	78, 666, 700
	Increase in five years	21, 303, 700

Sir, for the sake of convenient reference and in the interest of accuracy, I shall include with my remarks a certain statistical table covering those years which mark the existence of the United States as a nation, to wit, from the year 1792 down to and including the year 1904.

Opposite these years, sir, will be found seven parallel columns, which contain the information suggested by the following seven titles:

(1) Per capita monetary circulation in the United States.
(2) Gold produced in the United States.
(3) Silver produced in the United States.
(4) Gold *and* silver produced in the United States.
(5) Gold produced in the world.
(6) Silver produced in the world.
(7) Gold *and* silver produced in the world.

I defy any man to sit down with that table in front of him and select any one year, or series of years, and thereby construct a plausible and defensible theory to the effect that the production of money metal or the per capita circulation of this nation has been the moving cause of prosperity or panic during any or all of these years.

For, sir, he will find out that when the figures in part of these columns appear to support his theory that the figures in the other columns will destroy it.

Per capita circulation and production of precious metals.

Year.	Per capita monetary circulation in United States.	Gold produced in United States.	Silver produced in United States (commercial value).	Gold and silver produced in United States.	Gold produced in the world.	Silver produced in the world (commercial value).	Gold and silver produced in the world.
1792–1834	a$7.40	$14,000,000	(b)	$14,000,000	$437,210,000	$1,197,711,400	$1,634,921,400
1834–1844	c10.96	7,500,000	$253,400	7,753,400	226,476,000	282,039,000	508,515,000
1845	8.95	1,008,000	50,200	1,058,200	36,393,000	32,567,300	68,960,300
1846	9.43	1,140,000	50,300	1,190,300	36,393,000	32,617,400	69,010,400
1847	10.59	889,000	50,600	939,600	36,393,000	32,617,200	69,211,200
1848	10.66	10,000,000	50,500	10,050,500	36,393,000	32,717,800	69,110,800
1849	10.34	40,000,000	50,700	40,050,700	36,393,000	32,843,300	69,236,300
1850	12.02	50,000,000	50,900	50,050,900	36,393,000	33,018,900	69,411,900
1851	13.76	55,000,000	51,700	55,051,700	132,513,000	38,089,300	170,602,300
1852	14.63	60,000,000	51,300	60,051,300	132,513,000	37,775,900	170,288,900
1853	15.80	65,000,000	52,200	65,052,200	132,513,000	38,402,600	170,915,600
1854	16.10	60,000,000	52,200	60,052,200	132,513,000	38,402,600	170,915,600
1855	15.34	55,000,000	52,000	55,052,000	132,513,000	38,288,700	170,801,700
1856	15.16	55,000,000	52,000	55,052,000	134,083,000	39,104,300	173,187,300
1857	15.81	55,000,000	52,400	55,052,400	134,083,000	39,366,100	173,449,100
1858	13.78	50,000,000	52,000	50,052,000	134,083,000	39,104,300	173,187,300
1859	14.35	50,000,000	52,600	50,052,600	134,083,000	39,569,800	173,652,800
1860	13.85	46,000,000	156,800	46,156,800	134,083,000	39,337,000	173,420,000
1861	13.98	43,000,000	2,062,000	45,062,000	122,989,000	46,191,000	169,180,000
1862	10.23	39,200,000	4,684,800	43,884,800	122,989,000	47,651,000	170,640,000
1863	17.84	40,000,000	8,842,300	48,842,300	122,989,000	47,616,000	170,605,000
1864	19.67	46,100,000	11,443,000	57,543,000	122,929,000	47,616,000	170,605,000
1865	20.57	53,225,000	11,642,200	64,867,200	122,989,000	47,368,000	170,357,000
1866	18.99	53,500,000	10,356,400	63,856,400	129,614,000	57,646,000	187,260,000
1867	18.28	51,725,000	13,866,200	65,591,200	129,614,000	57,173,000	186,787,000
1868	18.39	48,000,000	12,306,900	60,306,900	129,614,000	57,086,000	186,700,000
1869	17.60	49,500,000	12,297,600	61,797,600	129,614,000	57,043,000	186,657,000
1870	17.51	50,000,000	16,434,000	66,434,000	129,614,000	57,173,000	186,787,000
1871	18.10	43,500,000	23,588,300	67,088,300	115,577,000	83,958,000	199,535,000
1872	18.19	36,000,000	29,396,400	65,396,400	115,577,000	83,705,000	199,282,000
1873	18.04	36,000,000	35,881,600	71,881,600	96,200,000	82,120,800	178,320,800
1874	18.13	33,490,900	36,917,500	70,408,400	90,750,000	70,674,400	161,424,400
1875	17.16	33,467,900	30,485,900	63,953,800	97,500,000	77,578,100	175,078,100
1876	16.12	39,929,200	34,919,800	74,849,000	103,700,000	78,322,600	182,022,600
1877	15.58	46,897,400	36,991,500	83,888,900	113,947,200	75,278,600	189,225,800
1878	15.32	51,206,400	40,401,000	91,607,400	119,092,800	84,540,000	203,632,800
1879	16.75	38,900,000	35,477,100	74,377,100	108,778,800	83,532,700	192,311,500
1880	19.41	36,000,000	34,717,000	70,717,000	106,436,800	85,640,600	192,077,400
1881	21.71	34,700,000	37,657,500	72,357,500	103,023,100	89,925,700	192,948,800
1882	22.37	32,500,000	41,105,900	73,605,900	101,996,600	98,232,300	200,228,900
1883	22.91	30,000,000	39,618,400	69,618,400	95,392,000	98,984,300	194,376,300
1884	22.65	30,800,000	41,921,300	72,721,300	101,729,600	90,785,000	192,514,600
1885	23.02	31,801,000	42,503,500	74,304,500	108,435,600	97,518,800	205,954,400
1886	21.82	34,869,000	39,482,400	74,351,400	106,163,900	92,793,500	198,957,400
1887	22.45	33,136,000	40,887,200	74,023,200	105,774,900	94,031,000	199,805,900
1888	22.88	33,167,500	43,045,100	76,212,600	110,196,900	102,185,900	212,382,800
1889	22.52	32,967,000	46,838,400	79,805,400	123,489,200	112,414,100	235,903,300
1890	22.82	32,845,000	57,242,100	90,087,100	118,848,700	131,937,000	250,785,700
1891	23.42	33,175,000	57,630,000	90,805,000	130,650,000	135,500,200	266,150,200
1892	24.56	33,015,000	55,662,500	88,677,500	146,651,500	133,404,400	280,055,090
1893	24.03	35,955,000	46,800,000	82,755,000	157,494,800	129,119,900	286,614,700
1894	24.52	39,500,000	31,422,100	70,922,100	181,175,600	104,493,000	285,668,600
1895	23.20	46,610,000	36,445,500	83,055,500	198,763,600	109,545,600	308,309,200
1896	21.41	53,088,000	39,654,600	92,742,600	202,251,600	105,859,300	308,110,900
1897	22.87	57,363,000	32,316,000	89,679,000	236,073,700	96,252,700	332,326,400
1898	25.15	64,463,000	32,118,400	96,581,400	286,879,700	99,742,600	386,622,300
1899	25.58	71,053,400	32,858,700	103,912,100	306,724,100	101,002,600	407,726,700
1900	26.94	79,171,000	35,741,100	114,912,100	251,576,300	107,626,400	362,202,700
1901	27.98	78,666,700	33,128,400	111,795,100	260,992,900	103,805,700	364,798,600
1902	28.43	80,000,000	29,415,000	109,415,000	296,737,600	86,264,700	383,002,300
1903	29.42	73,591,700	29,322,000	102,913,700	325,961,500	90,686,500	416,618,000
1904	30.77	80,464,700	33,456,000	113,920,700	346,892,200	97,666,300	444,558,500
Total		2,698,080,800	1,400,165,400	4,089,246,200	8,952,474,200	5,901,465,200	14,853,939,400
1905	31.08						

a Yearly average 1800 to 1834. b Insignificant. c Yearly average 1834 to 1844.

I have taken a small section out of the foregoing table, and I invite attention to the following figures:

Year.	Per capita circulation in United States.	Gold produced in United States.
1878	$15.32	$51,203.400
1879	16.75	38,900,000
1880	19.41	36,000,000
1881	21.71	34,700,000
1882	22.37	32,500,000
1883	22.91	30,000,000

Now, here was a period of six years in the history of the United States, while we were upon the gold standard, because this period was after the "crime of 1873."

Now, during each and every year of this six years the production of gold in the United States was decreasing, and decreasing quite rapidly; but at the same time during each and every year the per capita circulation in the United States was increasing. Our production of gold was going in one direction and our per capita circulation was going in exactly the opposite direction.

Now, for the purposes of comparison, I want to take another small section out of the foregoing table. I invite attention to the following figures:

Year.	Per capita circulation in United States.	Gold produced in United States.
1892	$24.56	$33,015,000
1893	24.03	35,955,000
1894	24.52	39,500,000
1895	23.20	46,610,000
1896	21.41	53,088,000

The foregoing shows a record of five years in the United States when the production of gold in the United States was increasing very largely each and every year; but at the same time our per capita circulation of money in the United States, instead of increasing, was going down hill.

And you will not fail to remember that it was during these very years, while this production of gold in the United States was increasing enormously, that we were having the worst kind of a panic.

The truth about the whole matter is that this "quantitive theory of money" is a kind of economic scarecrow. Just about the time you get one of its artificial legs properly adjusted on

some fine-spun theory, something always happens to destroy that particular theory, and down falls the poor puppet.

Therefore, sir, those who worship at the shrine of the "quantitive theory of money" are obliged to put in their entire time and energy trying to keep the poor thing in respectable commission, because the economic progress of the world is continually kicking holes in its poor, threadbare form.

MR. COCKRAN.

I note, Mr. Chairman, that my distinguished friend from New York—I mean the other gentleman from New York [Mr. COCKRAN]—honors me with his presence and indulges me with his smile. I naturally feel embarrassed in endeavoring to discuss briefly the question of the tariff in the presence of any man who possesses the political agility to get on three sides of one question, as did my distinguished friend from New York [Mr. COCKRAN] in regard to the Wilson free-trade bill.

Mr. Chairman, did I say three sides? I beg the gentleman's pardon. I should have said four sides. [Laughter and applause on the Republican side.] I almost inadvertently underestimated the political agility of my distinguished friend from New York. Now, do I speak the truth in regard to that matter? Let us see. When the Wilson bill was first framed by the Democratic majority of the Ways and Means Committee, my friend from New York was in favor of that bill and spoke enthusiastically in its favor upon this floor. There the gentleman got on one side of the Wilson bill. Then when the Wilson bill went over to the Senate and came back to the House months and months afterwards in its changed and strange form, the gentleman leaped into the arena and proceeded to make an unusual and wonderful onslaught on that bill, and in a very frenzy of fury said: "Mr. Chairman, I will not vote for this bill unless some reason is given me for voting for it." There the gentleman got on another side of the Wilson bill.

Then in this House, after the motion to refuse to concur in the Senate amendments had been voted down, the gentleman from New York was recorded with the other Democrats in voting for that bill upon its final passage through the House. There the gentleman got on another side of the Wilson bill. Then we lose track of the gentleman for a few years——

Mr. COCKRAN. I do not like to interrupt the gentleman——

Mr. CUSHMAN. Just in a moment I will yield. I just wanted to say that I would yield to the gentleman; but, first, I wanted to ask him one question myself. I wanted to ask the gentleman this: What political party do you rise to speak for—*to-day?* [Laughter on the Republican side.]

Mr. COCKRAN. Mr. Chairman, when I rise to speak it will be for the same principles I have always supported. I have never changed my principles. The gentleman's position might have need of explanation whose party never yet has hesitated in its steady pursuit of success to change principles. The gentleman should never raise that question. Now, in regard to the precise question of accuracy which I wish to raise, I will state what the facts actually are. When the gentleman says I voted for the Wilson bill on its final passage here he states something which in the mouth of another would be—well, I will say wholly imaginary.

Mr. CUSHMAN. The gentleman did not vote for the Wilson bill upon its final passage?

Mr. COCKRAN. No, sir.

Mr. CUSHMAN. In this House?

Mr. COCKRAN. In this House. When it came back from the Senate emasculated, the worst protection measure that ever was passed, I voted against it here. And when you mention that bill you pay the highest tribute to the demoralizing influence of that system of robbery which—— [Applause on the Democratic side.]

Mr. CUSHMAN. Mr. Chairman, I examined, I thought with great care, the roll call upon that measure upon its final passage. I thought the gentleman [Mr. COCKRAN] was recorded in favor of the passage of the bill upon the final roll call. And if I am really in error as to how the gentleman voted, I am glad to be corrected. I might remark——

Mr. COCKRAN. Does the gentleman mean to say the official records of the roll call on the final passage of the Wilson bill by this House after its return from the Senate record me in the affirmative?

Mr. CUSHMAN. I thought so. I had the volume on my desk a day or two ago. I really had no intention of making any deliberate misstatement as to how the gentleman voted.

Mr. COCKRAN. The gentleman must have imagined it in the exuberance of his imagination. I call the attention of gentlemen around us to the inaccuracy of this statement.

Mr. CUSHMAN. I may be wrong in this one statement, and if so, I regret that I was innocently led into an error. But when it comes to exuberance of imagination I can not claim to be in the class of my friend——

Mr. COCKRAN. You do yourself but very faint justice, as the committee has just had an opportunity to perceive.

Mr. CUSHMAN. Indeed, sir, I wish to say that I have always had, and now have, a profound admiration for my friend from New York. Indeed, sir, I have often wished that I could only speak as well as he can. Sir, if I could only speak as well as he can, I doubt not that I would be just like he is—that is, *I wouldn't care what I said.* [Great laughter and applause on the Republican side.]

Mr. COCKRAN. I wish to felicitate the gentleman on having beaten all records in this respect with his very last performance.

Mr. CUSHMAN. Now, the gentleman can not put me in the attitude of disliking him. I refuse to do that. [Laughter.] Indeed, sir, I want to pay the gentleman a tribute. My admiration of him was so great that a few days ago I went to a near and dear friend of his to make some inquiries regarding the gentleman. And I said to that friend of his: "Is it possible, sir, that in all of those equally masterful and misleading addresses which the gentleman 'pulls off' upon this floor that he speaks entirely without preparation—absolutely extempore? Has the gentleman no thought of what he is going to say when he rises to speak?"

And his friend said to me, "Mr. CUSHMAN, I not only assure you that he has no idea what he is going to say when he rises to his feet, but what is more wonderful than that, he speaks with such unusual fluency and enthusiasm that he does not even know what he has said when he sits down." [Great laughter.]

Mr. COCKRAN. I felicitate the gentleman on having made that the precise condition of his audience when he sits down.

Mr. CUSHMAN. Mr. Chairman, before passing on to another theme I recall a few lines from one of the most famous literary women that America ever produced. Among the numberless literary gems she scattered along her pathway was one little poem that has thrilled many a heart to read. In my judgment, she ought to have dedicated that poem to the Democratic party, or at least to my friend from New York [Mr. COCKRAN], who is its orator and prophet. For his benefit and that of his party I will try and recall one or two of the lines:

Keep out of the past, for its highways
  Are damp with malarial gloom;
Its gardens are sere, and its forests are drear,
  And everywhere molders a tomb.

Keep out of the past. It is lonely
  And barren and bleak to the view;
Its fires have grown cold, its stories are old.
  Turn—turn to the present, the new.

To-day leads you up to the hilltops
  That are kissed by the radiant sun,
To-day shows no tomb, life's hopes are in bloom,
  And to-day holds a prize to be won.

[Applause.]

THE SENSE OF PROPORTION.

Sir, occasionally it occurs to me that in the minds of some men there is no just sense of proportion. If they saw a tiny white speck of cloud floating placidly across the sky, that cloud would be all they could see. All the rest of that fathomless and unmeasured dome of eternal blue they would never see.

Sir, when I look at the industrial universe, I try to look at it as *a whole.* And what I see going on in the industrial universe I try to measure in a proper and proportionate way.

And when I look abroad to-day what do I see?

First, I see that the great industrial commerce of the United States—our commerce here at home, between the States, and among each other—amounts this year (1906) to the stupendous sum of $26,000,000,000.

Second, I see, sir, that that sum of $26,000,000,000 per year, our domestic trade, is just about twice as large in amount as the total value of all the products which this year make up the international commerce of the world.

Therefore, sir, no wise man would destroy or jeopardize our tremendous commerce at home trying to reach for that abroad, because, if we had it *all,* it would not begin to amount to that which we had destroyed at home.

Last year, sir, our total exports were over a billion and a half of dollars, not one-sixteenth part of our commerce here at home.

The statement has been made that American manufactured goods are sometimes sold abroad cheaper than similar articles are sold at home. There is no doubt in my mind that that practice is indulged in to a limited extent, not only by American merchants, but by all merchants and nations the wide world round.

It has been estimated, sir, that the amount of American goods

thus sold abroad annually cheaper than similar goods sold at home amounts to about one-thirtieth part of 1 per cent of the total of American goods annually manufactured.

Now, we have here to-day a few eminent American Democratic statesmen who—in my judgment, at least—are willing to risk the destruction of a prosperity at home that reaches the stupendous sum of $26,000,000,000 while they are chasing that fragment of 1 per cent.

Statement for the year 1900.

Value of goods manufactured in United States	$15,000,000,000
Value of goods sold abroad	400,000,000
Value of exports sold abroad at lower prices	4,000,000

The foregoing are the only figures in the nature of statistics which are obtainable on this subject. These are the figures put forward by United States Senator GALLINGER, of New Hampshire. Senator GALLINGER based these figures upon the report of a nonpartisan industrial commission appointed by Congress to investigate this subject. The remarks of Senator GALLINGER upon this general subject (including the foregoing figures) will be found in the CONGRESSIONAL RECORD of April 23, 1904.

It is manifestly difficult to obtain any figures upon this subject that are absolutely correct. If the foregoing figures are not absolutely correct they are undoubtedly *substantially correct.*

The amount and value of American goods which are annually sold abroad at a cheaper price than similar goods are sold at home is unquestionably a small fraction of 1 per cent of the total annual production of this nation.

THE PARABLE OF THE REAPER.

When I was a boy upon the farm years and years ago I thought then, and I think now, that a field of ripening grain is one of the most beautiful sights in all the world.

I well remember one old field upon the farm that was fenced with a rail fence—a "worm" fence, if you please.

In the sowing season the prodigality of the sower's hand always accidentally cast a few stray grains of seed beyond the area where the sickle bar would reach—into the fence corners.

And in harvest time there was always a few stray heads of grain that we did not gather. A few stray heads here and there—the natural overflow of a great grain field.

We always harvested *the main field*, and paid but little attention to those few stray heads that grew in the fence corners.

Sir, the domain of politics bears some resemblance to a grain field. The wise statesman, the one who has the good of his country at heart and the real prosperity of all the people in his eye, tends strictly to the main industrial field whereon is raised and harvested 99.29 per cent of the prosperity of a mighty nation.

But your theoretical statesman is always and eternally looking at the industrial universe through a gimlet hole. And when he applies his eye to that gimlet hole his vision is so restricted that he can't see the mighty and prodigious prosperity of all parts of his entire nation. No, he can't see that. All he is able to discern through that gimlet hole is that somebody has sold a ton of old iron or a secondhand watch to some alien or heathen sucker for a dime or 11 cents less than somebody once paid for a similar article at home. [Laughter.]

He is willing that the entire industrial field may lie fallow, unproductive, and unused, or its harvest wasted, while he chases himself to death trying to save that twenty-ninth part of 1 per cent.

THE HANGING LAMP.

I once knew a man who was a great reader. He had read so much that he had almost destroyed his eyesight; but unfortunately, from lack of good perceptive faculties, he had not greatly improved his mind.

This bookworm had a lamp hanging from the ceiling of his study, which lamp was hung very *low*, in order to give him the strongest possible light upon his books. But as he walked about his studio he was continually bumping his head into that brass hanging lamp. This was very annoying.

One day he called a carpenter into the house and gave him minute and particular instructions as to just how he wanted this lamp arranged. He told the carpenter *to fix the lamp so it would be nearer to the ceiling*, so he would not bump his head, *but not to hang it so it would be any farther from the floor* [laughter], because he needed all the light upon his books!

Here was a man who wanted his lamp nearer to the ceiling without raising it any farther from the floor.

That man was a perfect prototype and representative of that other political species existing in this country to-day who say they expect to perfect an arrangement whereby manufactured goods can be bought at lower prices—without reducing the wages of the people whose labor makes those goods.

THE MASSACHUSETTS IDEA.

And at this point I want to pay a passing tribute to the Commonwealth of Massachusetts. [Laughter.]

Years and years ago the State of Kansas used to furnish the political curios that filled all the monstrosity booths of the American political museum. [Laughter and applause.] But in recent years the State of Kansas has in that particular fallen to the rear. That peculiar function is now entirely usurped by the State of Massachusetts.

In my humble judgment—and I do not mean to speak disdainfully—the proposition of some of the people of Massachusetts, reduced to its final analysis and stripped of all needless verbiage, is simply this: They offer to release some items of protection that they no longer need and, in return for this, to demand that other localities give up items of protection that mean their very industrial salvation, which is in entire harmony with some other freak ideas that have recently emanated from that once eminent Commonwealth.

Permit me to say, sir, that this offer of the Massachusetts Republicans don't represent *generosity* as much as it represents *gall.*

Let me say to the people of Massachusetts, and also to her distinguished Representatives upon this floor, that in all the length and breadth of this Union there is no State whose development has been aided more by a protective tariff than has the State of Massachusetts.

But there are some people in that State to-day who are looking at the industrial universe through a gimlet hole. That aperture is so small that when they look through it they can't see the mighty and matchless blessings their State has received through the aid of protection—no; the only thing they can see when they look through the gimlet hole is a 15 per cent tariff on hides. And they are so anxious to wipe out that small item that they are willing to endanger the entire structure of protection upon which their welfare and their prosperity rests.

I have also noted that some of the emissaries from the State of Massachusetts are demanding that lumber and coal be placed on the free list. Now, lumber and coal are two of the great products of my State of Washington. You of Massachusetts want to take the tariff off lumber and coal and hides, thereby inflicting an incalculable injury upon the people of my State, but you want to retain protection upon boots and shoes and woolen goods and cotton fabrics and manufactured clothing and all the other manufactured goods which you make under protection and sell to our people out West.

Sir, I have always felt that the East, as a whole, was more largely and directly benefited by a protective tariff than the West. But, inasmuch as that tariff helps to promote in varying degrees the prosperity of the whole nation, the people of the West have stood for that tariff loyally and generously.

And they stand for it to-day.

Having said this much, I now want to say something to Massachusetts. And if you don't listen to one still small voice now, I promise that you will hear the echo in the hereafter of what I am about to say. I desire to say this: The people of the West will stand for a fair and equitable tariff system that protects all the industries of all the different sections of this nation. But they won't stand by and see you retain what helps you and at the same time take away what helps us. No, sir. On the day when you place lumber and coal and hides on the free list then on that very same day I promise you I will vote to take the tariff off every single manufactured article produced under the shadow of the Stars and Stripes, and we will all go to industrial perdition together.

And then, sir, in the wreck and ruin of that time, if the people of Massachusetts should have a lucid interval, we will again build up with infinite toil and care another tariff wall that will equally and fairly protect all the industries of all the sections of this Republic.

QUIT KICKING THE COW.

I said, sir, a moment ago, that I was raised upon the farm, and that is true. Many of the best precepts and happiest memories of my life have drifted down to me from those old days.

I now recall one little incident of my life upon the farm, and it seems to me that I might with propriety at least refer this incident to my Massachusetts friends.

Massachusetts, sir, has some illustrious men upon this floor. I do not seek to belittle them nor their ability. I recall, sir, how they and their State—in common with our entire country—has prospered under the application of the doctrine of protection to American industries. And then, sir, *mirabile dictu.* I am amazed that in the very hour when they are enjoying the benefits of this system for themselves and their people, they

seem to wish to destroy that portion of the tariff system which benefits other people outside of their own State.

And this situation, sir, reminds me of an incident that I witnessed years ago upon the farm.

Near to our farm lived a neighbor farmer who was afflicted with an ungovernable temper. And, sad to relate, sometimes when he was in a rage he was unusually cruel to his stock. I remember one evening my grandfather and I went over to his farm to borrow a pair of "doubletrees," and it was milking time, and it was also fly time as well. The old fellow was squatted down in the barnyard milking with all those scientific motions [indicating] that many of us used to be adepts at in the years gone by. [Laughter.] An old bluebottle fly would light on the old cow and bite a piece of tenderloin out of her, and she would suddenly step up a couple of steps, and then the old man would jump up and kick her and yell: "Soo, Boss, soo!" Then he would move up and start milking again. And then the fly would light on her and take another bite, and she would step back a couple of steps; and then the old man would kick her a couple of times more and again yell: "Soo, Boss, soo!"

After this performance had been repeated some five or six times my grandfather, who was something of a philosopher, said to him: "Bill, it occurs to me that you had better let loose of the teat or quit kicking the cow." [Prolonged laughter.]

Now, Mr. Chairman, without intending anything offensive, it seems to me that the people of Massachusetts had better let loose of the protective teat or they had better quit kicking the Republican cow. [Laughter and applause.]

BLASPHEMY.

When I was on my feet a few days ago, because of something I then said one or two of my friends on the Democratic side have charged me with blasphemy.

Sir, with all the solemnity which I possess, I wish to say that I do not think any man in this Chamber seriously intended to impute that I would be guilty of blasphemy here or elsewhere. No man who has known me in forty years of life would soberly and seriously charge that. Sir, I belong to a party and a race that has always given full faith and credit to nature and to nature's God as the omnipotent power that rules the universe.

I believe there is an omnipotent power that in a larger circle and in a greater scope marks the paths of men and circumscribes the careers of nations. [Applause.]

But, sir, I also believe that God helps them who help themselves. I do not believe that any man can willfully kick the industrial props out from under himself or his nation and then lay the blame exclusively upon deity.

I have heard the statement made in this Chamber a great many times that the prosperity which we are enjoying to-day is not by reason in any degree of the wisdom of Republican legislation, but exists wholly by reason of that omnipotent power. And, sir, with no intention of being blasphemous or irreligious, I want to say that I have often wondered, in the dark days that intervened in this nation between 1893 and 1897, where was that omnipotent power then? That, sir, has never been explained by our political opponents.

I have heard men proclaim, in no less a forum than this House of Representatives, that the prosperity we are to-day enjoying as a nation is alone due to bountiful crops, to productive soil, to the moistening rains, and the warmth of the sun. In other words, they say it is due to Providence, and not to the Republican party.

When they say that, sir, they are largely right, but partly wrong. No human laws and no human agencies can produce prosperity any time or anywhere unless the smiling face of Nature is above it all. But, sir, there are human laws and human agencies that seem potent and powerful enough almost to destroy a prosperity that comes from on high. I never realized how powerful—how almost more than mortal—were the agencies of the Democratic party until the years of 1893, 1894, 1895. In those years I saw my country filled with an industrious people, blessed with a fruitful soil, bathed in sunshine, and moistened with rain produce such crops as the history of agriculture never surpassed before.

But, sir, in the midst of that land of natural plenty we were plunged in a panic, the like of which is not within the memory of mortal man.

NO LAW CAN MAKE EVERYBODY PROSPEROUS.

Sir, in this discussion I desire to be both honest and candid. And I will begin by saying that no government, no political party, and no law can absolutely make every man prosperous. No law, of its own force, can make the idle industrious, the foolish wise, or the spendthrift economical.

The most that any political party can do is to enact laws that will help create conditions under which men of industry and economy may prosper.

When I say that the Republican party has produced prosperity in this nation and among its people, I only mean that that party placed a wise and beneficent protection law upon the statute book, under the operation of which all legitimate industry could prosper. And after that, the thrift, energy, and economy of the American people did the rest.

I said a moment ago that no party and no law could absolutely make a man prosperous. And that was true.

But, sir, in contradistinction to this, I say that a political party may make and place on the statute book a law that will make the majority of the people poor through no fault of their own. It is possible to frame laws under which even the prudent, the wise, and the economical can not prosper. And that, sir, is exactly what the Democratic party did to this nation when, in 1894, they passed the Wilson free-trade law. Under the blighting and baneful operation of that law went down alike the strong and the weak, the wise and the foolish, the industrious and the idle. It engulfed the nation in panic; it plunged the people in poverty; and it covered the mighty and matchless industries of this nation with a political winding sheet. [Applause.]

Sir, the man who is ruined by circumstances beyond his control is indeed an object of pity. But the man who with his eyes wide open and the history of his nation staring him in the face, deliberately votes to again knock the props out from under himself, he ought to have a political guardian appointed to look after him.

PROSPERITY BY ACCIDENT.

If I don't accomplish anything else in the course of these few desultory remarks, I would like to lodge one thought firmly in the minds of all who hear me, and that thought is, that *things in this world don't happen by accident.* Events in the economic and industrial world do not occur by chance or by accident.

If you were traveling through a great wilderness and suddenly came upon a beautiful field of wheat nodding its golden heads in the wind—though there was not a human habitation in sight—instinctively you would know that the hand of human industry had been there and that that rich harvest was never sown by chance or flourished by accident.

You may see the swift chariots of commerce rushing in both directions over a mighty railway system, passing and repassing each other in bewildering confusion. And if you didn't happen to see the man who was issuing the orders—and were a complete fool besides—you might think those trains were running by accident and not by system. But away off out of sight somewhere, in a little room by the side of a ticking instrument, sits a man whose brain works out the system and the time schedule upon which every one of those trains run. And the fact that you don't happen to *see* that man does not in any degree lessen his importance or his utility.

You may sit in the palatial cabin of a mighty ocean steamer that in the darkness of the night is plowing her way through the pathless waves and the trackless gloom. Now, if the cabin is lighted with electricity it is a dead-sure thing that there is a dynamo or a storage battery on board somewhere. You may not see the machine, but the indisputable evidence of its presence is there. You may lean over the stern and see the great screw churning the blue waves to creamy foam; you may be entirely out of sight and sound of the engine, but if God gave you any sense at all you know that there is an engine on board somewhere and that that screw is not revolving by accident. [Applause.]

You may not see the pilot, but somewhere out of sight and sound is a careful man who notes every light-house on the distant coast, every star that studs the sky, and every cloud upon the horizon.

And it is by means of all these agencies that you travel in comfort and come safely into port. And the man is an ass who would deny the existence of these agencies simply because he didn't happen to see them.

Sir, the running of a government is like running a great machine. Somebody is in charge all the time. This Government of ours is not run by accident—at least it never has been during the time the Republican party has been in control of it. There have been some other unfortunate periods in its history that amply justified the suspicion that it might then have been running by accident. [Laughter.]

When you look out over this nation to-day and see the smoke rising from the hives of happy human industry; when you hear every wheel and every spindle singing the song of industrial delight; when you see the great white shafts of light shining out from the fiery throats of the myriad forges and furnaces across the blackness of the night; when you see the unnumbered

regiments of men that form the vast and peaceful army of labor move out each morning to occupy the mighty and productive field of American industry and countermarch each evening to homes—to American homes, if you please, filled with all those luxuries and necessities that make the American home an ideal amongst the habitations of all men—sir, when you see all that, you will know that this result was produced by wisdom and that it did not occur by accident.

You may not see each and every hour all the governmental machinery that produces this result. You may never have seen a custom-house; you may never have pored over the tariff schedules; you may never have seen the tariff wall that lifts its protecting barrier between your prosperity and the poverty-stricken conditions abroad. But though you may be out of sight and sound of all the governmental machinery which has produced this magnificent result, yet you know enough to know that this result was produced by brains and by energy, by patriotism and by foresight. And the man who says it all occurred by accident is a fool or a prevaricator—and perhaps both. [Applause.]

TWO THEORIES OF PROSPERITY.

Sir, there are two ways of stimulating trade in this world. One of them is to make everything so cheap that there is absolutely no profit in producing it. And then the bankrupt author of its being is sure to be hawking his product frantically through every market place in the world in an effort to keep his soul and body together. And that, sir, is the economic distortion that in the minds of some men spells "prosperity."

The other way of stimulating trade is to give to every honest heart and hardened hand that bend to the tune of toil beneath the Stars and Stripes a compensating wage and an adequate income, so that he can buy at a decent price all those things which have raised the standard of the American home high above the abiding place of every other nationality beneath the stars.

And that, sir, is the stimulation of trade that, under the providence of God, I wish to see continued to the multiplying millions of my race. [Applause.]

RECIPROCITY.

I regret to say that there exists in this nation to-day a certain "reciprocity syndicate," apparently stimulated with a frenzied desire to mangle the Dingley tariff, lower the wages of all American labor, cheapen the price of all American commodities, and turn the American market place over to a herd of foregn loafers who have never been able to prosper at home—except when a free-trade Administration was in control in America.

On the sixteenth day of August, in the year of our Lord 1905, it came to pass that there gathered in the city of Chicago one certain national reciprocity convention.

Probably the history of the world does not disclose any nation at any time that ever stood upon as lofty a level of national wealth and individual prosperity as the American nation occupied on that very 16th of August when this herd of malcontents marched forth from the cave of Adulum to the self-appointed task of rescuing their nation. Nothing outside the jokes in the back of the family almanac ever happened that was half as funny.

According to their own declarations, they met to "force the removal of the barriers that limit the expansion of American commerce." In that very year and upon that very same day a Government bulletin of the United States announced that "the foreign commerce of the United States in the fiscal year just ended *exceeds that of any preceding year*," and that "both imports and exports made *new high records;*" the imports, $1,117,512,629, exceeded by $91,793,392 the highest preceding record, and the exports, $1,518,561,720, exceeded by nearly $31,000,000 the best previous record.

When a man reads those unimpeachable figures, representing as they do the pride and prosperity of our country, he begins to have a faint conception of the everlasting gall and bald-headed impudence of that array of political fragments, freaks, and misfits who met at Chicago, not to belittle other nations, but their own.

"RECIPROCITY."

That report and the unprecedented growth of our foreign export trade in the past ten years, as well as the unparalleled prosperity of all classes of our people here at home, constitute a complete and overwhelming answer to all that new brood of free traders who are to-day parading through this nation under the thin disguise of "reciprocity advocates."

Yes; they are to-day abroad in the land proclaiming evil and shouting disaster, even while they are parading up and down the aisles and avenues of a nation blessed with a greater degree of actual prosperity than ever blessed any portion of the earth or any of the children of men since the day that Noah left the ark!

THE RECIPROCITY PROGRAMME.

It is continually asserted that the industries of the United States have expanded so rapidly that larger markets are needed to absorb the surplus products that can not be consumed at home. And the argument is presented that in order to increase our exports we must increase our imports of foreign products.

That sounds well in the abstract, but upon closer examination it does not look well in the concrete. It simply means that a few special American concerns of large proportions are willing to sacrifice other small American interests with which they are not identified in order that a larger foreign market may be secured for their own special products.

Therefore, what looks philanthropic in the abstract appears to be a selfish and contemptible proposition when examined in the concrete.

And that is the fault and the weakness of this whole miserable reciprocity programme as it is outlined to-day by some of its latter-day sponsors. The reciprocity of Blaine and McKinley was a reciprocity that sought to open up foreign markets for our surplus, and as a return concession opened up the American market to the foreigner *for those articles which we do not produce at home.* In other words, it was a concession that injured no American producer.

But, sir, the patriotic and protective programme of Blaine and McKinley and the absurd propaganda of these latter-day political saints are no more like each other than a doughnut is like a dunghill.

NO REDUCTION THAT WOULD INJURE.

This set of American reciprocity sharks are continually declaring that they would make no reduction in the tariff that would injure any American interest.

But it is perfectly apparent to any man with an ounce of brains that no man can eat his cake and have it too.

If we do not, under this proposed reciprocity arrangement, reduce our tariff enough to benefit the foreign producer, then we have not conferred any advantage upon him, and we are not entitled to receive any advantage in return.

On the other hand, if we do, under this proposed reciprocity arrangement, reduce our tariff enough to benefit the foreigner, we take just that much away from American producers and confer it upon an alien race.

And any man who avows that he is in favor of helping the foreigner at the expense of the American people isn't fit to live in America, much less to legislate for the welfare of the American people.

CANADIAN RECIPROCITY.

There has been a vast deal of loose and flippant talk about the benefits that would accrue to America from reciprocity with Canada.

In the first place, I undertake to say there is not a single article of any nature or description whatsoever produced in the length and breadth of Canada that is not being produced to-day in the United States.

The Canadians wish to export to and sell in the United States, to American consumers, products exactly similar to those which we are to-day producing at home. And every Canadian product so sold in the American market place will rob some American laborer or producer of the result of his toil or the price of his product. Now, I do not blame the Canadian for desiring such an opportunity and advantage. But, sir, I do blame the American citizen who is willing either to cripple or destroy an American industry for the sake of boosting a similar one across the border. That may spell "*reciprocity*," but in my limited vocabulary it don't spell either "*patriotism*" or "*horse sense.*"

Think of it for a moment:

Would free wheat imported from Canada increase the price that the American farmer in Minnesota or Kansas would get for his wheat?

Would free cattle from Canada tend to raise the price of beef on the hoof on our western and southern ranches?

Would free wool from Canada tend to boom the American wool industry in our eastern States, or help the sheep grower on the mighty plains of western America?

Would free lumber from Canada boom the American lumberman or would it bust him?

And would free coal from Canada help to raise the wages of the countless thousands of American coal miners?

Mr. Speaker, it is true that at present I live in the State of Washington, but in the remote past my ancestors came from Missouri. You will have to "*show me.*"

EDMUND N. FOSS.

One of the prime movers—I might say, one of the major prophets—of the late national reciprocity convention was one

Edmund N. Foss, a free-trade theorist from Boston, and a tariff agitator by profession. It has never been my pleasure to meet that man Foss, but I have a growing and an almost unconquerable desire to see him. He must be wonderfully and fearfully made.

One of the wits of the world, speaking of another individual, once said: "He is never so serious as when he tries to be funny, and never so funny as when he tries to be serious." It is a matter of profound regret to me that the author of that statement never met Foss.

As an evidence that Foss comes within the description just given, I wish to quote his words at the Chicago reciprocity convention. On this occasion he glibly essayed the rôle of spokesman for President Roosevelt. Foss said:

President Roosevelt is in line with this reciprocity movement. He has been on this platform for a long time. In 1902 he went so far as to say—

Now, listen to this *reckless* (?) language which Foss attributes to President Roosevelt—

he went so far as to say that he was in favor of reciprocity, *where the minimum of damage may be offset by the maximum of good.*

[Laughter.]

Of course you understand that perfectly. It is entirely clear to you, isn't it? [Laughter.]

Now, if the President really said that, he certainly worked off on Foss one of the most delicious bits of humor that can be found in the political annals—or among the political "animals"—of America. [Laughter.] The statement was so clear and definite that Foss undoubtedly understood the President perfectly, but it is to be regretted that the remaining ninety millions of us don't recognize the exact *locality* the President had in his mind when he spoke of "*where* the minimum of damage may be offset by the maximum of good."

Foss really should file a bill of particulars, or a kind of illuminated chart, with specifications and front and rear elevations, so that we may all of us be able to understand just "*where* the minimum of damage may be offset by the maximum of good."

And when Foss files this explanation I have no doubt but all of us will agree that the plan as outlined is exactly similar to that project which Abraham Lincoln once indorsed, when he said: "*It is just the kind of a thing that people like—who like that kind of a thing!*" [Laughter.]

For fear my attitude may be misunderstood in this matter, I wish to speak now for a small slice of the "maximum of the good" and at the same time generously waive any claims I may have to the "minimum of the bad." [Laughter.]

GOVERNOR CUMMINS, OF IOWA.

And who were the men that attended this so-called "Reciprocity convention?" Nearly all of them were free traders. Some few of them had donned a protection coat in order to gain admittance underneath that disguise; but underneath the coat—down next to his hide—was a free-trade shirt. [Laughter.] In that gathering the free traders tasted a congenial atmosphere and felt that their feet were planted on familiar ground.

Chief among them was Governor Albert B. Cummins, of Iowa, the most prominent political orphan that America has produced in the last generation. [Laughter.]

Dear old Iowa—the Commonwealth that gave me birth, and around whose groves and orchards and gentle landscapes are clustered the richest and happiest memories of my life. In this the hour of my maturity I proudly bare my head to the land of my nativity. Dear old Iowa—the patriotic records of my country are richer because your star shines in our national constellation. [Applause.]

And what great names has Iowa given to the world and to fame? Their names are legion:

There is Senator WILLIAM B. ALLISON [applause], who for more than forty years has helped to guide and guard the destinies of the American Republic.

There is WILLIAM PETERS HEPBURN [applause], the clearest-minded statesman and the greatest debater upon this the floor of the greatest parliamentary body on earth.

There is JONATHAN P. DOLLIVER [applause], a patriot and an orator whose fame has reached two continents.

There is Maj. JOHN F. LACEY [applause], a soldier, a patriot, and a statesman—and not a demagogue.

There is Leslie M. Shaw [applause], one of the greatest Secretaries that ever presided over our Treasury Department, and a Presidential possibility of no mean magnitude.

And legions more of heroic names come trooping to my mind to-day like doves to the window—names that Iowa has given to the world and to fame.

And then—and then, there is Cummins! [Laughter.] Ye gods! I never expected to live to see the day when the great State that bore me would elect a Republican governor the back door of whose executive chamber opened directly into a Democratic free-trade convention! [Laughter and applause.]

CUBAN RECIPROCITY.

Mr. Chairman, in this Chamber a few short years ago, and in response to the hysterical clamor of a few misguided enthusiasts who were shouting for Cuba and booming the sugar trust at the same time, I had the honor to raise my voice against that ill-considered piece of legislation called "Cuban reciprocity." If I had any dim doubts about the wisdom of my course then, I feel amply justified now.

Since that Cuban reciprocity treaty went into effect what has been the result in relation to the trade of Cuba? Sir, the trade of Cuba with the outside world—the outside world to which she owed neither gratitude nor gold—has grown eight times as much as her trade with the United States—the United States to which she owes an unbonded debt of both blood and treasure.

Under that reciprocity arrangement during the last year the trade balance between the United States and Cuba was $48,000,000 in favor of Cuba and against the United States. That means that America last year sent to Cuba $48,000,000 of American gold with which to increase Cuba's patronage of European mills and factories.

The United States also loses $18,000,000 per year of lost revenue.

And in addition to these losses in the realm of trade and in the Government's exchequer is another private loss to all American citizens. During the summer of 1905 the price of refined sugar was more than a cent a pound higher than it was a year before that time. It was nearly one-half higher than before we had this reciprocal agreement with Cuba. Now, an increase of a cent a pound on sugar means an increase of $20 per ton. The consumption of sugar in the United States is about 2,500,000 tons per year. That means an added cost to the consumers of the United States of $50,000,000 per year.

Now, then, these being the facts about this Cuban experiment, I want to ask just one question: If it costs us $48,000,000 per year adverse trade balance, plus $18,000,000 per year lost revenue, plus $50,000,000 per year donated to the Havemeyer sugar trust, just for the sentiment of having reciprocity with "little Cuba," how much will it cost us as a nation and a people to extend this beneficent and feeble-minded system over the hungry world at large?

"STANDING PAT."

I note that the gentleman from Mississippi [Mr. WILLIAMS], the leader of the Democratic minority on this floor, honors me with his presence and indulges me with his smile. Many a time and oft, sir, I have seen the gentleman arise in his place on the Democratic side of this Chamber and launch his shafts of rhetoric and ridicule at my party, because forsooth he said we were standing pat. Sir, when you frame that indictment against my party I must confess that you have a distinct advantage over me, because, sir, whatever else may be said of the Democratic party in all its malodorous career of poverty and panic, no truthful man who knows the history of your party would ever charge that you stood pat on anything or had anything to stand pat on. [Applause on the Republican side.] I congratulate the gentleman to-day that he is the proud and chosen leader of a party of political wobblers and trimmers, who in the last fourteen years have wobbled once around the great political circle. In 1892 they were for free trade, and made a failure of that; then they were for free silver, and made a failure of that; then they were for anti-imperialism, and made a failure of that; then they were for antitrust, and made a failure of that; then they were for Alton B. Parker, a gold standard telegram and a political mystery, and they made a failure of that. And now, sir, after fourteen years of wandering in the political wilderness they have at last got back to the original starting point—to the old, despised issue of free trade—that under a practical trial and in the disasters of those other times was relegated to the limbo of everlasting and humiliating failure. [Applause.]

DANIEL WEBSTER.

Daniel Webster was one of the greatest of all Americans. In the earlier days of this Republic, when discussing the perpetuity of the Union, Webster said:

I have not accustomed myself to hang over the precipice of disunion to see whether within my short sight I can fathom the abyss below.

Sir, paraphrasing that patriotic sentiment of that great man, I would say: I have not yet accustomed myself to lean out over the edge of a prosperity that is both general and genuine

to see whether within the range of my vision I can locate a panic.

When the sunshine of prosperity is shining athwart my nation then I am not engaged in chasing bats and owls into dark corners and dubious ways. *I am content.*

No wise man ever tore down the roof that sheltered his wife and his babies—humble though it might be—until he had the assurance of something better to take its place. And no wise legislator ever destroyed an actual prosperity chasing a chimera.

There are some things in this world that I will not do. I will not experiment and tinker with the happiness and the welfare of 90,000,000 of my countrymen—no; not even for the sublime satisfaction of again proving to the waiting world at large that the Democratic free-trade theory as applied to the industries of America is an economic failure and an assinine dream.

WHEN THE WHEELS STOOD STILL.

I do not intend in a personal way nor in an offensive sense to arraign Grover Cleveland and the Democratic party, whose instrument he was. Doubtless he and they were then honest in their political belief.

But the recollection of that fearful period of business and commercial disaster is burned into the memory and into the lives of our 90,000,000 of people. The mightiest monument that that Administration left behind it was a continental ruin of commercial industry.

In four short years and amidst the industrial splendors of this nation the Democratic party created commercial wrecks more vast and awe inspiring than any stately ruin that the gnawing tooth of time or the shifting sands of the desert ever left along the shore of the Ægean, on the banks of old Tiber, or by the delta of the Nile. [Applause.]

Under the Administration of Grover Cleveland the hand of industry was palsied and every wheel of industrial activity stood still. The only time that the wheels of industry ever turned in connection with the career of Grover Cleveland was when he met political death at the polls under an avalanche of American ballots.

But, sir, the future political historian will not fail to record that there was only one brief period connected with the memory of William McKinley when the wheels of industry paused in their resistless hum and whirl.

And that was at the moment—at the moment when the sanctified dust and the martyred form of William McKinley were lowered into the tomb, when every wheel and every spindle that had sang the song of industrial delight beneath the Stars and Stripes, for an instant stood still.

Mute but mighty tribute of perfect propriety to him whose genius had unchained their idleness and given them all to the boundless realm of unceasing and matchless activity.

CLOSING.

As I draw toward a close, permit me to say that in the expression of these views to-day I realize that I am open to the charge of being an ultraprotectionist.

I do not deny it. Time and time again in my life and through the aid of my country's history I have seen the industries of my nation flourish under protection, and I have seen them fade under free trade. When I say that I am an ultraprotectionist, I claim no unusual degree of wisdom. Some things there are in this world so manifest that "the wayfaring man, though a fool, need not err therein."

I know prosperity when I see it, and I know panic when I feel it. And in the not recent post both have left their indelible marks and scars upon my corporal body and my political recollection that no amount of Democratic "hot air" will erase.

Our nation has grown marvelously in the past under this protective system, and I believe that the symbol of *"Protection to American Industries"* shines forth in the political firmament of this nation to-day like the cross that stood in the heavens before the army of Constantine.

If I could summon into this presence here to-day the immortal shades and deathless spirits of those Americans who in times gone by have stood for a protective tariff, I would people this Hall with an immortal assembly.

Their shadowy hands should stretch across the gulf of time and space toward the legions of their countrymen who to-day inherit the harvest of their wisdom and the fruit of their toil.

Their ashen lips should speak again the words of wisdom which many a time and oft in days gone by have driven despair from the American heart and famine from the American home.

Here they should stand in one grand and immortal procession, and at the very forefront of this heroic column would be *Blaine* and *Reed* and *Dingley* and *McKinley*.

Over against the polished words of the gentlemen from New York [Mr. COCKRAN], who has left a luminous and crooked trail between party lines, but who will be remembered by no single economic monument, I would place James G. Blaine, whose chief monument is the American home set upon a loftier level than ever human habitation occupied in all the changing history of the race.

The other gentleman from New York [Mr. TOWNE] has such an amazing degree of brilliant talent that no one political party has ever yet been found ambitious enough to construct a platform wide enough to accommodate his extensive and changing political repertoire.

Over against his meteoric record and changing career I would place—in about the ratio of 16 to 1, if you please—the record of Nelson Dingley, that undemonstrative statesman to whose sainted memory half a million American smokestacks are burning incense to-day.

And there is my friend from Mississippi [Mr. WILLIAMS], who is the leader—yes, who is the leader of *that portion of the Democratic party which follows him.* Over against his career, brilliant with lurid oratory, but utterly barren of any fruitage of economic results, I would place the giant and shadowy form of Thomas B. Reed, whose monument to-day is a continent of resurrected and reconstructed industry.

And over against all the remaining remnants of this heterogeneous mass of theoretical and discredited statesmen I would place the sainted form of William McKinley, who from the shadow of a little vine-clad porch at Canton sent forth one message to his distressed and stricken nation that guided the weary feet of the uncounted millions of his countrymen back to the old familiar paths of a blessed and enduring prosperity. [Loud and continued applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed, with amendment, bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 20173. An act to authorize Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for use of electric light and power plant.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills and joint resolution of the following titles:

S. R. 17. Joint resolution to print the Fourth Annual Report of the United States Reclamation Service;

S. 1291. An act for the relief of James W. Watson; and

S. 1725. An act granting certain land to the Missionary Baptist Church, of Rock Sink, Fla.

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

S. 5545. An act granting an increase of pension to Margaret Brannon.

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. 12323) to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah.

H. R. 15442. An act to establish a bureau of immigration and naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States.

COLLECTION OF THE REVENUES.

The committee resumed its session.

The CHAIRMAN. The gentleman from New York [Mr. COCKRAN] is recognized for one hour. [Applause.]

Mr. COCKRAN. Mr. Chairman, for several weeks we have been assisting at a peculiar symposium of protective oratory. The vaudeville feature presented to-night, for which the gentleman from Washington [Mr. CUSHMAN] is entitled to credit, is of course beyond serious discussion. Aside from this humorour performance—humorous in every sense—several gentlemen have contributed a good deal to the exterior decoration of the protective structure; but it can hardly be said that they have shed much light on its fundamental principles. There has been contributed, a good deal to the exterior decoration of the protective structure; but it can hardly be said that they have shed much light on its fundamental principles. There has been contributed, however, from the majority in the course of this discussion one

speech which, in the philosophy underlying its conception, the order of its arrangement, the felicity of its diction, and the high note of eloquence with which it concludes, will stand for many years an inspiring note of parliamentary eloquence. If I can succeed in answering the address of the Hon. JOHN DALZELL, of Pennsylvania, delivered on May 24, 1906, I will have met the entire Republican position; for it is no exaggeration to say that there the protective theory is stated with the fullest amplitude, and the merits claimed for it are described in most attractive terms. That speech may be subdivided into several heads: First, it is stated that we are prosperous, and a system which promotes, even if it does not cause, prosperity should be maintained. Second, that the sale of goods by American trusts in foreign markets at lower rates than are exacted from American consumers is in itself an excellent thing. Third, that the volume of such sales is small, amounting, he says, to about $4,000,000 annually, and therefore this feature of the system is so very little as to be hardly worth notice. Fourth, that if we on this side come into power we will be no better than our opponents, because the revenue bill enacted by a Democratic Congress in 1894 was a highly protective measure. And the address closes with a stately peroration, eminently worthy of the stirring lines quoted at its conclusion, in which the orator asks both sides of the House to join hands for the interests of our common country in maintaining the wages of the American laborer.

Now, Mr. Chairman, I am perfectly willing to meet that appeal. I am perfectly ready to clasp hands with the gentleman from Pennsylvania or anybody else in an effort to increase the wages of the American laborer. I repeat now what I have said more than once—that to me there is no test of prosperity which is absolutely infallible except the rate of wages paid to labor; where wages are high production must be extensive, where production is extensive commodities must be abundant, and abundance is prosperity. I am perfectly ready to meet the gentleman from Pennsylvania [Mr. DALZELL], the gentleman who has just concluded [Mr. CUSHMAN], and all the other gentlemen who have preceded them and who may follow them on that side of the House in insisting that the merit of any policy should be judged by its effect on the rate of wages; that a policy which makes for high wages, by that fact should be accepted as sound, while any policy that operates to reduce wages should be ipso facto condemned. If, therefore, this Republican tariff system operate to increase the rate of wages paid to American laborers, I am willing to concede that it is a policy of beneficence which every sensible, every patriotic, every honest man should uphold. If, on the other hand, it is a policy by which the rate of wages is diminished, decreased, or restricted, then it is one which every honest man should condemn, oppose, and labor strenuously and unceasingly to overthrow and uproot.

Now, when the gentleman from Pennsylvania and I, who have but one object, yet find ourselves pursuing paths so radically different, it becomes necessary to anything like profitable debate that we should retrace our steps until we find some principle so general in its application that we can both accept it. He is logician enough to realize that there must be some postulate of discussion before any sensible discussion is possible. I do not ask the gentleman from Pennsylvania, nor any gentleman on that side, to concede anything about which there can be any possibility of dispute. I do not ask him to concede even that there is a Constitution or a republican form of government in this country, or that there is an American Congress consisting of two Chambers, and that he and I are members of it. The verity I ask him to concede is more general than all these. I simply ask him to admit, as the postulate of any intelligent discussion, that everything of value in this world, everything worth holding, worth having, or worth taking, must be produced by labor, the labor of human hands exercised on the bosom of the earth or on some product of the earth.

Now, I suppose I may start with this proposition unchallenged by the gentleman from Pennsylvania or any gentleman on that side of the House. I pause for dissent if there be any to express. There being none, I proceed.

Postulating then that all wealth, all property, must be the product of human labor, I submit to the intelligence of the committee, to the gentleman from Pennsylvania, and to all his associates, it must necessarily follow that everything of value which anyone can possess must be the product of his own labor or the labor of somebody else. From this it follows that whatever a man has he must produce himself or he must take it from somebody who has produced it. As I put it once before on this floor, whenever a man undertakes to secure anything of value there are but two ways by which he can succeed in obtaining it. He must make it or he must take it. He must make it himself or he must take it from somebody who has made it. There is no other way. Nobody will claim that government can produce anything of itself. Nobody will pretend that government can wield an ax or drive a plow or handle a pickax. If, therefore, government by any policy makes any person or class prosperous, as you gentlemen claim the protective policy of the Republican party has made the laborers of this country, it must take the thing which it bestows on the favorites whom it enriches from some victim whom it plunders.

This proposition, which I have laid down more than once in this House and outside of it, nobody has ever disputed directly, though every speech on the other side impugns it covertly. The dominant note in the speech of the gentleman from Pennsylvania is that our Government has made prosperity general among wageworkers. The gentleman who has just taken his seat, if we can distinguish any sensible statement through the vagaries of his humor, appears to asseverate that the Government has made laborers in this country prosperous beyond any degree of prosperity they could have attained for themselves. If Government has indeed made laborers prosperous, it must have been by giving these favorites of its system something beyond what they themselves have produced. The right of the laborer to all that he produces by his own labor is the Democratic doctrine. The Republican doctrine is that in some mysterious way the Government gives the laborer more than the value of his product. If it enrich the laborer by anything outside of that which he has produced by his own toil, it must have taken the things it has given from somebody else. Besides the laborer there is only one other factor in the whole industrial field, and that is the employer. The things that have been given to the laborer beyond what he has himself produced must, therefore, have been taken from the employer. There is no one else from whom they could have been taken. If, therefore, there be any sense in the position of the gentleman from Pennsylvania, he would have us believe that the trusts, the employers, the great corporations, are plundered by the Government, when it is administered by the Republican party, to enrich their laborers.

Mr. Chairman, when we remember the source from which Republican campaign funds are derived, this is equivalent to contending that all the trusts and great corporations are in the habit of giving their treasure lavishly to aid the success of a political organization, which, when successful, employs all the powers of government in plundering them. Sir, we might well leave the whole proposition upon this bare statement of probabilities; but, sir, I am not content to leave this issue to be settled by the balance of probabilities. I will go a step further, and, while admitting that the operation of a protective system is to enrich one of the two elements engaged in production at the expense of the other, I undertake to demonstrate that it is not the employer who is plundered for the benefit of the laborer, but the laborer whose wages are diminished to enrich unfairly, but enormously, the profits of the employer.

This, Mr. Chairman, I repeat, is not a conclusion to be inferred from probabilities. It is capable of absolute demonstration. To that task of complete demonstration I hold myself bound. In considering causes that operate to affect wages, we need never be in doubt about the effect of any policy which government can establish, if we first inform ourselves what is meant by wages. Now, what do we mean by wages, Mr. Chairman? Wages, I am sure the gentleman from Pennsylvania will agree, may be defined as that part of the laborer's product which he obtains for himself in compensation for his toil. No one will pretend that the wages of a laborer can proceed from any other source than his own labor. Wherever the products of the laborer are abundant his wages must be higher. Where the product is narrow his wages must be low. Whatever operates to swell the volume of production must therefore operate to increase the rate of wages. Conversely, whatever operates to restrict production must operate to diminish the rate of wages.

Now, the essential policy of protection is to make production expensive, and whatever increases the cost of production necessarily diminishes its volume. If I be engaged in the manufacture of any article, the manufacture of chairs, for example, and I produce five chairs a day worth $5 each, my total product is $25. If my wages be $5 a day, I get in fact one-fifth of my product—one chair out of the five I have produced. Of course I don't take a chair every day, which would be of little use to me; therefore I take its equivalent—that is to say, $5—in the form of money.

It must be apparent that if by improvement in my skill or increased closeness in application I can produce ten chairs each day instead of five, and the rate of my compensation remains the same, one fifth of my product, I will get two chairs, $10, the equivalent in money, instead of one chair or its equivalent, $5. But this increase of my wages, far from reducing my em-

ployer's profits, increases them. Instead of four chairs, eight chairs are the surplus of my product over and above my compensation, and the proceeds of these he distributes among all the other elements that contribute to their production less that proportion reserved for his own profit.

This explains the economic verity which seems incomprehensible to many, that labor which commands the highest wages is in fact the cheapest. That is to say, there is more profit in employing highly paid than poorly paid laborers. No laborer on this earth produces a large volume of commodities without receiving high wages, and no man can receive high wages whose labor does not result in a large product. This rule is of universal application. It has no exception. Manifestly it can have none. As it pays my employer better to give me $10 a day for a production of ten chairs than to pay me $5 for a production of five chairs, so every other employer of labor finds the largest profit in employing, not the cheap workman, whose product is narrow, but the workman who commands the highest wages, because his product is the most extensive. Prosperity which depends on production can not be other than general. If it exist, it must be shared by every member of the community. As my product of chairs increases the demand for all the elements that enter into that chair must increase. More trees must be cut down in the forest, more logs must be transported to the sawmills, more hands must be engaged in making the lumber which will be manufactured into chairs. This increase in the demand for commodities necessarily increases the demand for laboring men to produce them, and every additional demand for labor stimulates the rate of wages. Thus the same conditions and causes that increase my wages operate to raise wages in many other fields of industry. This is not the measure of the benefit which I work to the whole community by improving my own wages through greater efficiency in production. Every increase in the volume of products means a decrease of the prices to consumers. As I increase the number of chairs I cheapen the cost of them to everyone who needs such articles of domestic comfort. And thus it is that throughout the world wherever prices of commodities are highest, there wages are lowest, and wherever wages are lowest, there the cost of commodities is highest. Here we come in direct conflict with the essential theory of protection. That system is built on the fundamental fallacy that cheap labor means cheap commodities. Exactly the reverse is true. All over the world where labor is most poorly paid commodities are dearest. Where wages are highest commodities are cheapest.

In Mexico, where the rate of wages is but a pitiful fraction of the rate prevailing here, the cost of beef and flour and other necessaries is vastly higher. If the prosperity of which the Republicans boast had been genuine the price of commodities would have been falling here, while the rate of wages would have been rising. But, as a matter of fact, while prices of commodities have increased enormously, the rate of wages has increased but moderately, if it has increased at all. Certainly there has been a greater proportionate increase in the cost of commodities than in the rate of wages, and therefore the net result is a decrease in wages, for wages are decreased just as effectively by a reduction in the purchasing power of the money in which they are paid as by a direct reduction. The prosperity of which you Republicans boast is not, therefore, genuine, for it means that while a few employers are vastly richer, the mass of laborers are living to-day on a smaller net wage. Now, the difference between the Republican and Democratic position is this: We believe that cheapening the cost of production means increasing its volume, and is the one source of prosperity. If the policy of protection has any definite object, it is avowedly to make the cost of production dearer, and therefore the volume of it less extensive. It must be clear that if the cost of producing a chair be increased, the number of chairs produced every year must be reduced. In brief, the Democratic notion is to reach prosperity by leaving no road to profit open except through increasing production. The Republican idea is to establish prosperity by narrowing production and allowing the producer to increase his profits by taxation. In the last analysis we stand for abundance and you for scarcity. [Applause on the Democratic side.] But, Mr. Chairman, let us go a step further. Let us apply these two economic principles practically and directly to industry in any of its fields, and let us see how each must affect wages. Let us take the case of a person engaged in the manufacture of chairs, shoes, watches, or any other commodity, under absolutely free conditions of trade, with the Government holding absolutely aloof, giving him no favor or protection except that degree of protection which prevents any other person from seizing his goods, and compare the conditions of prosperity governing him with those which govern under a protective system. Suppose I am a manufacturer of watches, and with a capital of $1,000, under perfectly free conditions of trade, I can produce, say, a hundred watches, worth $10 apiece, every month. If I wish to increase my earnings there is but one way open to me, and that is by increasing the volume of my product. I must, by increased skill, by harder industry, by better organization, produce 150 or 200, instead of 100 watches. No other way is open to me. I can not increase the number of watches produced in my factory without increasing the number of hands engaged in producing them. As I increase my own prosperity I must increase the prosperity of my workmen by creating an additional demand for labor, thus stimulating the rate of wages.

But if, under your system of protection, the degree of favor were extended to the watch industry, which the gentleman from Illinois [Mr. BOUTELL] declared the other night is its pressing necessity, so that the cost of producing each watch was doubled, and at the same time, by a system of tariff favor or protection, I was enabled to charge $20 for each watch, it is quite plain that two results must follow—my product will be cut in two, reduced from 100 to 50 watches. I will, however, make the same profit as on the larger number. But, Mr. Chairman, I would not need more than half the hands to produce 50 watches that I must employ to produce 100, and I would at once discharge the hands that had become superfluous. While my profits would remain undiminished, those discharged workmen would be driven out into the field of industry where other laborers were competing for employment, there to make the competition between them more keen. Competition for employment between laborers can take but one form—that of offering to work for lower and cheaper rates. [Applause.] Can any man pretend that by the inevitable operation of fundamental laws any other result than this can follow from a system which enables an employer or capitalist to make from a diminished output the same profits as from a larger output. Yet this is protection in its essence and its fruit, as you yourselves describe it. In the very nature of things it must have reduced production. It has diminished it. But the manufacturers, employers, trusts, have not suffered. They have prospered enormously through the privilege to levy taxes which they have enjoyed, while the laborers, whose field of employment has been removed, have not been benefited, but injured, by the system. But gentlemen tell us that we are prosperous. Oh, yes; we are prosperous; but so is the Mutual Life Insurance Company prosperous. [Applause on the Democratic side.] So is the New York Life Insurance Company prosperous.

Why, your argument of prosperity is the argument of McCurdy and McCall. [Applause on the Democratic side.] When they were questioned about the administration of their trusts their infamies were not admitted in fear and trembling and shame, but they were avowed with pride and self-approval. Not as criminals making damaging admissions, but as men feeling they had earned approval, McCall and McCurdy boastfully asked the examiners, "Are not these companies prosperous? Are they not all solvent? Have they not grown with enormous strides?" Just as I hear gentlemen on that side say, "Who dare question the amount of tribute levied by this protective system upon the American people for the benefit of our favorites? Who dare deny our right to extort from American consumers of watches or any other commodity prices vastly in excess of those which we charge for the same products abroad? Are we not prosperous? Is not Greene County, in Illinois, represented by the gentleman who exposed upon this floor the exaction of the watch trust, a most prosperous county, a land flowing with milk and honey?" Why, of course we are prosperous. We are prosperous just as the Mutual Life was prosperous, in spite of the robberies that had been perpetrated on its resources. We are prosperous because God Almighty has given us a soil so fruitful that your nefarious system has not yet been able to divert all its products from the toilers who have created them. [Applause on the Democratic side.] We are prosperous because the American people still retain their native efficiency in labor, and your exactions, perpetrated though they have been, on a large scale, have not confiscated all the fruits of their industry, and they are not yet reduced to bankruptcy and want. [Applause on the Democratic side.]

But, Mr. Chairman, as the policy holders in these insurance companies were sustained by the common sense and the conscience of the whole community when they insisted that the measure of their rights was not whether they had been allowed to enjoy some prosperity, but whether they had all the prosperity which an efficient and upright administration of their affairs would have produced, so we on this side say that the question before the American people is not whether any prosperity has

survived your system of plunder, but whether they shall enjoy the full tide of prosperity that God Almighty has intended for them. [Applause on the Democratic side.]

The gentleman from Pennsylvania, in that speech to which I have referred, has done me the credit to say that I wear no mask, that I always insist protection is robbery. I repeat it now—it is robbery; it can not be anything else. That it is robbery, and can not be anything but robbery, every advocate of the system shows conclusively by the results that he attributes to it. Does not the gentleman from Pennsylvania and every other supporter of it claim that by its operation the Republican party has enriched the American workingman? In God's name, where did the Government get anything to give him? Where did it obtain the wealth, the commodities, the things that constitute prosperity which, according to you, it has been disseminating among its favorites? Whatever it has given, it must first have taken from some one else. That Government under this system has been steadily taking from one element of production part of the product to which it was entitled and giving it to the other is undeniable. You yourselves boast of it. We accuse you of it. But which element are you favoring and which plundering? There is where we differ, and my object is to make that point of difference clear. There are but two parties to production—the laborer and his employer. If one has been benefited by Government interference, the other must have suffered. The employer pays you. You do not deny it. Your campaign funds are furnished by him; and it is hardly probable that he would fill your treasury that you might plunder himself. [Applause on the Democratic side.]

These corruption funds, through which you have won power and through which you keep it, are furnished to support a policy which takes from the laborer part of the wages which are rightfully his and gives them to the employer by enabling him to take undue share of the common product. This is accomplished, as I have shown, when the employer by a system of artificially inflated prices is allowed to make from a restricted product requiring less labor profits larger than under a wholesome system he could make on a larger product requiring the employment of many additional laborers. The Republican policy now is to maintain that system of plunder by which laborers are robbed to enrich employers. The Democratic policy is to allow the employer no source of profit except an increase of production, which must necessitate the employment of additional labor, and thus compel the distribution in wages of vast sums that now go into the yachts and palaces and private cars and art collections, and even into philanthropic contributions, which are themselves the proceeds of spoliation and robbery. [Applause on the Democratic side.]

Every dollar that can be produced by honest industry—that is to say, every dollar that can be made by any man without intervention by the Government—must be made by serving the community. Under a perfectly impartial government no man can make a dollar for himself without distributing hundreds in the form of wages and benefits among his fellows. I have no objection to any fortune, however great, that can be accumulated through serving the public. I am opposed bitterly to any policy that allows even one dollar to be acquired by favor of the Government. For favoritism in legislation means plunder of some for the benefit of others, and can mean nothing else. [Applause.] There can be no object in seeking favor at the hand of Government except to perpetrate robbery of some one.

I do not mean for a moment, Mr. Chairman, that gentlemen on the opposite side of the Chamber are deliberate agents of robbery. I know that the statements of the gentleman from Pennsylvania, whose eloquent contribution to Congressional eloquence I am endeavoring to answer, while in my judgment wholly erroneous, are honestly made. I believe that he is as honest and sincerely conscientious in his desire to serve the American laborer as I am. But I submit to thoughtful men on both sides that whatever may be the intentions of its supporters, whatever may be the disposition of its advocates, this system of protection can result in nothing except the perpetration of robbery. Since government has nothing of its own which it can bestow on anyone, there is but one path of efficiency open to it, and that is the path of absolute impartiality. When it attempts to become beneficent, it can succeed only in becoming predatory. This I have said more than once on the floor and elsewhere, but the persistency of able men in championing error forces me to frequent restatements of these obvious verities.

But the gentleman from Pennsylvania says that if the Democratic party comes into power it will take to its bosom this policy which, out of power, it condemns, denounces, and professes to loathe. We are told that the Wilson tariff bill is a monument to Democratic duplicity. The gentleman from Washington [Mr. CUSHMAN] did me the honor and the service, quite unwittingly it seems, of calling attention to the fact that although I was one of the authors of that measure, supporting it on this floor—indeed, I closed general debate upon it—yet when it returned from the Senate emasculated, perverted from a wholesome measure of tariff reform to the most vicious measure of protection ever enacted, I denounced it and voted against it on its final passage. To me the fate of the Wilson bill is indeed a monument to the difficulty of uprooting a vicious system. Every feature in a policy of plunder is vicious, but the worst of all is its capacity to corrupt and demoralize the opposition. This was never more strikingly shown than in the measure which the gentleman from Pennsylvania has brought to the attention of the House. When the Wilson bill left this House it was, in my judgment, a monument to efficient, wholesome tariff revision, if an iniquity such as the tariff can ever be a subject of reform. It was drawn on the assumption that certain basic materials—not exactly raw materials, because no materials are absolutely raw; but materials that might be called "primary productions of the earth"—are at the basis of all industry, and for that reason they were placed upon the free list. They were wood, coal, iron, and wool. The duties on all manufactures of these articles were reduced in proportion to the benefit which each would receive from free admission of the basic materials of his industry.

A symmetrical measure based upon these principles passed the House and went over to the Senate. When it came back all these basic materials were removed from the free and placed on the dutiable list, with a single exception, and that was wool. The effect was necessarily to place wool under tribute to the other industries. The other industries had agents in these lobbies. They beset and assailed every one of us while the bill was under consideration. Failing here, they transferred their labors to the Senate. Wool growers were not organized into a trust or a corporation. They had no agents thronging these lobbies. When the bill came back to the House the producers of wool were made the victims, and the producers of wood, coal, and iron the beneficiaries of a long series of bargains, which resulted in a betrayal of the Democratic principle. The industries which had captured the Senate wrote their own schedules into the body of the bill; the industry which was without an organization and a lobby was abandoned to their rapacity.

The gentleman from Pennsylvania tells us that the result of placing coal on the dutiable list by the Senate was to subsidize enormously the railroads, and he tells us that that was a Democratic measure. As a matter of fact, each of these enormities was forced into the Wilson bill by the votes of all the Republican Senators without a single exception, joined by a few Democrats—five, I think—who yielded to the demands of local interest instead of defending the cardinal policy of their party.

Mr. Chairman, I charge no one with personal corruption, but the fate of the Wilson bill is a monument to the corrupting and demoralizing influences of this nefarious system. I am not without some sympathy for these gentlemen in the Senate who yielded to private interests. It is hard for anyone to follow a pathway of duty when tariff beneficiaries from his own neighborhood are asking to be saved from what they believe to be impending ruin, or assuming the garb of injured innocence, clamoring to be allowed a share of this plunder in the name of justice.

When the ship-subsidy bill was pending two years ago I was myself approached by an old friend in New York engaged in the shipping business, who insisted that, as a free trader, I should support the measure. "You are a free trader," said he, "so am I; but I am denied free trade in procuring ships, and yet I am denied any protection in operating them. If we could have a complete free-trade system no one would welcome it more warmly than I. But that is impossible, and under existing conditions the burden of protection falls heavily on New York, while she gets no benefit whatever from it. How often," he continued, "have you told us in the city of New York that our imperial Commonwealth, great though she is in population and importance, has never yet entered into the enjoyment of one-half the splendor and wealth that Providence intended to be hers, owing to the laws which restrict her commerce and impede her growth? How often have you pictured her standing at the gateway of western commerce, the noble river bearing on its bosom argosies deeply laden with the products of the fertile fields that line its banks, mingling its waters at her feet with those of the sea, ready to bear those precious burdens to the four quarters of the globe, but instead of being free to stretch one arm over the ocean and the other across the continent, with both to gather the fruits of industry from every clime into her lap, there to be exchanged for the benefit of all their producers, and to her own continuous growth in population, importance,

possessions, and beauty, the arm which should be stretched across the Atlantic is bound and shackled by laws which restrict the volume of commodities that can reach here from abroad? And have you not insisted again and again that there being less foreign commodities on her wharves to be offered in exchange for the products of her own fields, naturally fewer native products seek her markets, her trade is therefore restricted by land as well as by sea, through this vicious system of plunder from which she is the chief sufferer? Now," said he, "if this measure passes, by far the largest part of the subsidy will be paid to shipowners in New York. It would stimulate the business of ocean transportation, for which we can not compete under existing conditions, and New York will after all be getting back but a little of that plunder which for many years has been levied upon her to benefit other parts of the country." The argument was plausible. It shook my resolution for a moment; but after a while I was prepared to answer, "My friend, I see at once the point of your argument. There may be something said in extenuation of allowing A, who has been plundered by B, to recoup himself by robbing C. At least I can understand how A might reconcile his own conscience to such a project for his reimbursement, but my fundamental moralities will not allow me to engage in a scheme of plundering the rest of the country even to recoup New York for the plunder levied on her by certain favorites of the Government. [Applause on the Democratic side.] I am as eager for justice as you. I believe that he who submits to injustice is almost as bad as he who perpetrates it, but I can not do injustice even to balance the results of injustice. I can only fight my way to justice and fair dealing by appeals to the conscience of the American people. I can not consent to the plunder of innocent persons, to share in it, or profit from it, even to recoup myself for plunder perpetrated on me by others."

And, Mr. Chairman, is not the whole protection argument an effort to balance wrongs and injuries—to give one man something at the expense of his neighbor to compensate him for some exaction he had previously suffered? It is no exaggeration to say, sir, that this system which has been so long lauded upon this floor as a tremendous achievement of statesmanship is itself the fountain of all the corruption that affects our body politic and threatens to submerge our civic, our social, and political life. [Applause.]

Now, that is a strong statement, and one which I would have no right to make unless it can be established by the most convincing reasons. Mr. Chairman, this is a singularly moral nation. Its stern, robust, sensitive morality is shown conclusively when we remember that the mere exposure of wrong is always sufficient to raise a tempest of popular indignation against it. Never has an opportunity been offered to the American people for a display of the virtues which all moralists consider the most valuable—fortitude in adversity, temperance in prosperity, charity toward those who are suffering from calamities inflicted by Providence—that it has not been embraced and improved in a marvelous degree. And yet we all know the morals of our political life have long been the object of suspicion. Recently our business life in its highest, or at least in its most extensive, fields has been the subject of examination, and as its methods have been unfolded every stage has been found reeking with foulness and corruption. It is an amazing and distressing fact that there has not been a single investigation of an enterprise large and extensive in its operations which has not resulted in a sickening and saddening exposure of graft and robbery, corruption and favoritism. [Applause.]

To what must we attribute this apparent inconsistency between the low morals of high finance and the high morality which governs the average life of this people? Why, Mr. Chairman, it seems to me the reason is not far to seek. When in the body of the law itself there is incorporated a system of robbery by which government is made an agent to perpetuate the very wrongs which government is organized to prevent—where the masses who toil are despoiled by the force which is morally bound to protect them, for the benefit of a few favorites—a fountain of corruption is embedded in the very heart of our system, and the foul tide which it has liberated must continue to swell until it engulfs our entire civil and business life unless the whole pernicious system is abolished absolutely and forever. The corruption of our business life, it is now plain, flows from the same source that has long corrupted our political life.

I say now, Mr. Chairman, and I submit it to the gentleman from Pennsylvania, that under the operation of this system it is not possible for any man at the head of a great industry, enjoying the benefit of a high protective tax, to be anything else than a source of corruption in the civic life of our country. Let us see if this be an exaggeration. Let me assume for the moment that the gentleman from Pennsylvania is himself at the head of the great steel trust. He is quite as well fitted, I think, for the position as the gentleman who now presides over it. He is quite as good a lawyer, and neither one need yield to the other in complete innocence of the industry itself. [Laughter.] That steel trust is organized to-day with a capital of $1,600,000,000. The property of the constituent companies is valued at $550,000,000. Immediately upon being combined into one concern, without having acquired a new building, a new engine, or a new wheelbarrow, this property, worth $550,000,000, was capitalized at one billion six hundred millions, and sells in the open market at about one billion three hundred and fifty millions. The only thing acquired by the new concern that the constituent companies did not possess was the power to exact high prices for the product by the elimination of domestic competition, foreign competition being excluded by the tariff. In the capitalization of this company the power to levy artificially high prices is therefore valued at nearly $1,000,000,000, and the rate at which its stock sells in open market shows the valuation is not excessive. Every share of this capital stock plainly represents one-third property and two-thirds a power to plunder. Let us assume now that while the gentleman from Pennsylvania [Mr. DALZELL] is presiding over this corporation, charged with the care of its property and the maintenance of its solvency, the question of placing steel on the free list came before the American people for decision—as I believe it will come at the next election—on the ground, confessed by the gentleman from Pennsylvania himself, in answer to a question of the gentleman from Alabama [Mr. UNDERWOOD] that steel can be produced in this country as cheaply, if not more cheaply, than anywhere in the world. With that issue before the American people, what must the gentleman from Pennsylvania, as the head of that corporation, do? What must be his course by the strictest rules of honor and probity? No one here would dream for a moment that any other consideration would affect him. Must he not defend that privilege, that power which is valued at two-thirds of all the assets represented by the stock of this corporation? How can he defend it? Not by argument.

To stand on a public platform and declare that, while protection was not necessary to the existence of the steel industry, it was highly desirable in order to pay dividends on an inflated capital, we all know would be the strongest way of arousing a public demand that the system be abolished. There is just one way by which the corporation could defend this privilege, and that is by subscribing money to the campaign fund of the party committed to maintaining it. There is but one purpose to which these funds could be put, and that is to corrupt and debauch the American electorate. [Applause on the Democratic side.] And this is the course which the head of that corporation must pursue. There is no escape from it. He must do that or stand idly by and suffer the corporation of whose interests he is the guardian to be deprived of a privilege valued at two-thirds of all its assets. Would not the man of most sensitive morals amongst us all be puzzled to decide what his duty must be under such conditions? Shall he, through loyalty to his country, allow that privilige to be abolished without resistance, and the property of the stockholders, who intrusted him with the care of their interests, reduced two-thirds in value? Must he not exhaust all the ingenuity he possesses and all the resources he can command to defend the integrity of that capital? On the other hand, is a man ever justified in forgetting or disregarding his obligations as a citizen? Must he not choose between disloyalty to the stockholders who trusted him and disloyalty to the Government that protects him? Is not his honor rooted in dishonor whichever way he may turn? What path can he pursue that under this nefarious system does not lead inevitably to wrong and crime and treason? Some one may say he might resign. I think that is what the gentleman from Pennsylvania would do. It would not be exactly the pathway of honor. That has been closed to him by these vicious laws. But it would be the one nearest to honor left open, and therefore I believe he would pursue it. But when he has resigned, what then? When he vacates the chair, is it not inevitable that it will be filled by some one who possesses the qualities for lack of which he could not longer fill it? Will he not then be replaced by another, not more efficient in the art of manufacturing steel, but much more efficient in the arts of corruption and less scrupulous about employing them? Will not the result be merely the substitution of a willing for an unwilling agent of corruption? Will not the very renunciation of the gentleman from Pennsylvania in withdrawing himself from the service of corruption merely insure the employment of another agent who will make corruption more effective and therefore more dangerous? Under a Democratic system the head of the steel trust or any other

productive enterprise would always be a man chosen for his knowledge of the industry, his skill in directing labor, and in swelling the volume of the product. Except as he excelled in these directions, he would have no qualifications for the position. Under this Republican system the man who will always be chosen—who in the nature of things must always be chosen—to preside over such a concern is one who will not employ his time studying methods of stimulating the volume and improving the quality of the product, but one who will employ his time more profitably in the lobbies of Congress, approaching Members, and through briberies or intimidations or other personal influences, inducing them to maintain this system of spoliation. Yes, Mr. Chairman, protection is robbery. Its root is avarice; its method is bribery; its fruits, corruption, spoliation, demoralization. [Applause on the Democratic side.]

Mr. Chairman, the question before the country to-day is not merely a question of protecting the community from robbery by protective monopolies. A graver question looms behind it, sinister, threatening, portentous. The spectacle of men growing rich through Government intervention and praising the system that permits it has produced its natural result. Everywhere throughout the country to-day the specter called "socialism" disturbs the repose of thoughtful men and the security of timid men. When I heard the gentleman from Washington [Mr. CUSHMAN] talking about the silver question I was reminded of the fact that every base measure affecting the coinage which found its way into the statute books was of Republican origin. But the Republican party has always had a marvelous faculty for leaving its baseborn offspring upon the doorstep of its opponent, and then alarming the community by calling attention to the doubtful character of the establishment harboring such doubtful elements.

Mr. Chairman, history may be about to repeat itself once more. The Republicans now claim to be very much alarmed lest the Democratic party may lend itself to socialism. Well, it would be entirely consistent with past history if, in the long run, you gentlemen on the Republican side were found fighting the very socialism which your own policy has produced, and very likely getting a new lease of power by overthrowing it. However this may be, the Republican policy of protection can have no other result than socialism. It is in itself essentially socialistic, and every claim of merit that is made for it strengthens the argument in the favor of socialism. What is socialism? The essential principle of socialism is a theory that the state is the best, and therefore the proper agent of production; that the state can employ labor more efficiently and can distribute its results more equitably than individuals if left to their own initiative. This is exactly the Republican doctrine of protection. You gentlemen by all your argument contend that government can step into the field of private industry and distribute its products better than the elements of production themselves. Instead of leaving the value of each commodity to be fixed by natural laws, you insist that government shall exercise its taxing power so as to stimulate prices artificially, and by making some man pay excessive prices for the necessaries of life place them under tribute to other men. The socialist argues that the whole volume of production should be taken and distributed by the state. You say that part of it should be taken from the producers and distributed to some of your beneficiaries. The socialist believes in doing completely and with high motives what you profess to believe should be done partially and through baser motives. The socialist is governed at least with a desire to serve all the people. You don't even avow any other desire than to enrich some of the people [applause on the Democratic side], although you try to conceal the identity of your favorites. [Applause.] I have more than once defined republicanism to be socialism plus larceny—a socialistic interference with individual industry and a larcenous diversion of the proceeds from the treasury of the people to the pockets of certain favorites.

The appropriateness of that definition has been strikingly demonstrated by the events of the last few years. If socialism is to be checked (and it is growing with startling rapidity) we can not arm the socialist with the plausible argument that the existing system is but a partial, perverted, less complete, less honest, less moral form of the system which he seeks to establish. Socialism linked with larceny can never appear less objectionable in the eyes of upright men than socialism pure and simple—which, however mistaken in principle, is at least conceived in good intention and supported in honest, loyal unselfishness.

You may ask me if the next campaign will turn on the issue between free trade and protection. No; I do not think it will. I do not think the American people will ever again suffer a campaign to be made upon an abstract economic principle. The campaign of 1892 was conducted on an abstraction, and when it was concluded, while a certain principle was approved and the representatives of the people came into this House with a general mandate to reform the tariff, they were without any specific direction by which they could be guided. The result was the disaster so often described upon this floor. Happily your protective system has now reached the point where it is no longer necessary to discuss or describe its abstract elements. It can now be judged by its fruits, and on some of these specific fruits the next campaign, in my judgment, will turn. The American people, and all people fit for free institutions, while they are impatient of abstract discussions, have a wonderful intelligence in applying correct principles to specific proposals and marvelous quickness in appreciating actual conditions.

By the confession of everyone, steel, meat, and coal need no protection. They are to-day competing successfully for the domination of foreign markets. In my own State I hope the Democratic party will wage the next campaign upon the simple proposal that these three articles be put on the free list. [Applause.] Each man may hold what opinion he please as to whether free trade or protection be the sounder abstract principle, but regardless of his view in that respect he will be asked to decide whether this power to tax the whole people shall be left to a few enormously rich concerns, when by the admission of everyone it is not needed for the protection of any industry, and therefore can be employed only to plunder the people. The pretense of any necessity for protection being excluded, an attempt to maintain these taxes merely to prevent any possibility that the extortionate prices now exacted from American consumers may be reduced by competition becomes at once a naked proposal of plunder. Whatever any honest man may think of protection or free trade in the abstract, no one can deny that justice demands the total abolition of taxation that can have no object but the levy of plunder. For my part, I believe when justice begins to assert herself she will not pause till the whole iniquitous system built on injustice is overthrown. When steel, coal, and meat go upon the free list, the whole system will fall with them. We on the Democratic side, at least, are serving the cause of morality and justice when we protest against the collection of this tribute from the consumers of steel, meat, and coal, no longer under any pretense of protection, but openly and avowedly for the benefit of a few swollen and plethoric trusts. [Loud applause on the Democratic side.]

The main argument of the gentleman from Pennsylvania, and of everyone on that side, stripped of all verbal disguise is a taunt that the profits of plunder are so enormous that the system can not be disturbed. When I hear some gentleman say, "You were defeated in 1894, you were defeated in 1896, you were defeated in 1898; for fourteen years you have had no victories to your credit; what chance is there of enforcing the ideas which you support in the face of these recurring disasters?" I am tempted to rejoin: When have political principles been so thoroughly vindicated as the Democratic principles in this very session of Congress? Has not every measure of any importance enacted into law been taken from our platform and supported by our votes? [Applause.]

Gentlemen on the other side seem to derive much comfort from differences which they profess to have discovered between declarations made by various Democratic leaders and Democratic conventions. I think it was the gentleman from Iowa [Mr. HEPBURN] or the gentleman from Ohio [Mr. GROSVENOR] who asked the gentleman from Missouri [Mr. CLARK] in the early part of this session, "What kind of a Democrat are you?" The gentleman from Pennsylvania [Mr. DALZELL] devoted much time to quoting what he considered the inconsistent features of different Democratic platforms. I assume his object was to make it appear that Democracy is a house divided against itself, and that it must therefore fall. Mr. Chairman, Democracy may divide on the application of its fundamental principle, but on the principle itself there can be no division. The Democratic principle is older than any political party: older than this Government or any other government under the sun. The principle of Democracy is not to be found in any platform of a party organization. It is not to be found in the Declaration of Independence, in the Constitution of the United States, in the Bill of Rights, or in any monument of human wisdom. It was embodied in the injunction laid upon the first man, when he was told that in the sweat of his brow he must eat his bread. Democracy is embraced and defined in that one principle: every man must eat his bread in the sweat of his own brow; no man shall be suffered to eat one crumb in the sweat of his neighbor's brow. Everything he himself creates by labor, all the wealth which is produced by his own industry and his own genius, Democracy will protect and respect as a monument to the advantage which good men can take of free and beneficent insti-

tutions. Nothing created by another shall he be suffered to touch. All the mischief, all the wrong, all the disturbances that have ever afflicted human society have been results of efforts by some men to eat their bread in the sweat of other men's brows. Attempts to violate this principle have led to the invasion of weak countries by stronger ones. That same motive it is which has led men from the beginning of the world to enrich themselves, not through their own labor and industry, but to possess themselves by fraud, by violence, or by device of the things produced through the industry of other men. From the beginning of the world that principle has been struggling for recognition. Until within a few generations all the governments of which we have knowledge were built on denial of that principle, and they have all perished. This Government is built upon recognition of that principle, and from the hour of its establishment on that solid foundation it has grown in power, population, wealth, and consequence. That principle, though it is the basic feature of our Constitution, is nevertheless violated in these tariff laws and in the system of plunder which they have engendered.

When gentlemen on the other side ask sneeringly if we hope to overthrow this legislation while such powerful influences are organized to defend it, I ask do you recall what forces the spirit of justice has already met and defeated and destroyed? When you recall that the principles which underlie this Constitution had no adherents nineteen hundred years ago except a few wretched outcasts, that all the forces of society were employed to stamp it out as a dangerous and disturbing doctrine—as it was in those days and under those conditions—and when you realize how completely the society which opposed it has dissolved, disappeared, perished from the face of the earth, while it remains the governing influence of progressive humanity, do you think that this irresistible force that no man, no government, nor the combination of all the governments in the world, could withstand can be thwarted and defeated until it shall have asserted and established its authority over the practical operation of this Government, which theoretically is founded and built upon it? That Democratic principle of equality before the law, for which we will contend in this campaign, is the goal toward which the footsteps of man have been moving steadily and irresistibly for nineteen hundred years and which nothing can arrest. It will be presented clearly and unmistakably to the American people in proposals to remit taxes which no one can pretend to justify, either for revenue or for protection; and when the people realize that these taxes are naked exactions for the benefit of a few plethoric trusts their abolition will be immediate and permanent. [Applause on the Democratic side.] When a breach is made in the wall of this system, when the outward ramparts of protection are broken down, the citadel of fraud, of oppression, of robbery, will soon fall, burying under its ruin all the civic corruption, all this business corruption which have invaded our political as well as our industrial life. In its place will rise a nobler industrial structure in which fraud will find no hiding place, where oppression will not be tolerated, where honor will be the atmosphere breathed by men who, realizing not merely the immorality, but the wastefulness of plunder, will not seek to rob or oppress each other, but employ all their energies in mutual cooperation; will, by efficiency in industry, produce a volume of commodities, a degree of wealth and of prosperity unparalleled in the experience of nations. [Prolonged applause on the Democratic side.]

Mr. McNARY. Mr. Chairman, the strange spectacle has been presented during the present session of the Fifty-ninth Congress of the refusal of the House of Representatives to give a hearing to the representatives of one of the great industries of the country on a question which they considered of vital importance, namely, the removal or the reduction of the duties on hides and leather. The boot and shoe industry is certainly one of the great industries of the United States. According to the Twelfth Census, the capital employed in this industry in 1900 was $101,795,233; the value of the products was $261,028,580, and the number of employees was 142,922, which, on the basis of each wage-earner supporting four people, would make the total number of persons depending on this industry for sustenance about 572,000. This surely is one of the great industries of the country, and in the State of Massachusetts it is the largest single industry.

A few months ago representatives of this industry visited the capital and the Chief Executive, requesting Executive aid in procuring a hearing for their demands. The Republican State convention in Massachusetts practically instructed the members of the dominant party in Congress from that State to demand from their party associates immediate consideration of the requests of the boot and shoe manufacturers in favor of tariff revision.

The demand of the Republican Representatives from Massachusetts has been ignored by the Republican stand-pat majority in Congress and by the stand-patters on the Ways and Means Committee, and the agitation has been characterized as merely a movement for the benefit of the Massachusetts industry, although on the delegation that visited the capital there were representatives of this industry not only from Massachusetts, but also from New York, from Illinois, from Wisconsin, from Minnesota, and from Missouri, showing that the movement is national in its character and not for the benefit of any particular section of the country. [Applause.]

Despite the denial of a hearing for the manufacturers before the Ways and Means Committee, where they might present their own case and state their position clearly and unequivocally, several members of the stand-pat majority have taken occasion to debate the question on the floor of the House, and while denouncing the boot and shoe manufacturers, have pretended to state their case for them. The statements of these stand-pat gentlemen, mainly from Ohio, have presented some curious points. In the past it has been the claim of those who favored protective duties that they were put on in the interest of developing home manufactures, so that the country might control its home markets by building up domestic industries, and it was also claimed that protective duties were necessary to protect American labor against lower-priced foreign labor.

It was the theory that when the industry was built up, if it no longer required protective duties, they should be abolished; but when the boot and shoe manufacturers came forward this year and asked that the duties on hides and sole leather be removed because they are injurious to their industry, they are, singularly enough, told that their views on their own industry are not to be considered; that their opinions are not to be taken; that they do not know what is good for them, and that their requests are not to be heeded, because somebody's profit on hide or leather would be interfered with. [Applause.]

Furthermore, they are told that no change in the tariff can be considered in any particular industry, because to do so would open up the question of tariff revision, and that the tariff is so sacred that it can not be touched, even though the representatives of one particular industry be practically unanimous in their request for relief. The boot and shoe manufacturers who have been met with this refusal of their demand for a change in the tariff, though they firmly believe that their future prosperity and the further development of their industry depend on it, have also been criticised on this floor for their presumption in asking for any changes, and this criticism has gone to the point of declaring them selfish in their request that their raw material should be made free while not being willing to have the duties on boots and shoes cut down or removed. This criticism of the manufacturers has always met with much applause by the stand-pat Members of the House. They have refused to allow the manufacturers to state their own case before the committee when they were perfectly willing to meet this question and place themselves on record, and they have ignored the public statements made by manufacturers, who are almost unanimous in their willingness to forego the duty on boots and shoes if they could get rid of the burdensome duties on hides and sole leather.

That this is so is seen from the statements of the manufacturers whenever they have been called upon to make them. Thus, in February, 1903, the Boston Commercial Bulletin, a Republican protectionist paper, owned and edited by Curtis Guild, jr., the present Republican Governor of the State of Massachusetts; a journal with which I am very familiar, having been connected with it for many years in the past as reporter and editor; made a canvass of the boot and shoe manufacturers of New England, and of the tanners of New England on these questions. Out of 375 New England boot and shoe manufacturers, 311 declared in favor of giving up the tariff on shoes if hides were made free. Of the New England tanners, 29 declared in favor of relinquishing the duty on leather if hides were made free, and only 11 opposed this action.

There is later evidence of this same character. The Shoe and Leather Reporter, of Boston, in January of this present year, 1906, sent out a circular letter to the leading shoe manufacturers of the United States, asking the following questions:

> Are you in favor of the removal of the 15 per cent duty on hides and the 20 per cent duty on sole leather?
>
> If you answer "Yes," are you willing to offer in exchange for these benefits to the shoe manufacturer the whole or any part of the 25 per cent duty on shoes?

To these questions 231 replies, covering all parts of the United States, were received.

The replies to the first question were practically unanimous in favor of free hides and free sole leather; and the replies to the second question showed that 140 were willing to have the whole duty on shoes removed; 38 were willing to have a part

of the duty, ranging from 10 to 15 per cent, removed; 33 were noncommittal, and 20 were opposed to the removal of the shoe duty.

These replies show that two-thirds of the manufacturers from all parts of the United States answer unequivocally in favor of the removal of the duty on shoes if the duties on hides and sole leather were removed; and the tenor of the replies from the rest would indicate that it is fair to assume that 90 per cent of the boot and shoe manufacturers would agree to the removal of the duty on boots and shoes if the duties on hides and sole leather could not be removed in any other way. It is also fair to state that there are some manufacturers who believe that the manufacturers of low-grade boots and shoes might need some protection from the competition of low-grade goods made abroad—say about 10 per cent in place of the present 25 per cent duty. The great consensus of opinion is, however, to the contrary.

These replies and statements made by the manufacturers openly in the trade journals of the industry disprove utterly the charge of selfishness made by the stand-pat defenders of the present tariff system. That this criticism is not a fair one is shown by the fact that they are not willing to give the boot and shoe manufacturers a chance to present their case, and are not concerned in increasing the future prosperity and further development of the boot and shoe industry, but their whole thought is to retain the duties on hides and sole leather for the benefit of certain interests which are now enjoying them. And in this, also, the stand-patters are not sincere. They declare that the duty on hides was put on in the interest of the farmer, that he has benefited by it, and that it should be maintained in his interest. It has not been shown on this floor that the great body of farmers and cattle raisers derive any material benefit from the duty on hides.

As is well known, there was no duty on hides from 1873 to 1897, and the farmers did not suffer, while the boot and shoe and the leather industries thrived. When an attempt was made to put a duty on hides in the McKinley bill, that great and far-seeing Republican statesman, James G. Blaine, denounced it as not in the interest of the farmer, but in the interest of the butcher—that is, the meat packer—and the attempt was abandoned. But the meat-packing interests were stronger when the Dingley bill was under consideration, in 1897, and succeeded in getting a duty placed on that class of hides which they controlled and would control. If it were a real movement in the interest of the farmer, the duty would have been placed on all classes of hides, but as a matter of fact no duty was placed on calfskins or sheepskins, goatskins, or horse hides, but only upon the hides of cattle—that is, of steers—the great bulk of which come into the hands of the beef packers through their purchase of steers from the cattle raisers. The beef packers were not in the market for calves, sheep, goats, or horses, and consequently no duty was imposed on these, though if protection to the farmer were intended they were just as much entitled to duty as the cattle hides. [Applause on the Democratic side.]

It has been claimed here, but not proven, that the farmer has been benefited by the duty because of the fact that hides have advanced in price since the duty was placed on. If the hides were sold separately from the animal by the cattle raiser, he would probably have been able to realize a profit in the advance of hides. But this is not the case. The great bulk of the cattle produced in this country and having hides of the class covered by the duty are bought by the beef packers from the cattle raisers, not on the basis of so much a pound for the beef and so much a pound for the hide, but on the basis of so much a pound for cattle on the hoof, and the prices which the packers paid for cattle on the hoof have not materially advanced in the past ten or twelve years. Thus, in 1893 and 1894, native steer cattle averaged 5½ and 6 cents per pound and native steer hides averaged 6½ and 7½ cents a pound. Since 1893 the average prices for native steer cattle have remained at about 6 cents and are about 6 cents to-day. Hides, meanwhile, have advanced more or less steadily up to 15 cents and even to 15¾ cents per pound.

It is thus clearly seen that the prices of the cattle and hides have had very little to do with each other. Now, as the beef packers have bought 80 or 90 per cent of the steer cattle at about the same prices or less than they bought it in 1893 and 1894, it is evident that they have not paid the cattle raiser more for his cattle because of the advance in the price of hides. If the farmer or cattle raiser did not sell his cattle on the hoof and sold his hides separately, he could have realized an additional profit on the advance in hides. But, as a matter of fact, only a small percentage of steer cattle are sold that way—with hides sold separately—and only to small hide dealers in the country districts, and the few farmers who have sold to them have made a little profit. But the beef packers have been lately buying up these small country hide concerns, and in a short time they will control them as thoroughly as they do other agencies of their business.

As a matter of fact, the farmer has been given a gold brick in the hide duty, and it is the endeavor of the stand-pat orators to make him still believe, against all the facts in the case, that it is a genuine article and is of value to him. The hide duty has been a value to nobody practically but the beef packers. It has given no benefit to the farmer and it has not caused the raising of cattle for their hides and has not increased the amount of beef production in the country. This is shown conclusively by the investigation of the cattle and beef industry conducted by the Department of Commerce and Labor on the resolution introduced by the gentleman from North Dakota in the Fifty-eighth Congress.

It has not stimulated the production of cattle so as to supply the demands of the shoe manufacturers in the hide market, as we are still being compelled to import from 25 to 33 per cent of the hides that we need in this industry. It has not yielded revenue of any great consequence to the Government. The average during the past few years has been $2,300,000, less about $680,000 average drawback, as 99 per cent of the duty is refunded when leather made from imported hides is exported. Thus the foreign manufacturer of shoes is able to buy American tanned leather nearly 15 per cent cheaper than our own manufacturers can in the domestic market, because the American hide market is controlled by the beef packers, who get the full benefit of the 15 per cent duty on hides.

The great advance in the price of hides has not been due entirely to the duty, but has been due to the scarcity of hides from various causes throughout the world and the increased demand for leather for various purposes for many branches of industry outside of boots and shoes. Thus foreign hides have advanced as well as American hides, but, owing to the duty, American hides have advanced more than foreign hides, and the beef packers have been enabled to realize a greater profit, owing to the duty, than they possibly could with the hide market free. Despite the duty, we have to import from a quarter to a third of the amount of hides needed to supply our wants, and the duty is an obstacle to the proper supply of our needs. It enables the foreign manufacturer of leather, both in Europe and Canada, to underbuy us and procure their raw material cheaper than it is possible for us to procure it.

Before the imposition of the hide duty our ports, notably Boston, were great hide markets, but since the duty was put on this business has shrunk and fallen away. For instance, outside of the hides which we buy direct, the South American producers send or consign their hides to the European markets, and in return naturally take the manufactured goods from those countries. We thus lose this commerce, and we lose the profit on tanning the hides and making them into leather and into shoes, because if we had free hides no country in the world could compete with us in the making of leather, as this country is supplied more abundantly than any other with the materials for tanning. We have the hemlock in the Northwest and the oak in the South. England has practically neither. Canada has the hemlock, but not the oak.

Thus if we had free hides and a choice of material, we could absolutely control the leather markets of the world. We have shown that the tariff on hides benefits the packers and not the farmer. The shoe manufacturer finds it a great burden on his industry because of the increased price which he has to pay for sole leather, which enters into the manufacture of nearly all grades of shoes and of which the poorer classes of shoes, used largely by the farmers, are almost entirely composed.

Estimates of the difference in cost of shoes resulting from the high tax vary considerably; it has been stated in some quarters as high as from 4 to 7 cents per pair, according to the class of goods. This may be so in some cases, but on the other hand, the gentleman from Ohio [Mr. BANNON] has figured out that the extra cost on a pair of shoes on account of the high tax does not amount to more than 1⅝ cents per pair. This is distinctly an underestimate according to the statements of shoe manufacturers. The gentleman from New York [Mr. PERKINS], representing the shoe manufacturing district of Rochester, has stated that the duty makes a difference of at least 1½ cents on each pound of hides, and figures that it would make a difference on the average in a pair of shoes of 2 cents. This is an underestimate, in my judgment, based on the statements of shoe manufacturers in my own State, but if we accept it for the sake of argument, it will even then show what a great burden it is to the shoe manufacturers. Two cents a pair would seem to be of no consequence and not worth considering, and neither would it be in some of the great protected industries of the country

whose enormous profits are defended by the stand-pat protectionists and in whose interests these gentlemen demand that the tariff must not be revised. It is easy to be seen, however, that it makes a great difference to the boot and shoe manufacturers.

It should be borne in mind that this is the last great single manufacturing industry in this country which is not controlled in a greater or less degree by a combination or trust, and this fact should commend it to the favor of Congress and the law-making power. The boot and shoe manufacturers meet each other in full and fair competition, and the prices of their product are fixed in the free and open market. As a result of this it is generally conceded that the profits of this industry do not exceed 5 per cent. It may be fairly estimated that at the present time, with the high price of hides and leather, the average cost of a pair of shoes to the manufacturer, taking all classes into consideration, is, perhaps, about $2.

The profit to the manufacturer at 5 per cent would be, on the $2 cost basis, exactly 10 cents per pair. Thus if the increased cost because of the hide duty is reckoned as low as 2 cents per pair, this cost would be equal, on the $2 basis, to one-fifth of the profit of the manufacturer, or 20 per cent of his profits. In view of the small margin of 5 per cent profit to the manufacturer, is it not worth while to save this cost?

Let us state the matter in another way and see what it amounts to in the aggregate, this small amount of 2 cents per pair. According to the census returns the total quantity of boots and shoes manufactured in 1900 was 219,235,419 pairs—let us say 219,000,000 pairs. At 2 cents per pair the extra cost because of hide duty would amount to $4,380,000, which represents the extra cost to the manufacturers because of the hide duty and which accordingly represents the extra profit wrung out of this industry by the beef packers of the country. This amount, it will be conceded by everybody, is well worth saving to this industry. If the manufacturers could save this amount and could get their raw material cheaper they would have that much additional free capital to invest and could increase their production and could give more and steadier work to their employees and also better wages.

But the gentlemen who defend the hide duty declare that this would accrue to the manufacturers and perhaps to their employees and would not extend to the consuming public. Even if this were so, it would be a benefit to the country that this additional profit should be divided among the manufacturers and their employees rather than go into the pockets of the beef packers. But, as a matter of fact, it would inevitably tend to be distributed to some extent to the consumer. Every improvement in the process of manufacture by which the cost is reduced in a business conducted on such a narrow margin of profit inevitably reaches the consumer in a short time by an improvement in the quality of the goods.

The boot and shoe manufacturing industry not only needs the abolition of the duty on hides, but it demands the abolition of the 20 per cent duty on sole leather as well. Sole leather is made from the heavy cattle or steer hides, the kind protected by the duty and the supply of which is controlled by the beef packers' combination. The sole-leather business has for years been in the control of the United States Leather Company, which was organized in 1893 to control the sole-leather industry, which to a very great extent it succeeded in doing. The beef packers' combination, which controls the supply of cattle or steer hides, has within a few years extended its operations, and by buying into the United States Leather Company secured control of the sole-leather trade as well as the hide trade. After securing control of the United States Leather Company, the beef packers' combination, about a year ago, organized the Central Leather Company, in order to perfect their control of the sole-leather trade. This Central Leather Company is practically the United States Leather Company reorganized. It manufactures sole leather entirely. It controls, or soon will control, from 80 to 90 per cent of the sole-leather output of the country.

It may be contended that this is not so and that there are a number of large independent sole-leather manufactories or tanneries in existence; but the Central Leather Company has lately bought out ten of the largest of these tanners, including the great concerns of N. K. Allen, of Kenosha, Wis.; Lucius Beebe & Sons, Olean, N. Y.; Cover, Dayton & Leonard, who had four big Texas oak tanneries in Virginia, Tennessee, and different parts of the South. This removed practically all opposition they had in Texas oak tanning. It has also bought the Independent Leather Company, of New York State, which controlled two or three tanneries. It has also bought the Watlin tannery, of Grand Rapids, Mich., and it was also understood to be negotiating for the Michigan Leather Company when the latter burned down a while ago. These purchases have been made in about a year, and the amount paid for them, with the exception of the Watlin tannery, was about $8,750,000.

The capitalization of the company is as follows:

Bonds	$45,000,000
Preferred stock	40,000,000
Common stock	40,000,000
Total	125,000,000

The sales of this company are estimated at $40,000,000 per year and they propose to pay on bonds 5 per cent, and on stock 7 per cent. This equals $5,000,000 on $40,000,000, which is therefore equivalent to 12½ per cent on the capital stock. This great dividend it is proposed to make on a product which is within about 5 per cent of being a raw material—that is to say, it only costs about 5 per cent in unskilled labor to make sole leather. But the Central Leather Company is now making 12½ per cent, and must make more if they are to pay on common stock, which is promised, and as a result the common has sold above 40.

In contradistinction to these great earnings on what is the next thing to a raw material, contrast the average of about 5 per cent profit by the shoe manufacturers on goods which take 25 per cent in labor cost to produce. The continuance of this great duty on sole leather is a burden to the manufacturer of boots and shoes and a benefit to nobody but the Central Leather Company, which is now in practical control of the sole leather market, and which is in turn controlled by the beef trust. The beef trust, it thus appears, is extracting a profit from the boot and shoe manufacturers both by reason of the tariff on hides and the tariff on sole leather. An additional proof that we need no duty on sole leather is shown by the fact that we have a big export trade in that class of goods and that this trade is yearly increasing. As a matter of fact no country in the world can compete with us in the manufacture of these goods, because we have greater supplies of hemlock and oak bark and can thus produce better and cheaper hemlock and oak sole leather.

Canada might compete with us on hemlock tanned leather, but it can not on the oak tanned as it has not the supply of oak bark. The fact that the Central Leather Company is able to export annually millions of dollars of sole leather is the best proof in the world that it needs no protection, and a continuance of the protection of sole leather is merely in the interest of this corporaion and its owner, the beef trust.

It is claimed by the stand-patters that as we are steadily increasing our exports both of boots and shoes and leather and the manufactures of leather, that therefore we need no change in the protective duty. It is true that we have steadily increased our exports of leather and its manufactures and of boots and shoes; thus the exports of leather and the manufactures of leather increased from $33,980,615 in 1904 to $37,936,745 in 1905, and the exports of boots and shoes increased from 4,642,531 pairs of a value of $7,238,940 in 1904 to 5,315,699 pairs, valued at $8,057,697, in 1905. This increase in exports, however, has not been due to the tariff, but has occurred in spite of it.

Upper leather, which represents a great portion of the exports, is made from that class of skins and hides which are not dutiable, and sole leather made from foreign hides receives a drawback of 99 per cent when exported, and thus on this class of goods, with our superior tanning facilities, we are not at any disadvantage with any foreign producer. But the exports of shoes, it is claimed by protectionists, are on a different basis. Here we are exporting a product on a large part of the material for which a protective duty is levied in the tariff on hides. This is correct and it is also true that our export shoe trade has gained greatly in recent years, but it has gained almost entirely along certain lines, and that is in the better grade of goods.

We have been able to export them, despite the tariff tax on hides, because of their superior design, cut, finish, quality, and more comfortable wearing characteristics. As regards these shoes, the increased labor cost in this country is more than offset by the qualities noted above. But the increased labor cost is in some respects a misnomer, as the American workman produces a far larger quantity as well as better goods than even the intelligent English workman, though the latter may be equipped with American machinery, and thus the American workman can earn $15 per week as against $7.50 paid to the Englishman, and at the same time the shoes produced by the American workman can be sold in competition with the English-made goods in the English market.

We do not, and under present conditions can not, export the cheap, strong, heavy shoes which are worn by the great mass of foreign peoples, and thus furnish the greatest opportunity for the extension of our foreign trade. Our foreign competitors make them from American-tanned sole and upper leather, which they

frequently are able to buy, because of our duties on hides and sole leather, at lower prices than the American manufacturer, and they are thus able to keep us out of the market which with our skill, enterprise, and superior cut, finish, design, and quality of our shoes would be naturally ours if we had the advantage of free raw material. If we can export great and increasing quantities of leather and boots and shoes under present conditions of handicap by the tariff tax on hides and sole leather, who can doubt that we would wonderfully increase those exports if we had equal opportunities in the purchase of raw material?

The reports of the Twelfth Census show that the maximum yearly capacity of the combined factories of the United States is slightly under 400,000,000 pairs, while we produce but 219,000,000 pairs, thus showing that all the factories running at full capacity would require not exceeding seven months to produce all the shoes consumed in the United States and those exported for the year ending June 30, 1900.

This shows the absolute necessity of enlarging our market for boots and shoes, and that market can only be enlarged in one way, and that is by increasing our foreign trade. With free raw materials this increase could undoubtedly be made sufficient to run our factories at full time, thus giving five months' more employment and consequently five months' more wages to our highly skilled workmen and also an additional profit because of increased business to our manufacturers. It would undoubtedly require a larger capital, but as there would be a greater and a steadier output, the cost of production, as compared with fixed charges, ought to be decreased, and this in turn ought to bring about lower prices for our shoes, not only in the foreign markets, but for home consumption as well.

Without the removal of the duties on hides and sole leather it is evident that the beef packers and subsidiary leather companies will soon absolutely control the price of sole leather in the market and that the manufacturers will in a short time be at the mercy of this combination. On the other hand, the boot and shoe manufacturers are largely at the present time dependent for their machinery on a trust called the United States Shoe Machinery Company, which controls by means of patents and otherwise nearly the whole of the machines necessary for the production of boots and shoes, and this machinery is not sold outright by this company to the shoe manufacturers, but is very largely leased to them.

The prices at which the machines are leased are controlled absolutely by the shoe-machinery company, and it has the power to increase these royalties or prices for its machines whenever it feels that a good opportunity to do so has arrived. With the steadily increasing control of the hide and leather market by the beef trust and the practical control of the machinery necessary for the manufacture of goods by the shoe-machinery company, it is conceivable that under present conditions the time is not far distant when the boot and shoe manufacturers of this country may be forced by a combination of interests between the beef trust and the Central Leather Company and the shoe-machinery company, out of their present semi-independent and competitive position into a combination for the control of prices and profits. It is entirely within the range of probability that if these two companies get together or consolidate, by purchase or otherwise, that they could dictate terms and assume practical control of the whole shoe manufacturing industry of this country.

If the independent and free competition is to be preserved among the shoe manufacturers the tariff duties must be either entirely abolished or greatly reduced. [Applause.]

This states the situation of the boot and shoe manufacturers of the country as a whole, but the situation in Massachusetts by itself presents some aspects which are additionally serious to the future of this State. This State, according to the last census, continued to rank No. 1 in every respect in this industry, but a change has taken place which merits serious consideration on the part of the people of the State. The output of the factories in Massachusetts for 1900 was $117,115,243, or 44.9 per cent of the total for the entire country, compared with 52.7 per cent in 1890, a decrease of 7.8 per cent. The census returns also show that the capital employed in Massachusetts was $37,577,630 in 1900, as against $44,567,702 in 1890. The number of wage-earners in Massachusetts engaged in this industry in 1900 was but 58,645, as against 67,374 in 1890, and the total wages paid was $27,745,820 in 1900, as against $32,379,899 in 1890. This shows a decrease in all these items—which can not be said to be compensated for by the total increase in the value of the product—of about $1,000,000.

Massachusetts has seen many of her industries in the past transferred to other States because of the burdensome tariff conditions, and while the day may seem far distant, it is a question, in view of the light of previous experience, whether or not our great boot and shoe industry may not also be largely transferred to the Western States, nearer the sources of supply of the leather and the tanning material, if present tariff conditions continue. We still tan considerable quantities of upper leather, but tanning of sole leather has practically ceased as an industry in this State. Yet within a few hundred miles to the north there are inexhaustible supplies of hemlock bark, and with free raw material our industries would be placed on an equality with those of the West, which are now nearer the tannery centers.

All these considerations should furnish a reason why Massachusetts, through her Representatives in Congress, should insist more strongly than ever that a change be made in the present tariff taxes, and while the subject is not at present a party question in Massachusetts, it does not require much foresight to predict that if the dominant party in Congress will not grant the relief which the State desires, the people of Massachusetts, when satisfied of this fact and of the threatened decline or loss of this great and important industry, will turn to the other party for relief. [Applause on the Democratic side.]

That there is a strong, well-defined, and steadfast feeling of this character existing in the State is shown by the victory won in the election of Governor Douglas on a tariff-revision and reciprocity platform in 1904, and a victory, to all intents and purposes, won by Henry M. Whitney on issues of the same character in 1905, when he cut down the normal Republican majority of seventy or eighty thousand to less than 2,000 for Eben Draper, his opponent for lieutenant-governor. [Applause.]

Mr. Chairman, if my time permitted, I should, in addition to the foregoing remarks which I have made on the subject of the tariff as it relates to the boot and shoe industry, enter into a discussion of a subject in which the people of Massachusetts are as deeply concerned and I think as much interested as they are in the question of the hide and leather duties, and that is reciprocity with our neighboring countries to the north, Canada and Newfoundland. This subject is so completely, exhaustively, and convincingly treated in the address of Hon. Henry M. Whitney, president of the Boston Chamber of Commerce, on the topic of commerce before the Boston Boot and Shoe Club on March 16, 1904, that I shall present, therefore, as a portion of my own remarks, his address on this occasion, which is as follows:

Address of Henry M. Whitney, president of the Boston Chamber of Commerce, upon the subject of commerce before the Boston Boot and Shoe Club, March 16, 1904.

MR. PRESIDENT AND GENTLEMEN OF THE BOOT AND SHOE CLUB: I desire to thank you for the warmth and cordiality of your reception. The subject on which I am asked to speak is that of "Greater Boston from the Standpoint of Commerce." I understand this to mean commerce in the general acceptance of the term—viz, foreign commerce. Foreign commerce means foreign trade, which is the exchange of the products of a foreign country for the products of a home country. The commercial prominence of Boston, such as it is to-day, is due to the fact that she has hitherto offered facilities for these exchanges. The question is whether this trade, together with our other industries, is likely to be retained and increased or whether it is to remain stationary or suffer a decline.

The essential requisites for a large foreign commerce are, first, a good harbor, easily accessible from the sea, with plenty of anchorage ground and good water frontage; secondly, it must be located near to the producers in the home country or be connected with them by cheap and easy methods of transportation. The limit of the trade of such a port will be measured by the limit of the area within which it will be for the interest of the producers to send there such of their products as they may wish to exchange for the products of other countries.

The trade limits of all the coastwise cities in America, and, indeed, all over the world, have been very greatly enlarged within the past sixty or seventy years by the introduction and development of the railway system. Before then, outside of the water courses, inland transportation by horse or ox teams was then, as it is now, too expensive to admit of the movement of heavy articles of freight for any considerable distance. To move 1 ton of freight for 15 miles over country roads would probably constitute a day's work for two horses and a driver, at an expense of, say, $4. On this basis, to carry a ton of freight as far as the city of Providence would require three days of time and cost about $12. To go as far as Springfield would occupy about seven days and cost $28. Anything going, therefore, from Boston to Providence or Springfield in the early days went by vessel around the cape and up Narragansett Bay or the Connecticut River to its destination. But it was easier to reach New York by water than Boston, and hence the trade along the rivers emptying into Long Island Sound, as well as the trade on the Sound, became tributary to the city of New York. Her location gave her command of the trade of extensive water courses in New Jersey, New York, Connecticut, Rhode Island, and, to some extent, in Massachusetts, and she early became a great commercial center. She had a fine harbor for foreign vessels to enter, and by means of cheap water transportation was near to the home producer. But the introduction and development of the railway system enlarged the trade area of New York as well as of Boston, and, indeed, that of all coastwise cities. To-day the cost of transporting a ton of freight two days' journey, or 30 miles, into the country by team would carry it half across the continent by rail. But cheap as transportation is by rail, and assuming the cost to be only one-half a cent per ton per mile, it is still very costly as compared with transportation by water. It would cost $1 to transport a ton of freight a distance of 200 miles even at one-half a cent per ton per mile, while by the modern steamship it would cost hardly one-tenth of that $1 to transport it that distance.

From my connection with the Dominion Coal Company, I am familiar with the cost of transporting coal, which corresponds in expense very largely with that of transporting grain. It was estimated that the

cost of transporting coal by steamers, chartered for the purpose, was equivalent to 5 cents per ton per day for the coal carried. The distance which a steamer would go in twenty-four hours is about 250 miles; the transportation cost was therefore 5 cents a ton for carrying it 250 miles, or one-fiftieth a cent per ton mile, which you will see is very much less than rail cost of one-half a cent a ton a mile.

This will serve to explain why Boston has so little advantage over New York and other ports by her shorter distances across the Atlantic to ports in the United Kingdom and elsewhere. And I think it will also make clear why the tendency of the trade in grain and cotton from the far distant fields of the West and South will, with the development of the railroad systems of the South and West, find their cheapest and best outlet at the cities of the southern seaboard. Less and less of such freights as we have heretofore carried from those sections will be sent here for foreign shipment. In confirmation of this statement, I would call your attention to the fact, doubtless already known to most of you, that in the last year Boston dropped from the position of the second port in the country in the value of its foreign trade to the third place, New Orleans taking precedence of her. For the first time in her history Boston has had to yield the second place to a rival port.

Now, are there any trade areas that are naturally tributary to the post of Boston and whose trade she could secure and under natural conditions forever hold? And are they sufficiently extensive to make her a great mart of commerce? There are such areas. They include all the territory to the north and east of us, comprising the States of Maine, New Hampshire, and Vermont, and, in addition, the Provinces of New Brunswick, Nova Scotia, Prince Edward Island, Quebec, and Newfoundland. Much of this territory is intersected by numerous bays and inlets, affording a cheaper than rail transportation, viz, transportation by water, and it is this trade we must have if we are to continue to grow in our commercial importance.

We want the people from all this area to send their surplus products here for exchange with the products of other sections. Let them come, bringing the products of their localities and find here a friendly welcome.

We will take their butter and cheese and eggs, a hide or two perhaps, their lumber and fish, and the other products of their localities, and we will give them in exchange the boots and shoes, furniture, dry goods, and the other things they may want, the products of our manifold industries, to the general benefit of the laborer in these varied industries, together with fruits, groceries, and the infinite variety of goods gathered from other climes.

The quantity of these agricultural products produced in the State of Massachusetts does not anywhere near supply the demand; indeed, supplies but a small fraction of it. Our present supply comes from far distant points, and there is still a surplus in the whole country which must be sold in foreign markets, so that the price of these articles in this market can in no wise be materially affected.

In the year 1902, which is the last year of which we have the full reports, the importation of butter, cheese, and eggs from the United States into Canada amounted in value to about $360,000, while they sent us of these products but $88,000. Of fish, they sent us about $4,000,000 worth. Now, in certain quarters, whenever the subject of reciprocal trade with Canada and Newfoundland has been under discussion, it has been waved aside as impracticable, largely because of the possibility of its cheapening somewhat the price of fish. While I doubt if this would really be the effect of free entry of fish into our markets, yet if it were so, it would do no great harm to the mass of people. The advantage to the trader of handling the larger quantity would, it seems to me, more than compensate for some falling off in the earnings of the vessels, if, indeed, there should be any.

The population of the north and east with whom our trade is hampered by restrictive legislation, the inhabitants of the maritime Provinces, Quebec, and Newfoundland, is about equal to the population of the States of Maine, New Hampshire, and Vermont, and nearly one-half of Massachusetts; in all, more than 2,700,000 in number. The import and export trade of those people, based on the average of the imports and exports of Canada per capita in 1900, amounted to $200,000,000. There is, moreover, a larger territory in the Canadian northwest, much of whose trade, especially during the winter season, finds its easiest and cheapest route to the sea through the port of Boston. It is estimated that within this territory there are 300,000,000 acres of arable land, of which but 3,000,000 are now under cultivation.

The vessels that sail from Gloucester in the cod and mackerel fisheries carry between four and five thousand men, one-half of whom are aliens. There are therefore about 2,500 American seamen who might be slightly affected by the competition with their Canadian neighbors. Shall the best interests of 3,000,000 people, the inhabitants of the State of Massachusetts, and 3,000,000 in Canada be sacrificed for the benefit of this comparatively small number?

Besides this, if the price of fish would be really cheapened by this proposed change, isn't it about time that the American people stopped paying tribute on this necessary article of food? They have been paying it for more than thirty years, which, it seems to me, is long enough.

What is the history of the industry? In 1803 the tonnage of the vessels enrolled in the cod and mackerel fisheries was 43,416 tons. In 1853 the tonnage had increased to 159,000 tons. It increased under nine years of reciprocal trade to 193,000 tons in 1862, and in 1902 it was back to the figure of one hundred years ago; to be exact, 44,074 tons in 1902, as against 43,416 tons in 1803, or an increase in one hundred years of 600 tons, or 1½ per cent.

The number of vessels in the whole State engaged in these fisheries in 1868 was 1,467; in 1902, 539. What is the meaning of all this? Why, either that there must be certain advantages in the fishing privileges of Canada or Newfoundland which our fishermen do not now enjoy, and which, under reciprocal relations, they would profit by, or else that the fishing business has ceased to be attractive to American seamen.

The Gloucester fisheries have been called the "nursery of the American Navy." They have long ceased to be that. The records show that a total of 12,558 men enlisted at recruiting offices during the year ending June 30, 1903, but 1,464 enlisted in Massachusetts. Of this number, 1,451 enlisted at Boston, 1 at Provincetown, 11 at Springfield, and 1 at Salem. There is no evidence to show that of the enlistments at Boston a larger proportion came from the fishing districts than elsewhere in the State. It is also to be said of the number enlisted at Boston that a part of them drift in here from other New England States. Massachusetts is not even the first State in the Union in the number of enlistments in the Navy. In 1903 New York was first, with 1,643 enlistments, Massachusetts was second, and Pennsylvania a close third, with 1,282 enlistments. It is interesting to note the enlistments from some of the other States, namely, California, 998; Missouri, 904; Illinois, 733; Ohio, 572; Texas, 548.

I do not know a single industry in the State of Massachusetts, save only the fishing industry—and I can not understand why that should really suffer if the men in charge of it are "up-to-date" business men—that would be materially injured if trade were made absolutely free between the two countries. If the merchants of Boston and New England were permitted to trade as freely with their neighbors on the north and east as with their neighbors to the south and west, there would soon be no question in the mind of anybody as to the position which the city of Boston would occupy in the commercial world.

I have called attention to the difference in the cost of rail and sea transportation, which is an important fact in connection with the future growth of our business on Canadian transcontinental lines. The distance from Montreal and Quebec to the city of Boston is less than to any other seaport that can be used by freight reaching the seaboard in the winter season.

From Montreal to Boston is 341 miles; from Montreal to New York, 384 miles; Montreal to St. John, by way of the Canadian Pacific Railway, 481 miles; Montreal to Halifax, by way of the Canadian Pacific Railway, 756 miles; Quebec to Boston, 417 miles; Quebec to St. John, 577 miles; Quebec to Halifax, 674 miles.

You will observe that the saving in mileage on freight bound for a seaport from Montreal and Quebec, is from 150 to 300 miles or more in favor of Boston. This means a saving of from 75 cents to $1.50 a ton on freight, which is sufficient in the long run to give the port of Boston the control of that freight, assuming that our relations are friendly and freight is permitted to come and go freely—that is, without trade restrictions between the two sections. There is no great difference between the port of Boston and Liverpool and the ports in the maritime provinces and Liverpool, but the rail route being so much shorter, passenger travel would naturally take this route, and the logic of events will compel freight to come the same way.

I think it is not too much to say that if the reciprocity treaty of 1854 had been continued, and cordial relations maintained with the people of Canada, the eastern terminus of the Canadian Pacific Railroad would have been established here in Boston and our commercial eminence made secure.

Why shall not the city of Boston and its people enter into and enjoy this trade? Why must we be compelled to treat our neighbors as our enemies, instead of as our friends? Why should the people that God hath joined he kept asunder? Why shall not reciprocal trade relations with the people I have referred to be established, for the common good? Is there anything really alarming in that they may wish to bring in a little butter and chese, some poultry, a few eggs, some lumber, and perhaps some fish, or indeed anything else they may wish to bring?

It is commonly known that at one time I was at the head of two important industries in Canada, namely, the Dominion Coal Company and the Dominion Iron and Steel Company. I retired from the management of these two companies more than two years ago, and have little or no interest in them at the present time; but my connection with these companies has enabled me to know from actual experience something of the advantages that would accrue to New England interests were the products of these two companies allowed to come in here without the excessive duty now prevailing.

The Boston and Maine Railroad has found, as before it the Canadian Pacific and Grand Trunk railways found, that the Cape Breton coals are excellent for steaming purposes. Indeed, the president of the Boston and Maine Railroad, Mr. Lucius Tuttle, informed me not long since that but for the fact that the Dominion Coal Company was able to supply them with coal they would have been compelled last winter, for want of fuel, to take off many of their trains, to the great disadvantage of the business community, so that it has been demonstrated that this coal is suitable for railroad purposes.

The steamships that ply on the St. Lawrence, which are in all respects similar to those entering Boston Harbor, have found it, and still find it, to their advantage to use these coals. The mills in New England that have given the coal a trial have found that it answers their purposes excellently well. Were the duty on coal permanently removed, the Dominion Coal Company would undoubtedly establish here a large depot for the supply of the railroads, the steamships, the mills, and, ultimately, many of the people, when, by experience, they have learned how it should be used. Similar conditions prevail in regard to the steel company.

Coming on from New York one afternoon less than a month ago, I chanced to have a seat in the Pullman car directly in front of the manager of the National Steel and Wire Company, one of the largest of whose works is located in New Haven. He told me that during the last year he had purchased 70,000 tons of steel billets from the Dominion Iron and Steel Company, at Sydney, and, opening his satchel, he took from it a photograph of a steamer lying alongside his wharf at New Haven which he said was loaded with 7,000 tons of billets for his company. Now, the duty on these billets is $6.72 a ton, which was the price that this New Haven company was obliged to pay the United States Government for the privilege of trading with the Canadian company.

In looking over the statistics for 1900 I find that the iron and steel products of the State of Massachusetts amounted to the sum of $56,000,000. Think what advantage it would be to these and kindred industries if they were at liberty to buy their raw material in the cheapest market. Mr. LOVERING, the Representative from the Cape district, has vainly tried to have the provisions of the existing drawback law extended so that goods manufactured here solely for export could be secured on terms favorable to such export trade. Nothing could be more advantageous to Massachusetts interests; nothing could be more in harmony with the policy of encouraging the export trade, with increased employment for labor, than the extension of the drawback system as advocated by Mr. LOVERING. What, think you, would be the effect on the iron and steel industries to which I have referred if they could avail themselves of the markets of the world for their purchases. These industries would be stimulated, the number of men required would be vastly increased, and their products increased in like proportions.

The objections to the establishment of reciprocal trade with Canada and Newfoundland, as regards the interests of the State of Massachusetts, seem to me to be so trivial and the advantages of it so apparent and so enormous that I can not understand why any political representative of the State should not be outspoken in advocacy of such a measure. If it were once understood that the merchants of Boston and of Massachusetts were really in earnest about this matter, the problem would be solved, so

far as our Representatives are concerned. I know that a very strong latent feeling exists among the merchants generally in favor of an enlargement of our trade on the lines I have indicated, but they have been too content to pass a resolution here and there and expect their political representatives to do the rest. It is evident that something more must be done. We can lie supinely down and let the car of progress go along without us, and Boston will become what, under those circumstances, she deserves to become, a commercial city of the second or third importance. If the merchants of this city will arouse themselves and determine that this thing shall be done or they will know the reason why it can not be done—if this really be the sentiment of this community, its political representatives must stand for it whenever it may be under discussion. If the merchants of this city are but loyal to the interests of the State, their own business interests, the interests of their employees, to their own children and posterity, they will gird their loins and fight this battle to a finish.

This great undeveloped country to the north and east of us affords abundant opportunity for New England enterprise and capital. It affords abundant opportunities to the youth of New England, and especially to the graduates of its universities and technical schools.

The establishment of friendly trade relations will be followed by the establishment of friendly social and political relations, the value of which to the welfare of the two countries and the peace of the world can not be overestimated.

Mr. President and members of the Boot and Shoe Club, the natural advantages of the port of the city of Boston have destined it from the foundation of the world for a great commercial center. Whether she shall become so in your day or in mine rests almost wholly upon the question of how soon and to what extent the shackles that now bind and limit her trade development shall be loosened or removed.

Nature has done her part. Given the opportunity the merchants of Boston will do the rest. To secure this opportunity we must join forces with others animated by like purposes, must work early and late, in season and out of season, through evil report and good report, until in the fullness of time we may enter into the enjoyment of our rightful heritage of trade and the city of Boston become a great commercial center.

I am well aware that the sentiments of this club are in harmony with my own and with those of the Boston Chamber of Commerce, and I beg leave to say to you at this time that there is no association of men in the State better fitted than yours to lead in this matter; the character and standing of your people, the magnitude of your business operations, the remarkable courage, energy, and skill with which you have conducted your affairs all make it eminently proper that you should take the lead in the campaign that must be waged for the promotion of the cause; but if it is thought best that the older association that I have the honor to represent shall stand in the van, we will do so, understanding that you will stand shoulder to shoulder with us, giving us your hearty cooperation and financial support.

I append also as a portion of my remarks a letter received by me from F. W. Merrick, of the Union Welting Company, of Boston:

UNION WELTING COMPANY,
CONTINUOUS SOLID LEATHER SEAM WELTING,
Boston, Mass., January 25, 1906.

W. S. MCNARY,
House of Representatives, Washington, D. C.

MY DEAR MCNARY: Permit me to add a word of protest against the duty on hides. I believe if the people of the country knew the true inwardness of the duty on hides, as we do who suffer directly from it, there would be such an outburst of indignation that the duty would be removed at this session.

There are 200,000,000 pairs of shoes made in this country per year. Owing to the increase in leather prices there has been an increase of 30 cents per pair in prices. Who pays this $60,000,000? Who gets it? What is the purpose of the duty? To help the packers throttle the leather industry.

The beef trust now absolutely controls the situation, and the game is to so dominate the shoe trade that all the profit shall go to the leather trust. A combination of the leather trust and shoe-machinery trust absolutely controls the shoe-manufacturing business of this country to-day, strangles all independent effort, and will surely put us in the rear in the international race for business. Two men can dominate this immense business, and yet we hear cries of alarm about the concentration of power in the hands of the Government at this time.

It is true there is a scarcity of calfskins. Before the Russian war 8,000,000 calfskins came into this country annually. Now practically none are coming, and the people are forced to use as substitutes cow hides and sheepskins, and the duty on hides help the packers to add to the burden of a natural scarcity.

We use in our business a rough split leather. The leather that we used last year is now being sent out of the country, and we are forced to pay 50 per cent more for our leather than we did a year ago. We try to raise our prices on the finished product, and are met with the statement of one of the largest manufacturers that he is obliged to skin his shoe in every possible way, and will use a cloth substitute for our leather, because the wearer can't see it.

In order to keep whole the manufacturer is forced to offer a poorer shoe at an average increase in price of 30 cents. The hide duty both robs and cheats the wearer of shoes.

I asked a prominent maker of patent leather to-day if he would be willing to forego the duty on patent leather if the duty on hides was removed. He said, "Certainly; the duty is no protection to me. I can make better and cheaper patent leather than anyone in Europe if I can get my hides on an even basis."

The hide duty protects no one but the packers. Not content with the advantages which they derive from their monopoly of slaughter hides and unfair advantages in transportation, the packers seek and get from the Government a special privilege to strengthen the grip with which they are strangling the independent shoe manufacturers of this free country.

I am a Republican and so is my partner, but we shall both vote the Democratic ticket so long as the Republican party continues to help the strong and rich rob the helpless and the poor.

Yours, very truly,

F. W. MERRICK.

I also append, as a portion of my remarks, the address made by Charles E. Jones, president of the Commonwealth Shoe and Leather Company, of Boston, before a convention of the National Shoe Wholesalers' Association of the United States held in Boston, January 25, 1906. Mr. Jones's address is as follows:

Address of Charles H. Jones, of Commonwealth Shoe and Leather Company, Boston.

Before beginning my formal address I want to express to this association my high appreciation of their enterprise and public spirit in calling together a gathering of this character. The subject assigned for the discussion is a timely one and vital to every branch of the industry throughout this country; and the effort which evidently has been made, not only by the speakers who are members of the organization, but by the distinguished guests you have invited, is such as merits not only the thanks of the association, which I know will be tendered, but I feel like expressing my individual hearty appreciation of their kindness and thoughtfulness in placing before us the facts that will enable us, if we use them rightly, to guide our business successfully during the coming months.

I also wish to express my personal appreciation of the courtesy and good feeling shown by the distinguished guests of the association who have joined with us to-day in our effort to obtain a broad and accurate view of the situation.

GENERAL TRADE CONDITIONS.

Every one present is, of course, aware of the general trade conditions. A strong, steady, and almost unparalleled demand has absorbed all classes of merchandise as fast as the mills and factories could produce it. Imports have been tremendous, and exports of record proportions. Labor has been fully employed at good rates of wages. The farmers of the West and planters of the South have both been blessed with crops and prices to their satisfaction, and the country as a whole is enjoying unquestionably a greater and more general prosperity than ever before. There is, however, one circumstance somewhat out of harmony with this general condition, which is attracting to-day considerable attention and thoughtful consideration, and which has, I believe, a direct bearing on the question under discussion. I refer to the greatly increased cost of living. Statistics have been prepared, and frequently quoted of late, showing plainly that the cost of the necessaries of life has increased much more in this country during the past five years than has the earning capacity of the people. They also show that the cost of living has increased more in this country than in other countries.

When these statistics were made up they did not include the increased cost of shoes, so that increase had not then taken place, but when they are again prepared, if the present conditions continue, they will have to include, not only shoes, but harnesses, saddlery, belting, trunks, bags, and a host of other articles made out of leather which are in general use.

PUBLIC SENTIMENT.

The last political campaign in this State indicated plainly that there is a widespread and well-defined feeling among the people that existing conditions in regard to trade and the prices of commodities are not right. That feeling is beginning to make its presence felt in a greater or less degree in many other States, and, as the great wave of prosperity in which we are to-day serenely sailing begins to recede and the purchasing power of the people is materially reduced, we are going to see that feeling take shape in a determined effort to correct this particular evil.

When the great coal strike of two years ago was settled on lines suggested by the President, which resulted in a considerable advance in wages paid the operators, we all observed that the mine owners immediately transferred the whole burden, and perhaps a little more, to the public in the increased price of coal. The increased cost of fuel was made the excuse for raising thousands of rates for freight on the different railroads throughout the country, and the increased cost of fuel and freight was made the basis for raising the price on many kinds of merchandise, and the tendency toward higher prices received an impetus at that time which has resulted in years of unusual profit to many corporations and merchants, but which has deprived the people of a large share of the benefits they had a right to expect from the bountiful harvests and the condition of great and general prosperity which the country has enjoyed.

THE DEMAND FOR TARIFF REVISION.

The sense of injustice as felt in this unfair distribution of the results of our years of profit and plenty is undoubtedly the basis of the rapidly growing demand for tariff revision, and the well-understood fact that large corporations have, by combinations, reduced competition and sheltered behind a protective tariff have compelled the people to pay an excessive price for many of the necessities and comforts of life, is undoubtedly the basis of the present activity of our Government against the trusts and combinations. I refer to these well-known circumstances at this point simply to emphasize my belief that this is not a favorable time to inaugurate a period of high prices for shoes. The psychological moment for such action as that has passed. Don't understand me to mean that with materials from 25 to 50 per cent higher than last year manufacturers are to continue to make and sell shoes at old prices. Such a course would be simply suicide. This is what I mean, namely, that whatever advance we shall be compelled to make must be based wholly on economic causes, and the conditions must be such as can not be controlled or avoided. I believe that any advance established on any other basis can not be in any degree permanent, and we all agree that if the increased prices are not to maintain for a considerable length of time they are an unmixed evil for all concerned. Any effort looking to an agreement to advance prices, or any concerted action whatever, on the part of the trade that is going to cost the consumer money, would seem to me to be at this time a serious mistake. We should, on the contrary, accept such of the advance as is already established, and such part of that advance which still seems certain to come, as is based on actual trade conditions, and is therefore necessary and unavoidable, but if any factors in the present situation prove to be artificial, caused by manipulation of any removable cause, we should use our utmost endeavor to undo and remove them.

As this whole question is one of vital importance to every manufacturer, I have naturally given what time I could to an examination of available statistics bearing on this subject. I have talked with well-informed hide men, with tanners and shoe manufacturers, and have listened with great interest to what has been said here by the gentlemen whose experience and opportunities for observation certainly entitled their opinions to great weight, but it hardly seems fair for me to take your time to rehearse the circumstances which seem to have been responsible for present conditions, and I will only say that after the most thorough and careful consideration that I have been able to

give the subject, I remain to-day of the same mind in this respect that I have expressed frequently to many of you, namely, that except for the operation of the tariff, which has had a tendency to keep foreign hides out of this market at a time when they were sorely needed, and which has also increased the cost of all that have been used, both foreign and domestic, by 15 per cent, there is nothing artificial or avoidable in present prices and the general condition of the leather market to-day. As far as the tariff is responsible, you all know that for the past eight years I have done what I could and all that I could to remove that tax, and the rest of the increased price I accept as inevitable.

NO REASON TO EXPECT DECLINE.

In regard to the course of the market for shoes for the immediate future, there seems to be no reason to expect any decline—in fact, most manufacturers must get a very considerable further advance to bring their shoes up to the basis required by the present price of leather. I believe it must be admitted that stocks of manufactured shoes are not excessive, as is usually the case after a season of advancing prices. What small surplus of stock is found in the hands of the retailers on account of freer buying during the past season, and a winter of unusual mildness, will, I believe, be offset by the small stocks on hand in the great majority of the wholesale houses throughout the country. No manufacturer can have a large stock of uncut leather on hand, as leather in advance of needs for actual cutting has not been obtainable for several months. Some have orders in with tanners, and so have a feeling of being well supplied, but these orders are not yet filled, and will, of course, take up leather not yet finished, and will naturally operate to keep the market bare. People still have money to spend and the existing large consumption of shoes will doubtless continue, and if the demand for leather in consequence continues large, as would seem likely, it is difficult to see what conditions can arise to reduce prices at present.

For a more distant period—say two or three years hence—other factors have got to be considered. The shoe industry has occupied a position in this country that not many other lines of trade have established. Ignoring all protection and tariff schedules, it has developed and perfected the process of manufacture to an unequaled extent. It has enjoyed abundant and cheap raw material, and has furnished the people with better and cheaper shoes than have been enjoyed by any other people on the globe. We hear frequently of travelers on their return from trips through Europe bringing home and trying to pass through the custom-house great quantities and varieties of goods for their personal use, which they have secured in the more favorable markets abroad, but we never hear of any of them trying to bring in a pair of shoes. On the contrary, such of them as find themselves in want of footwear while abroad are frequently obliged to journey to a distant city to obtain a pair of American shoes, which are the only sort found suitable and adapted to their educated taste.

Right here let me interpolate a brief statement. During the remarks of our friend Mr. Keith, he stated what all of us who are in the export business at all know to be the fact, namely, that American shoes are sold abroad at higher prices than the same goods in this country; and when he made that statement one of the most sagacious and successful merchants in the shoe business touched me with his elbow and said: "If that is so, what do we want to worry about the tariff on hides for?" That struck me as a very pertinent question, and one that I have been surprised has not been asked before, when we have been before various committees and before the President and others, glorifying ourselves on how cheaply we produce shoes in this country and how much more cheaply than they can be produced anywhere else in the world. It seems singular that no one has thought to ask that question before. But I am going to answer it right now, so that if it is ever asked again we will all have the same answer, if it is the right one. My belief is that the statement made by Mr. Keith is exactly true; but it is true in a greater degree of the goods he manufactures than of the goods of any other manufacturer in any part of the country, and it is true at all only in the grades of goods which he does manufacture. Men's fine shoes, running from $3 to $5 per pair, are not manufactured anywhere in anything like our quality and at our prices. There is no competition on those particular grades. If you examine the shoes made abroad, I think anyone who is familiar with the subject will bear me out that when they drop from a strictly hand-sewed custom-made shoe, costing from $6 to $8, or $12 a pair, they come away down below our $3.50 shoe, down to a good workingman's shoe. They have nothing in between. When you come to the ordinary grades of shoes, such a thing as he describes could not take place. Their goods would not sell here, perhaps, because they are rough and coarse and heavy, and not adapted to American ideas; but they can give their wearer fully as much value in the cheaper grades—those below the intermediary grades—as we do. It is for that reason that we should be insistent in demanding the repeal of the duty on hides, so that our export lines might expand. Goods that we can't now export we would in that case be in a better position to forward abroad.

Is it or is it not desirable that this condition continue? I believe most emphatically that it is. Every argument, either economic or patriotic, leads to the same conclusion. All branches of the great hide, leather, and shoe industry in this country to-day undoubtedly recognize the wisdom of maintaining conditions which have made this department of production in the United States the greatest industry of its kind in the world. Many of us feel that the fact that the people have long been able to get good shoes at low prices in this country has been an important factor in the growth and development of our business, without any regard to its bearing on our export trade. No one can dispute the fact that any necessary article that is abundant and cheap will be consumed much more freely than the same article at a higher price; and a business established on the basis of the lowest price for its product that is to be found anywhere, is unquestionably on the most permanent and substantial foundation. We must, then, all endeavor to maintain this position of our trade at all hazards.

All are agreed that the duty on hides should be removed, and some of us are laboring, in season and out, to secure the repeal of this tax. Several members of the Massachusetts delegation in the National House of Representatives—and I do not refer to Mr. GILLETT—are watchful and alert to seize any opportunity that may offer to get favorable action on this subject. A free-hide bill has been introduced by a Republican Member from New York, and two bills by the leader of the Democratic side of the House, and when in Washington last week with several members of your association, we were all gratified to learn that much progress was being made and much sentiment favorable to this measure was being developed; but we learned at that time several other things of great importance to our campaign, and I only refer to them at this time as I believe they vitally affect the future course of the leather market. One of these facts was that it will certainly be impossible to pass at this session of Congress, or at the next session, a bill for the repeal of this hide tax without the aid of Democratic votes. The Democrats believe in free hides if the duty on shoes can be greatly reduced, but not otherwise.

DEMOCRATS WOULD VOTE FOR FREE HIDES.

I may say, by way of parenthesis, that the Republican party is more divided on that subject than the Democrats. There are districts in the West very strongly for the duty on hides, and it would be impossible to-day to secure more than forty or fifty Republican votes for the free-hide amendment.

We were informed on the very highest authority that almost the entire Democratic representation would vote for free hides if the same bill carried a satisfactory reduction in the duty on shoes. We were surprised to learn in various ways, both through letters from dealers and citizens in different parts of the country, and from statements made by Members of Congress, that there is a mistaken feeling in the country that the repeal of the hide tax is asked so that the profit of manufacturers may be increased, and that the people would get little or no benefit from it unless the tariff on shoes was also repealed or reduced. While, of course, this is clearly an error, it is a fixed belief which no amount of talk or argument will remove, and we must therefore be prepared for a very considerable modification of the tariff on shoes before we can expect to obtain the repeal of the duty on hides.

It is well understood that a very great majority of all the manufacturers in the country are perfectly willing to see the duty on shoes repealed entirely. A minority would prefer to see a small portion of it retained as a protection against possible changes and improvements in the methods of manufacture abroad, which might to some extent endanger this market, so that it is not expected that any serious objection will be made to such a reduction of the duty on shoes as should be necessary to bring about an agreement to repeal the hide tax.

There is, however, one condition which has been generally overlooked, which, when well understood, would peremptorily forbid any such concessions on the part of shoe manufacturers, and that is the existing tariff on leather. As this has heretofore been of no importance to the industry, and of no consequence either to the tanner or the manufacturer, it has been generally ignored; but I ask you to consider for a moment what the condition of the manufacturer would be if, having agreed to the removal or reduction of the duty on shoes, he finds a combination in this country in control of the leather, and prices in consequence forced to such a high point that he can not successfully compete with Europe or Canada. Such a condition as this, of course, must not be permitted. The useless duty on sole leather and many kinds of upper leather must certainly be repealed entirely before any manufacturer in this country would be justified in consenting to a change in the schedule on shoes.

INDORSEMENT WANTED FROM HIDE AND LEATHER INTERESTS.

We have been assured, and believe that the largest interests in control of the hide and leather market have no desire or intention, in their future operations, of enhancing the price of leather in consequence of their combinations. We have, on the contrary, the direct assurance of their officers that such combinations as they undertake will be for the ultimate cheapening of leather through economies in production and the purchase of supplies, and legitimate savings in the management of the business. It is unquestionably necessary at this time that our friends prove their sincerity in an unmistakable manner. I do not make this suggestion in any suspicious or critical spirit. We all know that if a large corporation or copartnership wishes to borrow a sum of money, its officers will make a statement concerning its standing and their belief in its financial soundness to the lender, and it is no reflection whatever on their honesty or good intentions to ask them to indorse the note. It merely crystallizes and puts in tangible form their knowledge and belief concerning its condition. This matter is of such importance to the whole trade that we have a right to ask our friends in the hide and leather business to indorse their statement that they have no thought or intention of taking any advantage of the tariff on leather to enhance the price of their products. The only way in which they can indorse this proposition is by joining hands with us in an agreement to work for the removal of the duty on leather at the same time that the duty on hides is removed and the duty on shoes removed or reduced.

TENDENCY TOWARD A HIGHER LEVEL.

If they are prepared to take this action, and will assist us in our present labors in good faith, I feel sure we can look forward to the readjustment of the tariff on these commodities within a very short time. When that element or factor in the price of leather is removed, there is nothing left for us to be anxious about. I believe it is generally admitted that the tendency in the prices of leather must be toward a higher level from this time on. Facts which have already been mentioned, and for which I can find no sufficient answer, seem to me to be conclusive on that point. Left to itself, we all know the course of the market in any commodity is never steadily in one direction. Prices advance and decline in waves, according to the ordinary laws of trade. If it shall appear that the hide and leather market is in the future to be restrained to some extent by a strong controlling power, so that the ordinary fluctuations shall be less severe; so that instead of being on the crest of a great wave of high prices one season and in the deep abyss of stagnation the next, we shall experience only moderate and reasonable fluctuations, who will say that the trade will be the loser by the change? Given for our protection free access to the markets of the world, I should welcome a conservative controlling influence in the hide and leather market of this country, but with the control established, and without that freedom from tariff restraints in the great raw materials of our industry, there is nothing but suspicion and strife in sight.

THE DUTY ON LEATHER.

Every advance that occurs will be assailed as the machinations of the packers, or a conspiracy of the hide and leather trust. Ordinary business judgment will not avail to successfully grasp all the conditions of such a market, mistakes will be made, and bitterness engendered that it would be much better and wiser to avoid. Until the attitude of the companies now controlling, or which will soon be in control of the hide and leather business of the country, in regard to the duty on leather is known, no intelligent opinion as to the course of the leather market for a period of three or four years is possible. If you were asked how long it would take a man to go from Boston to San Francisco, before answering you would have to know whether he proposed to walk or go on a limited express, and no man can tell what will happen in shoes and leather for the next few years until he knows

whether the business is to be made free to continue its development along the old lines, or whether the Government is to hold us, bound hand and foot, by a duty of 15 per cent on hides and 20 per cent on leather, while a strong combination, without competition, robs us of our money and deprives us at the same time of all chance of maintaining for our trade its present world-wide supremacy.

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and 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.

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 and joint resolutions:

H. J. Res. 178. Joint resolution providing for the improvement of the harbor at South Haven, Mich.;

H. J. Res. 179. Joint resolution providing for the improvement of certain portion of the Mississippi River;

H. R. 16575. An act granting a pension to Taylor Bates, alias Baits;

H. R. 675. An act granting an increase of pension to Daniel Morrissey;

H. R. 19100. An act granting an increase of pension to Asa G. Brooks;

H. R. 1148. An act granting an increase of pension to Marion F. Halbert;

H. R. 2014. An act granting an increase of pension to Enoch McCabe;

H. R. 18432. An act granting an increase of pension to David Dirck;

H. R. 19662. An act granting an increase of pension to Joseph Kircher;

H. R. 20266. An act to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvements at the expense of persons, companies, or corporations," approved May 16, 1906;

H. R. 7083. An act to repeal section 5, chapter 1482, act of March 3, 1905;

H. R. 17133. An act to amend section 558 of the Code of Law for the District of Columbia;

H. R. 16384. An act regulating the speed of automobiles in the District of Columbia, and for other purposes;

H. R. 18024. An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes;

H. R. 18713. An act to validate certain certificates of naturalization;

H. R. 18750. An act making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes;

H. R. 7763. An act granting a pension to James S. King;

H. R. 1420. An act granting a pension to John Nay;

H. R. 8140. An act granting a pension to Lucy A. Thomas;

H. R. 12013. An act granting a pension to Emma Fox;

H. R. 10998. An act granting a pension to Helen G. Powell;

H. R. 6893. An act granting a pension Augusta C. Reichburg;

H. R. 6336. An act granting a pension to Elizabeth A. Ames;

H. R. 2212. An act granting a pension to John B. Johnson;

H. R. 1238. An act granting a pension to Susan R. Stalcup;

H. R. 13967. An act granting a pension to Sophie M. Staab;

H. R. 17102. An act granting a pension to Katherine Studdert;

H. R. 12531. An act granting a pension to Charles Collins;

H. R. 18587. An act granting a pension to Catherine Bausman;

H. R. 19120. An act granting a pension to Eliza E. Whitley;

H. R. 18732. An act granting a pension to James J. Christie;

H. R. 18725. An act granting a pension to Nancy V. J. Ferrell;

H. R. 18324. An act granting a pension to Charles H. Lunger;

H. R. 18235. An act granting a pension to Ida M. Warner;

H. R. 17809. An act granting a pension to William Barrett;

H. R. 14798. An act granting a pension to Lucinda Brady;

H. R. 15856. An act granting a pension to Gordon A. Thurber;

H. R. 19670. An act granting a pension to Maria Rogers;

H. R. 15945. An act granting a pension to Cynthia A. Compton;

H. R. 8660. An act granting a pension to William Mabery;

H. R. 7635. An act granting a pension to Delia Gibbs;

H. R. 7546. An act granting a pension to Edna Buchanan;

H. R. 651. An act granting an increase of pension to Robert Brandau, alias Brandon;

H. R. 7254. An act granting an increase of pension to Isum Gwin;

H. R. 8215. An act granting an increase of pension to Ira Palmer;

H. R. 10808. An act granting an increase of pension to Michael Kearns;

H. R. 19253. An act granting an increase of pension to Charles H. Thompson;

H. R. 19262. An act granting an increase of pension to John Wickline;

H. R. 19272. An act granting an increase of pension to Alice Morrill;

H. R. 19276. An act granting an increase of pension to Ann W. Whitaker;

H. R. 19279. An act granting an increase of pension to Peter Cramer;

H. R. 19301. An act granting an increase of pension to Caroline L. Hodgdon;

H. R. 19305. An act granting an increase of pension to Almus Harrington;

H. R. 19317. An act granting an increase of pension to Samantha B. Marshall;

H. R. 19351. An act granting an increase of pension to William C. Mankin;

H. R. 19352. An act granting an increase of pension to Philip Killey;

H. R. 19408. An act granting an increase of pension to Elisha Brown;

H. R. 19457. An act granting an increase of pension to Charles H. Prince;

H. R. 19604. An act granting an increase of pension to Beverly McK. Lacey;

H. R. 19686. An act granting an increase of pension to Orrin S. Rarick;

H. R. 11780. An act granting an increase of pension to Charles Stair;

H. R. 19249. An act granting an increase of pension to Lorenzo W. Shedd;

H. R. 19242. An act granting an increase of pension to Anthony W. Miller;

H. R. 18911. An act granting an increase of pension to Frances Becker;

H. R. 18974. An act granting an increase of pension to Minna Hildebrand;

H. R. 18997. An act granting an increase of pension to Josephine Hardester;

H. R. 18954. An act granting an increase of pension to John E. Minnick;

H. R. 18956. An act granting an increase of pension to Joseph Scattergood;

H. R. 19009. An act granting an increase of pension to Lafayette H. McClung;

H. R. 19010. An act granting an increase of pension to Charles Edwards, alias St. Clair Acuff;

H. R. 19014. An act granting an increase of pension to Elizabeth A. Waller;

H. R. 19025. An act granting an increase of pension to Milton McFarland;

H. R. 19026. An act granting an increase of pension to Mary Navy;

H. R. 19033. An act granting an increase of pension to Moses S. Rookwood;

H. R. 19043. An act granting an increase of pension to Sarah V. Malone;

H. R. 19047. An act granting an increase of pension to Susan C. Smith;

H. R. 19061. An act granting an increase of pension to Mary E. Mundy;

H. R. 19068. An act granting an increase of pension to William Adams;

H. R. 19099. An act granting an increase of pension to Columbus Cox;

H. R. 19118. An act granting an increase of pension to Effingham Vanderburgh;

H. R. 19121. An act granting an increase of pension to Isaac Overton;

H. R. 19128. An act granting an increase of pension to Alexander McAlister;

H. R. 19130. An act granting an increase of pension to Larsey Bolt;

H. R. 19177. An act granting an increase of pension to Jane Elizabeth Kerr;

H. R. 19179. An act granting an increase of pension to Eliza A. Smith;

H. R. 19217. An act granting an increase of pension to William H. Burns;

H. R. 19220. An act granting an increase of pension to Calvin Corsine;

H. R. 19221. An act granting an increase of pension to Emma Byles;

H. R. 19222. An act granting an increase of pension to Catherine Warnock;

H. R. 19238. An act granting an increase of pension to Daniel S. Conover;

H. R. 18462. An act granting an increase of pension to Samuel Dailey;

H. R. 18523. An act granting an increase of pension to Hugh Reid;

H. R. 11217. An act granting an increase of pension to Jordan H. Banks;

H. R. 11422. An act granting an increase of pension to George B. True;

H. R. 11655. An act granting an increase of pension to Theodore Cole;

H. R. 11811. An act granting an increase of pension to John Kamerer;

H. R. 11888. An act granting an increase of pension to Heman A. Harris;

H. R. 12183. An act granting an increase of pension to Arantha J. Livingston;

H. R. 12347. An act granting an increase of pension to Samuel Palmer;

H. R. 13032. An act granting an increase of pension to Stewart McKeney;

H. R. 13058. An act granting an increase of pension to Thomas J. Baum;

H. R. 13075. An act granting an increase of pension to Pardon B. Lamoreux;

H. R. 13318. An act granting an increase of pension to Odom Butler;

H. R. 13466. An act granting an increase of pension to Albert H. Bradish;

H. R. 13609. An act granting an increase of pension to Charles H. Guile;

H. R. 13631. An act granting an increase of pension to James H. Morrill;

H. R. 13652. An act granting an increase of pension to William O. Tobey;

H. R. 13949. An act granting an increase of pension to Mary A. Duryea;

H. R. 13998. An act granting an increase of pension to John C. Barnwell;

H. R. 14107. An act granting an increase of pension to Isaac Maines;

H. R. 14163. An act granting an increase of pension to Jerome Lang;

H. R. 14323. An act granting an increase of pension to Thomas Thornton;

H. R. 14345. An act granting an increase of pension to Peter Noblet;

H. R. 14505. An act granting an increase of pension to John L. Clifton;

H. R. 14544. An act granting an increase of pension to William A. Carroll;

H. R. 14554. An act granting an increase of pension to John Welch;

H. R. 14558. An act granting an increase of pension to Martha L. Wood;

H. R. 14705. An act granting an increase of pension to Alva Beebe;

H. R. 14774. An act granting an increase of pension to Levi M. Hall;

H. R. 14919. An act granting an increase of pension to Maria C. Sheppard;

H. R. 15502. An act granting an increase of pension to Harmon Houck;

H. R. 15547. An act granting an increase of pension to Henry D. Duffield;

H. R. 15653. An act granting an increase of pension to Eliza J. Hudson;

H. R. 15674. An act granting an increase of pension to Susan Campbell;

H. R. 15676. An act granting an increase of pension to Samuel B. Smith;

H. R. 16411. An act granting an increase of pension to Newton Moore;

H. R. 16571. An act granting an increase of pension to Mary L. Overley;

H. R. 16613. An act granting an increase of pension to William C. Fox;

H. R. 19522. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.;

H. R. 18900. An act correcting the military record of E. J. Kolb, alias E. J. Kulb;

H. R. 130. An act authorizing the extension of Kalorama road NW.;

H. R. 7226. An act for the relief of Patrick Conlin;

H. R. 1572. An act for the relief of Thomas W. Higgins;

H. R. 15140. An act to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes;

H. R. 18596. An act to enable the Secretary of War to permit the erection of a lock dam in aid of navigation in the White River, Arkansas, and for other purposes;

H. R. 14511. An act 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;

H. R. 15071. An act to provide means for the sale of internal-revenue stamps in the island of Porto Rico;

H. R. 17452. An act 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;

H. R. 14795. An act amending chapter 863, volume 31, of the Statutes at Large;

H. R. 17600. An act to grant authority to change the names of certain sailing vessels;

H. R. 18666. An act 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;

H. R. 17186. An act 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.;

H. R. 20097. An act to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River;

H. R. 11030. An act to authorize the counties of Yazoo and Holmes to construct a bridge across Yazoo River, Mississippi; and

H. R. 19519. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the subport of Superior, Wis.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5545. An act granting an increase of pension to Margaret Brannon—to the Committee on Invalid Pensions.

ADJOURNMENT.

Then, on motion of Mr. CAPRON (at 11 o'clock and 21 minutes p. m.), the House adjourned until to-morrow, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report as to distribution of expense of improvement of Black Rock Harbor and channel, New York—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, report of examination and survey of Wolf and Jordan rivers, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Beverly Harbor, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of stone pier at Piermont, N. Y.—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (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, reported the same without amendment, accompanied by a report (No. 5066); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (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, reported the same without amendment, accompanied by a report (No. 5067); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20407) to authorize the Baldwin & Dague Lumber Company to construct a bridge across the St. Francis River in Arkansas, reported the same without amendment, accompanied by a report (No. 5068); which said bill and report were referred to the House Calendar.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the House resolution (H. Res. 624) requesting the Secretary of War for a statement relating to permits, etc., in or adjacent to the St. Marys River, reported said resolution, accompanied by a report (No. 5070); which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6167) to improve the channels along the New Jersey seacoast, reported the same without amendment, accompanied by a report (No. 5073); which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 177) authorizing the Secretary of War to furnish a bronze cannon, with its carriage, limber, and accessories, to Junction City Post, No. 132, Grand Army of the Republic, Department of Kansas, reported the same without amendment, accompanied by a report (No. 5077); which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MEYER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 20461) to reinstate Kenneth G. Castleman as a lieutenant in the Navy, reported the same without amendment, accompanied by a report (No. 5074); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BURTON of Ohio: A bill (H. R. 20464) to increase the efficiency of the International Waterways Commission—to the Committee on Rivers and Harbors.

By Mr. BENNET of New York: A bill (H. R. 20465) to validate certain certificates of naturalization—to the Committee on Immigration and Naturalization.

By Mr. GILBERT of Kentucky: A bill (H. R. 20466) in aid of the Arizona Land, Irrigation and Development Company, and to enable it to irrigate certain lands in Pima County, Ariz.—to the Committee on the Public Lands.

By Mr. HINSHAW: A bill (H. R. 20467) to amend section 14 of an act of Congress of March 3, 1879—to the Committee on Post-Offices and Post-Roads.

By Mr. WILLIAMS: A joint resolution (H. J. Res. 184) directing the Secretary of War to require the Panama Canal Commission and the Panama Railroad Company to abolish certain Government boarding houses on the Isthmus of Panama and to put out to the lowest responsible bidder the privilege to board and feed employees, and so forth, on the Isthmus—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: A resolution (H. Res. 623) suspending section 2 of Rule XXIX for the remainder of the session—to the Committee on Rules.

By Mr. BURTON of Ohio, from the Committee on Rivers and Harbors: A resolution (H. Res. 624) requesting the Secretary of War for a statement relating to permits, etc., in or adjacent to the St. Marys River—to the House Calendar.

By Mr. BROUSSARD: A resolution (H. Res. 625) for an investigation of the delay in the completion of the lock at Plaquemine, La.—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. BROUSSARD: A bill (H. R. 20468) for the relief of Alphonse Lacour, heir of Armand Lacour, deceased—to the Committee on War Claims.

By Mr. BURKE of South Dakota: A bill (H. R. 20469) authorizing the appointment of George W. Budd, a captain on the retired list of the Army, as a major on the retired list of the Army—to the Committee on Military Affairs.

By Mr. CALDERHEAD: A bill (H. R. 20470) granting an increase of pension to James W. Barr—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 20471) for the relief of H. S. Day—to the Committee on Military Affairs.

By Mr. HIGGINS: A bill (H. R. 20472) granting an increase of pension to Abram Geer—to the Committee on Invalid Pensions.

By Mr. GILBERT of Kentucky: A bill (H. R. 20473) for the relief of J. Knight Lowery, of Wilmore, Jessamine County, Ky.—to the Committee on War Claims.

By Mr. NEVIN: A bill (H. R. 20474) to refund Joseph C. Bender the sum of $878.87, stolen from the post-office at the National Military Home, Ohio, by burglars without fault or connivance of said Bender—to the Committee on Claims.

Also, a bill (H. R. 20475) granting a pension to William W. Morrow—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 20476) granting an increase of pension to Augusta J. Bush—to the Committee on Pensions.

Also, a bill (H. R. 20477) for the relief of the estate of Richard N. Kittles, deceased—to the Committee on War Claims.

By Mr. RHINOCK: A bill (H. R. 20478) granting an increase of pension to Thomas Johnson—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 20479) granting a pension to Christena Elliott—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 Harlem Civic Club of New York, against passage of the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of Travelers' Protective Association of America, against exemption of express companies from provisions of the railway rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LAMAR: Petition of citizens of Cromanton and Jackson County, Fla., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Journal, the Stockman, and R. W. Storrs, of Pensacola, Fla., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ROBERTSON of Louisiana: Paper to accompany bill for relief of Alphonse Lacour, heir of Armand Lacour—to the Committee on War Claims.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Joseph P. W. R. Ross—to the Committee on Military Affairs.

By Mr. STERLING: Paper to accompany bill for relief of Susan B. Blanchard—to the Committee on Invalid Pensions.

By Mr. WEISSE: Petition of citizens of Beaver Dam, Wis., against a parcels-post and postal-check currency law—to the Committee on the Post-Office and Post-Roads.