Frank A. Gamble to be postmaster at Van Wert, in the county of Van Wert and State of Ohio.

Allan Graham, jr., to be postmaster at Ottawa, in the county of Putnam and State of Ohio.

William F. Hains to be postmaster at Wilmington, in the county of Clinton and State of Ohio.

Homer L. House to be postmaster at Deshler, in the county of Henry and State of Ohio.

John Ramsey McElroy to be postmaster at New Comerstown, in the county of Tuscarawas and State of Ohio.

Leslie E. Meyer to be postmaster at Oakharbor, in the county of Ottawa and State of Ohio.

OREGON.

Frederick W. Valentine to be postmaster at St. Johns, in the State of Oregon.

PENNSYLVANIA.

G. Gillette Saxton to be postmaster at Tioga, in the county of Tioga and State of Pennsylvania.

PORTO RICO.

Robert A. Miller to be postmaster at Ponce, in the county of Ponce, Porto Rico.

SOUTH CAROLINA.

Thomas Tolbert to be postmaster at Abbeville, in the county of Abbeville and State of South Carolina.

SOUTH DAKOTA.

John Bell to be postmaster at Spearfish, in the State of South Dakota.

George L. Fish to be postmaster at Woonsocket, in the State of South Dakota.

Henry Heintz to be postmaster at Elkton, in the State of South Dakota.

TENNESSEE.

Gillis T. Johnston to be postmaster at Kingston, in the county of Roane and State of Tennessee.

VERMONT.

William G. Foss to be postmaster at Wells River, in the county of Orange and State of Vermont.

VIRGINIA.

Arthur M. Stimson to be postmaster at Hot Springs, in the county of Bath and State of Virginia.

James M. McLaughlin to be postmaster at Lynchburg, in the county of Campbell and State of Virginia.

WYOMING.

Derealous C. Bowman to be postmaster at Basin, in the county of Big Horn and State of Wyoming.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 29, 1906.*

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

Prayer by Rev. OLIVER JOHNSON, of Leslie, S. C.

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

RECORD.

Mr. DALZELL. Mr. Speaker, I desire to call attention to a change in the RECORD.

The SPEAKER. The gentleman will state it.

Mr. DALZELL. And I ask the attention of the gentleman from Wisconsin, Mr. COOOPER. Mr. Speaker, on yesterday I introduced a rule and during the discussion of that rule I yielded time to the gentleman from Wisconsin [Mr. COOPER]. When the gentleman concluded, I said:

> Mr. Speaker, only one word. So far as the assertion of the gentleman from Wisconsin is concerned—that this is a deliberate attempt to continue an evil—it is untrue. If I thought as meanly of my colleagues in this House as the gentleman from Wisconsin does, I would retire from it.

Mr. Speaker, the speech which preceded that remark of mine justified it, and I have a right, as a matter of justice to myself, to have the speech that was made in the RECORD, and not another speech which entirely changes the sense.

Mr. COOPER of Wisconsin. Mr. Speaker, I want to say right here that I deny that the substantial character of my speech was changed in any particular, and the gentleman can insert it all. I am perfectly willing, except the report which came to me was so ungrammatical and distorted and mistaken in many ways that I tried to make it as smooth as possible; but it contains the exact ideas I expressed on the floor.

Mr. DALZELL. Mr. Speaker, before I left the House last evening I went to the stenographers' desk and obtained a copy of the speech delivered by the gentleman from Wisconsin, which I hold in my hand now. It is a remarkably well-reported speech. There are very few inaccuracies of grammar. The right of the gentleman from Wisconsin to correct those nobody will deny. The right of the gentleman to make insertions and to take out parts in so far as they do not affect the meaning and purpose of the speech, no one will deny, but no gentleman has the right to change the substantial character of a speech which involves the sense and meaning of another gentleman's speech. Now, the gentleman in his speech yesterday impugned the motives and belittled the intelligence of his colleagues in this House. He impugned my motives, and whether or not the changes are substantial I will let the House and not the gentleman from Wisconsin judge. The gentleman from Wisconsin said in answer to what I had said:

> 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.

If that was not an imputation upon my motive, then I am unable to understand the English language. The gentleman from Wisconsin very cunningly changes that sentence to read in this way:

> In my judgment this is an effort which distinctly and deliberately violates the spirit of the rule.

In other words, for an imputation against my motives he suggests the results to follow the adoption of the rule. I leave it to the House to judge whether that is a substantial change or not. The gentleman said, amongst other things, after reciting certain facts:

> We go to work worse than a lot of town supervisors ever do in the most ordinary case, worse than anybody anywhere pretending to an ordinary intelligence upon serious problems, to legislate, etc.

Now, the gentleman from Wisconsin did not allow that sentence to remain in the RECORD. On the contrary, he suggested this:

> Thus compelling the House to go to work, as a board of town supervisors would not do, to legislate, etc.

The gentleman further said, gauging the intelligence of his colleagues, that we were compelled—

> to take it (the report) upon the ipse dixit practically of some one 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 in another section, but "phraseologically" it does not do anything important. We have to take everything for granted without an opportunity to read.

And yet not a single solitary word of that sentence appears in the speech printed by the gentleman in the RECORD this morning. I will allow the House to judge as between the gentleman and myself, as to whether or not he changed the substance of his speech; as to whether or not he did a dishonorable thing not only with respect to the House in the mutilation of its record, but an indecent thing in respect to his colleagues, whose motives he impugned upon the floor of the House, when he came in the silence of his chamber to read over what he had said here, and had not the courage to stand by it, but deliberately, no one else being by, took it out of the RECORD.

Mr. Speaker, when words are uttered upon the floor of this House in the heat of debate for which he who utters them afterwards experiences a sense of shame there is only one manly way in which to retract, and that is to recall the words in the presence of those in whose presence they were uttered. It is not manly, it is not becoming a Member of this House to do in the privacy of his chamber that which his manhood did not call on him to do in public in the presence of his colleagues. [Applause.]

The SPEAKER. Does the gentleman from Pennsylvania submit a motion?

Mr. DALZELL. Mr. Speaker, I move to insert in the RECORD the speech of the gentleman from Wisconsin as it was delivered.

Mr. COOPER of Wisconsin. I am perfectly willing.

Mr. DALZELL. In lieu of the speech in the RECORD this morning.

The SPEAKER. The gentleman moves that in the RECORD of this morning, in the place indicated, the reporter's notes be inserted in place of the words that appear in the RECORD.

Mr. DALZELL. With such grammatical corrections as the gentleman may see fit to make.

Mr. COOPER of Wisconsin. Mr. Speaker, this is not entirely unexpected by me. The gentleman from Pennsylvania [Mr. DALZELL] attacked the gentleman from Wyoming [Mr. MONDELL], I think, for something of a similar character, in a speech which he delivered, as I recall, upon the statehood bill. What the gentleman from Pennsylvania [Mr. DALZELL] said was quite in the nature of a philippic. It is only fair for me to suggest, and I do not say it in any spirit of boasting or braggadocio, that I never say to anybody, anywhere, anything that I am afraid to repeat; and nothing that the gentleman from Pennsylvania [Mr. DALZELL] can intimate or insinuate will have the slightest intimidating effect upon me here or elsewhere.

What I intended to say yesterday was that the special rule,

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as brought in, did amount to a direct and deliberate violation of the spirit of the standing rule adopted by the House. I said that to hold up conference reports until the last hours of the session and then to come in with a sort of an omnibus special rule saying that thereafter no conference report shall be printed was in distinct violation of the spirit of the rule.

Mr. DALZELL. Mr. Speaker, I beg to suggest to the gentleman that what he did say is in the RECORD and in that report; that nothing that he can now say that he said amounts to anything in the presence of the witnesses.

Mr. COOPER of Wisconsin. I will digress and answer that. Here is what I said: The gentleman will have it that I desire to impugn motives, perhaps his own motives, or the motives of some other individuals in the House; but the House will distinctly recall what I said; and I now read verbatim from the report:

Without desiring to impute anything wrongfully by way of motive to the gentleman from Pennsylvania [Mr. DALZELL] or to 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.

Mr. DALZELL. Why did the gentleman alter that sentence? Why did the gentleman cut out a large portion of that sentence?

Mr. COOPER of Wisconsin. I did not.

Mr. DALZELL. I think you did.

Mr. COOPER of Wisconsin. Wait a moment. The gentleman has been so sort of edgewise at me ever since I voted against the Lake Erie Canal bill, which had in the first section of it a dragnet proposition that would have allowed the company to engage in any business practically, and to buy real estate anywhere in the United States, even though it might not be necessary for the purposes of the canal, that he is now and has ever since been unable properly to interpret statements like those I made. If the gentleman will retain himself in patience until after I conclude I will demonstrate that I have not impugned his motive nor said anything improper, nor in changing what I said have I done anything that I ought not to have done, because I leave in the RECORD in substance exactly what I said. Now, let me read that quotation once more. Mr. Speaker, I ask for order. This is somewhat important to me.

The SPEAKER. The House will be in order.

Mr. COOPER of Wisconsin. I am reading from the report of my speech.

The SPEAKER. All gentlemen will be seated.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask that the reporter please read to the House the last statement of the gentleman from Pennsylvania—the one that he made just a moment ago.

The SPEAKER. The Chair did not catch the gentleman's request.

Mr. COOPER of Wisconsin. I ask that the reporter read the notes of what the gentleman from Pennsylvania just said.

The SPEAKER. Without objection, the reporter will furnish the notes to the Clerk, or by consent he will read them.

Mr. COOPER of Wisconsin. May I ask that there be order?

The REPORTER (Mr. Gray). "Mr. DALZELL. Mr. Speaker, I beg to suggest to the gentleman that what he did say is in the RECORD and in that report; and nothing that he can now say that he said amounts to anything in the presence of witnesses."

Mr. COOPER of Wisconsin. Is that the last?

The REPORTER. That is the last statement.

Mr. COOPER of Wisconsin. The gentleman from Pennsylvania by that expression gave the House to understand that I had not read correctly, or that I had read my amended speech. I read, gentlemen of the House, word for word, without emendation or omission, what the reporter gave the gentleman from Pennsylvania and gave to me as a report of my utterance on the floor yesterday; and I will now read it again. I read this to show to the House and to my friends everywhere that I did not impugn the motives of any Member of the House.

I distinctly said that I did not impugn the motives of the gentleman from Pennsylvania or of any other Member of this House. I disavowed any such intention. Here is what I said: I propose to follow it with the statement of the gentleman from Pennsylvania himself to justify my assertion that the special rule was a deliberate violation of the spirit of the original rule of the House. Now, I will read again the report of what I said yesterday, without changing a letter.

Without desiring to impute anything wrongfully by way of motive to the gentleman from Pennsylvania [Mr. DALZELL] or to anyone else, because they are well-meaning gentlemen, it is much more reasonable, I think, to say that these reports—

Now mark this, gentlemen of the House—

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.

I will now read what the gentleman from Pennsylvania himself said yesterday, before I made that statement. The only reason, gentlemen of the House, that I did not take the floor yesterday after he indulged in his very severe criticism of me was because I thought possibly I had misunderstood the remarks he did really make in his first speech, and as I wanted to be quite accurate about it, I said nothing. But this morning on getting the RECORD I find that I had correctly heard what he said.

In my reply to what he said to the House, I told the exact truth; and I have no apology to make here or elsewhere. I stand by every word I said. And now listen. The gentleman from Pennsylvania [Mr. DALZELL], in reply to the gentleman from Mississippi [Mr. WILLIAMS], said:

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.

What did I say not justified by that statement of the gentleman from Pennsylvania? I said that to bring in the special rule after the gentleman from Pennsylvania had announced that these conference reports—"a great many"—were being held up because they would have to be printed in the RECORD under the rule, and therefore delay the House, was in violation of the spirit of the rule, because the spirit of the rule is this: That, when possible, conference reports ought to be printed. To get up anything in the Senate of the United States, even the most minor resolutions, it has to be printed. The most honest man in the world may make a mistake when he arises and says that this or that is the proper interpretation of a proposed amendment.

Mr. MANN. Will the gentleman yield?

Mr. COOPER of Wisconsin. One moment. Lord Coke said that no man should ever tell the meaning of a statute unless he have the statute before him. That rule ought to appeal strongly to the judgment of every Member of this House. We are making statutes. When a conference committee brings in a report here upon important amendments, and as honest a man as the chairman or as any other Member of this House—yes, as honest as the gentleman from Pennsylvania himself—arises and says that such is the interpretation or such is the interpretation; "We have left out this, we have added that, but the meaning is unchanged," it throws a very great responsibility upon the man that makes the utterance and an equally great responsibility upon the legislator who accepts it and writes it into the statutes of the United States. And therefore I said that the spirit of the rule—and what I had in mind will be apparent to every candid and intelligent listener here—that the spirit of the rule was that every conference report ought to be printed; that during either of the last six days, however, it may be possible (the rule says on either day) to provide that such reports shall not be printed; but the fact that that proviso is there does not change the spirit of the rule. The spirit of the rule is that the House of Representatives ought to be able to read an amendment before it puts it into the law; that it ought to read a conference report before it takes the statements of the conferees as facts, because of the liability of men to err as to the meaning of certain phraseology. So much for that. I expressly disavowed any purpose to impugn the motives of the gentleman from Pennsylvania or of anybody else.

Now, how did I amend the report of that disavowal?

I amended it in this way: I struck out the word "thing" and I left it in this way:

Without desiring to impute any wrong motive.

Yesterday my remarks were:

Without desiring to impute anything wrongful by way of motive to the gentleman from Pennsylvania [Mr. DALZELL] or anybody else.

I changed "anybody else" to "any other Member."

I said yesterday:

They are well-meaning gentlemen.

I changed that to "honorable" gentlemen. The meaning is exactly the same. Any man who is a well-meaning man is an honorable man. An then I said:

It is much more reasonable, I think, to say that these reports have been held up, or, rather, that 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 a view to getting this rule.

I inserted the word "special" before "rule," at the end of the paragraph, because the previous sentence ends with "this rule," and I wanted to distinguish it from that sentence. Mr. Speaker, the gentleman says that I cunningly changed the sentence:

In my judgment this is an effort distinctly and deliberately to violate the spirit of the rule.

As it now reads:

In my judgment this is an effort which distinctly and deliberately violates the spirit of the rule.

That change was not made through any fear of consequences or through any desire to change the essential statement. It amounts practically to a stronger statement of fact than the one that I made, if anything, although it does not change the meaning to any candid listener; but I made it because I had in mind this, that the gentleman from Pennsylvania had said:

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.*

Now, all this occurred late in the afternoon yesterday. We could not dispose of a "great many other conference reports" yesterday afternoon, and we did not. The balance of the "great many other conference reports" are still unprinted, and every one of them could have been printed in the RECORD this morning. Is not that true? Did not that violate the spirit of the rule? Does not the spirit of the rule mean that every conference report that can be printed shall be printed? I do not know how many other conference reports there are. There may not be another one, but in what I said I relied upon the statement of the gentleman from Pennsylvania [Mr. DALZELL] that there were then a "great many other conference reports that were being held up because of the rule requiring them to be printed." If that were true, I knew and everybody else knew that between the hour of 3 and 4 o'clock yesterday afternoon and 6 o'clock, the usual hour for taking a recess, we could not dispose of a "great many conference reports," when the rate bill report was not yet acted upon, and one other—I have forgotten what it was—a very important one, was still pending.

A MEMBER. The meat amendment.

Mr. COOPER of Wisconsin. The pure-food bill was reported before this and had already been printed, and I supposed, and everybody else supposed, that it would be taken up yesterday. It was perfectly impossible to dispose of all of these conference reports yesterday. There was nothing to prevent their being printed in the RECORD this morning, so that every Member might have seen them. Now, after listening to the first statement of the gentleman from Pennsylvania, and making my remarks in perfect good faith, for him to rise and characterize my conduct as contemptible and my subsequent conduct as cowardly is grossly unjust.

The gentleman complains because I struck out this:

And to take it up on 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.

That simply says in another way, in a needlessly elaborate way, what I did say later. I struck it out because it adds nothing to the sentence in which it appears. Here is the way that sentence occurs as I printed it in the RECORD:

The rule was adopted 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, and then bringing in a special rule that all conference reports on such bills shall not be printed, thus compelling the House to go to work, as a board of town supervisors would not do, to legislate concerning these reports without having read what we are legislating about.

Practically every word of this quotation was in the original sentence.

I simply omitted the ipse dixit part, which everybody knows was true. If the report be not printed we do have to rely on the statements of gentlemen who arise and say that the report means so and so, or that an amendment means so and so. We take some gentleman's ipse dixit. There is nothing wrong about that statement. It does not impugn the motives of anybody, and, Mr. Speaker, it states an undeniable fact. If you do not have the written report to examine, what do you rely upon necessarily but the statement of some gentleman who takes the floor?

Mr. Speaker, I desire to call the attention of the House one moment to what I think may have something to do with this matter. When the Lake Erie Canal bill was before the House, I opposed it in a speech and voted against it on the ground that the first section did not limit that corporation in its purchase of real estate to canal purposes, but would allow it to buy real estate anywhere for any purpose. The bill contained this provision:

Under the name and style of "The Lake Erie and Ohio River Ship Canal Company," and by that name, style, and title shall have perpetual succession, may sue and be sued, plead and be impleaded, make and use a common seal, receive and acquire by purchase or otherwise real and personal property and rights of property, and may hold, use, lease, sell, mortgage, encumber, charge, pledge, grant, assign, and convey the same, and generally have and exercise all the powers usually granted to and vested in corporations of the United States of America, and especially full powers to carry out the purposes of this act.

In addition to this, the company was to have the power of eminent domain. I said at that time that the bill by its first section would permit that corporation to buy real estate anywhere for any purpose. The Senate of the United States saw fit to amend the bill by providing specifically that the company should have the right to buy real estate only for the purposes of a canal, the purpose for which it was organized. I do not know; it may be that I am entirely wrong in attributing the course of the gentleman from Pennsylvania to my position in this matter.

Mr. DALZELL. The gentleman is absolutely wrong; nothing of that sort ever entered my mind for a minute.

Mr. COOPER of Wisconsin. I am very glad to know that fact, because the action of the Senate and House conferees in accepting the Senate amendment shows that in my speech and in my vote against the bill as it was introduced by the gentleman from Pennsylvania I was absolutely justified.

Mr. DALZELL. The gentleman from Pennsylvania will say that he told the gentleman from Indiana, Judge CRUMPACKER, at the time, that the gentleman from Wisconsin was entirely correct, and that that would go out in the Senate, but under the rules of the House he did not want anybody to offer an amendment, because that would have given him an hour, and he asked for the previous question. But this has nothing to do with what is before the House.

Mr. WILLIAMS. Mr. Speaker, I ask that the colloquy between the Members be conducted so that other Members of the House can have the benefit of what is going on.

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Pennsylvania never intimated to me that my contention as to that proposition of law was correct. I always understood from his smile when I was making the contention that he did not believe what I said. I am glad to know that he justified my position. If the gentleman from Pennsylvania believed then what he now admits, he allowed to go through the House of Representatives a charter to a corporation which would permit it in its discretion to buy land anywhere for any purpose.

Mr. PAYNE. Mr. Speaker, I make the point that the gentleman is not confining himself to the matter under discussion.

The SPEAKER. Does the gentleman yield to the gentleman from New York?

Mr. PAYNE. My suggestion was the gentleman was not talking to this resolution. The bill about which he is talking has already been disposed of.

The SPEAKER. The gentleman makes the point of order?

Mr. PAYNE. I do.

The SPEAKER. The Chair sustains it. The gentleman will discuss the matter before the House.

Mr. COOPER of Wisconsin. Mr. Speaker, I was unable to find in anything I said yesterday any motive which would actuate a Member of the House of Representatives to be so exceedingly bitter as the gentleman from Pennsylvania was yesterday and again this morning toward me, because my remarks contained a distinct disavowal of any desire to impute anything wrongful by way of motive to him or to any other man on this floor. I confess to the gentleman from New York, who is so solicitous lest I be out of order in trying to defend myself here——

Mr. PAYNE. It is simply on a question of time that I interposed. We want to get on with the appropriations.

Mr. COOPER of Wisconsin. My feelings in this matter ought to be taken into consideration a little by the distinguished gentleman from New York. I have been accused here this morning——

Mr. PAYNE. So far as I am concerned, I withdraw the point of order if the gentleman's honor is involved in the bill.

Mr. COOPER of Wisconsin. I have been accused of being dishonorable, of being cunning, of being what amounts to disreputable, and I have demonstrated that the remarks which I made were based absolutely upon a statement of fact made by the gentleman from Pennsylvania himself. And now I put it to the candor and to the intelligent judgment of Members of the House. I said, after the statement of fact made by the gentleman from Pennsylvania, that to bring in a special rule providing that thereafter no conference report should be printed, was in violation of the spirit of the House rule. Now, then, I ask if that was not true? This is the most serious charge against me. The rule in the House provides that all conference reports shall be printed except on either of the last six days of the session. There has been no resolution adopted by Congress fixing adjournment. There was nothing definite to show when the last six days would begin. Heretofore, ordinarily, the two Houses have adopted a resolution fixing definitely the hour for adjournment. When did the last six days of this session begin?

Up to this time the day for the adjournment has not been fixed. When did the last six days of this session begin?

Mr. BURKE of South Dakota. Will the gentleman permit an inquiry?

Mr. COOPER of Wisconsin. Yes.

Mr. BURKE of South Dakota. During the Fifty-sixth and Fifty-seventh Congresses there was no such rule as we now have on that subject, was there? We adopted it, did we not, in the Fifty-eighth Congress?

Mr. COOPER of Wisconsin. We adopted it on account of complaint——

Mr. MADDEN. Mr. Speaker, I make the point of order that the gentleman is not discussing the question at issue.

The SPEAKER. The gentleman from Wisconsin will suspend. The gentleman from Illinois makes the point of order that the gentleman is not talking to the matter before the House. As near as the Chair has been able to follow the gentleman as he is now talking, or has been for the last few minutes, the Chair sustains the point of order, and the gentleman will continue his remarks in order.

Mr. BURKE of South Dakota. Mr. Speaker, I have the consent of the gentleman to ask a question. I want to ask him if in the closing days of the long session of the Fifty-eighth Congress, by unanimous consent, a rule was not adopted in line with the rule submitted and voted in the House yesterday?

Mr. MADDEN. Mr. Speaker, I insist upon my point or order.

The SPEAKER. To the question the gentleman has asked?

Mr. MADDEN. Yes, sir.

The SPEAKER. The Chair sustains the point of order.

Mr. COOPER of Wisconsin. Well, Mr. Speaker, I thought when I was interrupted by the gentleman from South Dakota that I was discussing——

Mr. BURKE of South Dakota. My question was exactly in line with what you were discussing——

Mr. COOPER of Wisconsin. I thought I was talking in order. I regret very much that I was not.

Now, Mr. Speaker, what the gentleman said in concluding his remarks was this:

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.]

I did not say anything that would justify the gentleman in making that statement. I did not say it was an attempt to continue an evil. I said that, in my judgment, this was an effort distinctly and deliberately to violate the spirit of the rule, the spirit of the rule being, after it was adopted, that all conference reports should be printed when possible, of course, but that during either of the last six days a special rule might be brought in allowing them to be considered without having been printed. That is the fair interpretation of the rule and the proper interpretation of the spirit of the rule, otherwise there is no use of having the rule at all. The gentleman from Pennsylvania had informed the House that a "great many"—those are his words—"conference reports were being held up because of this rule requiring them to be printed," and I thought that was in violation of the spirit of the rule. We could not consider a "great many" of them yesterday, and but for the special rule they would have all been printed in the RECORD, except the one or two that we considered yesterday. That is all I have to say.

I regret exceedingly that the gentleman from Pennsylvania [Mr. DALZELL] has seen fit to use vituperation in his remarks, when I especially disavowed the slightest intention of impugning his motives or the motives of any other man on this floor.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] moves to expunge from the RECORD the remarks of the gentleman from Wisconsin made on yesterday, as indicated by him, on page 9813 of the RECORD, and insert what was said according to the reporter's notes.

The question was taken; and the Chair stated that he was in doubt.

Then, on a division, there were—ayes 66, noes 43.

So the motion was agreed to.

FUBLIC BUILDINGS BILL.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent that the bill H. R. 20410, the public buildings bill, be taken from the Speaker's table, and that the House nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent to take from the Speaker's table the bill known as the "public buildings bill," H. R. 20410, with Senate amendments, and to nonconcur in the Senate amendments, and asks for a conference. Is there objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I desire to say that the State of New York unfortunately is not now represented in the Senate, and that the Senate has struck out of this bill the appropriation for $450,000 passed by the House to finish the new custom-house in New York City. I hope the gentlemen will see that the $450,000 goes back in the bill during the conference. It is a very important matter to all the people of New York, and it never should have been stricken out.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. BARTHOLDT]. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. BARTHOLDT, Mr. BURLEIGH, and Mr. BANKHEAD.

LAKE ERIE AND OHIO RIVER CANAL.

Mr. DAVIDSON. Mr. Speaker, I call up the conference report on 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.

The SPEAKER. The gentleman from Wisconsin [Mr. DAVIDSON] calls up the conference report on the bill H. R. 14396, which the Clerk will read.

Mr. DAVIDSON. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. 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 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, 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 16, 42, 73, 75, and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, and 74; and agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out the words "and with their legislative consent;" 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: Strike out the words as proposed and also the word "canals" following them, and insert in lieu thereof the words "main canal;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Strike out the language as proposed and in lieu thereof insert the following:

"SEC. 20. That the Government of the United States may, at any time after fifty years from the opening of the main canal to navigation, upon notice to said company of not less than one year, assume possession, control, and ownership of the said main canal, its feeders and appurtenances, and of all the rights and privileges thereunto belonging, full title to which shall, upon such assumption, be fully vested in the United States, and the United States shall thereupon pay to the said company the value of the same, to be ascertained and fixed by three arbitrators, or a majority of them, one of whom shall be appointed by the President of the United States, another by said Lake Erie and Ohio River Ship Canal Company, and the third by the arbitrators thus selected, and said arbitrators, in fixing the value of the main canal and works appurtenant thereto so acquired by the United States, shall not consider or allow any value for the franchise conferred by this act or for earning capacity or good will: *Provided*, That nothing contained in this act shall be construed as imposing any obligation upon the United States to purchase, take charge of, or operate the canals herein named, or to assume any obligation or liability therefor."

And the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In the lan-

guage inserted by the amendment strike out the words "Sec. 22" and insert "Sec. 23;" and the Senate agree to the same.

J. H. DAVIDSON,
ERNEST W. ROBERTS,
Managers on the part of the House.
KNUTE NELSON,
J. H. GALLINGER,
WM. J. STONE,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House on the committee of conference on the disagreeing votes of the two Houses on 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, 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, viz:

Amendments 2, 4, 6, 7, 9, 11, 12, 17, 18, 19, 20, 22, 23, 24, 27, 28, 29, 31, 33, 34, 37, 38, 39, 40, 41, 44, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 67, 68, 69, 73, 74, and 75 are changes in phraseology from which the House recedes.

Amendment 1 strikes out a portion of the provision of the first section conferring power on the company, and grants to the company power to construct, equip, maintain, and operate its canals and to pledge, incumber, and mortgage its property.

Amendments 3, 5, and 8 increase the authorization of the capital stock from $300,000 to $400,000 per mile and increase the total of stock issued and bonded debt created from $600,000 to $800,000 per mile.

Amendment 10 provides that the stock subscribed for may be paid in in money or property at its fair value.

Amendment 13 makes all stocks, bonds, and other evidences of indebtedness issued in excess of the amount allowed under the act null and void.

Amendment 15 provides that no dividends shall be paid by the issue of additional capital stock or the creation of additional indebtedness, and from these the House recedes.

Amendment 16 provided that if a sinking fund for the redemption of bonds was created, it must be in lieu of dividends to stockholders, and from this the Senate recedes.

Amendment 21 is a restatement of the provision by which Congress reserves the right to regulate tolls, fares, and rates to be charged on interstate and foreign commerce, and makes the company subject to all the provisions of the interstate-commerce act.

Amendments 25 and 26 relate to a branch canal proposed to be constructed.

Amendments 30, 32, 36, and 45 compel the company to exercise the right of eminent domain and to alter and relocate other highways, etc., in conformity with the laws of the State through which the canals may be constructed.

Amendment 35 strikes out the House provision with reference to proceeding in the United States courts to determine the question of damages for altering highways or other works, for the reason that the laws of each State, respectively, are entirely sufficient for this purpose, and from these the House recedes.

Amendment 42 permitted the company to use all the flow of any river or stream except the normal minimum discharge of the same. The Senate recedes from this and restores the House provisions, which restrains the company from using the flow of any river or stream below the reasonable requirements of any city, village, or municipality using the same.

Amendment 43 restrains the company from diverting any water from the Niagara River or from any of its tributaries above the Falls.

Amendment 50 provides that the canals shall always be open to the use of all suitable and proper vessels, no matter by whom owned or operated, upon fair and equal terms.

Amendment 58 provides that freight classifications established by the company must be subject to the approval of the Interstate Commerce Commission.

Amendment 66 strikes out the clause which expressly provides that tolls on commerce within the several States should be subject to the laws of those States, for the reason that in section 9, under amendment 21, the right to regulate tolls is especially limited to interstate and foreign commerce.

Amendment 70 reduces the time in which a sum equal to 10 per cent of the capital stock must be expended in the construction of the canal from six to three years.

Amendment 71 reduces the time in which the main canal must be finished from fifteen to ten years from the passage of this act, and from these the House recedes.

Amendment 72 strikes out section 20, under which the Government of the United States might at any time after fifty years acquire title to the canal upon payment of the value, which value was to be fixed by three arbitrators, and in the fixing of such value no valuation should be given to the franchise conferred by this act or for the earning capacity or good will of the canal. From this amendment the Senate recedes, with an amendment, so that section 20 of the House bill is restored practically as it was, with an amendment providing that nothing in this act shall be construed as imposing any obligations upon the United States to purchase the canal or to assume any obligation or liability therefor.

Amendment 73 simply changes the number of a section, and the Senate recedes.

Amendment 76 makes the company subject to the laws, with reference to the taxation of corporations, of the States in which it operates, and from this the House recedes.

J. H. DAVIDSON,
ERNEST W. ROBERTS,
Managers on the part of the House.

Mr. DAVIDSON. Mr. Speaker, I move the adoption of the conference report.

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

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

IMMIGRATION AND NATURALIZATION.

Mr. BONYNGE. Mr. Speaker, I desire to call up the conference report 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; and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

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. 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, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

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

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:

Strike out the words "one year" where they occur in said amendment and insert in lieu thereof "two years;" and the Senate agree to the same.

ROBT. W. BONYNGE,
BENJ. F. HOWELL,
JOHN L. BURNETT,
Managers on the part of the House.
WM. P. DILLINGHAM,
BOIES PENROSE,
A. J. MCLAURIN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT OF MANAGERS ON PART OF THE HOUSE.

The managers on the part of the House on the committee of conference on the disagreeing votes of the two Houses 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, 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 following amendments:

Amendments Nos. 1 and 2 are for the purpose of conferring jurisdiction upon the United States court for Porto Rico to naturalize aliens, and the Senate recedes from the amendments.

Amendments Nos. 3, 4, and 5 relate to the question of polygamy, and change the phraseology from "belief in polygamy" to "belief in the practice of polygamy," and the House recedes from its disagreement on those disagreements and agrees to the Senate amendment.

Amendment No. 6 is in reference to naturalization of persons not citizens who owe permanent allegiance to the United States and who take up a residence in any of the States or Territories in the United States. It permits them to become naturalized American citizens by complying with the general naturalization law, and provides that the residents within the jurisdiction of the United States owing permanent allegiance shall be regarded as residents within the United States within the meaning of the five years' residence clause of the naturalization laws. It requires such applicants to make declaration of their intention two years prior to their admission. The House recedes from its disagreement and agrees to the amendment with an amendment making two years' notice of intention instead of one year, as provided in the original Senate amendment; and the Senate agrees to the same.

ROBT. W. BONYNGE,
BENJ. F. HOWELL,
JOHN L. BURNETT,
Managers on the part of the House.

Mr. BONYNGE. Mr. Speaker, I move the adoption of the conference report.

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

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 20410. An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

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. 1532. An act for the relief of the legal representatives of the late firm of Lapène & Ferré.

The message also announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

H. R. 17740. An act granting an increase of pension to Charles M. Sexton;

H. R. 4279. An act to correct the military record of Wilbur C. Stephens;

H. R. 20451. An act to authorize the construction of a bridge across the Wabash River;

H. R. 13142. An act for the relief of Daniel B. Murphy;

H. R. 11932. An act to grant American registry to the bark *Homeward Bound;*

H. R. 6495. An act granting an increase of pension to Phineas Hyde;

H. R. 16670. An act to indemnify Edgar P. Swett;

H. R. 20176. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri;

H. R. 20175. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri;

H. J. Res. 153. Joint resolution directing the Interstate Commerce Commission to investigate and report on block-signal systems and appliances for the automatic control of railway trains; and

H. J. Res. 43. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans.

The message also announced that the Senate had, in compliance with concurrent resolution No. 33 of the House of Representatives, appointed Mr. FULTON, Mr. CLAPP, Mr. SUTHERLAND, Mr. MARTIN, and Mr. OVERMAN members of the joint committee on the part of the Senate to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the Statutory Revision Commission heretofore authorized to revise and codify the laws of the United States.

JOHN E. ENGLISH.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House the bill (H. R. 18901) granting a pension to John E. English.

Mr. LOUDENSLAGER. I move the adoption of the resolution.

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

DIVERSION OF WATERS OF LITTLE RIVER.

The SPEAKER laid before the House the bill (H. R. 20173) authorizing Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for the use of electric light and power plant, with Senate amendments, which were read.

Mr. BURNETT. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

ANCHORAGE OF VESSELS IN HAMPTON ROADS.

Mr. RYAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia.

The bill was read, as follows:

A bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia.

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to adopt and prescribe suitable rules and regulations governing the movements and anchorage of vessels and rafts in Hampton Roads, the harbors of Norfolk and Newport News, and the waters adjacent thereto, in the State of Virginia; and for the purpose of enforcing the obedience of such regulations the Secretary of the Treasury may, at the request of the Secretary of Commerce and Labor, detail one or more revenue cutters for duty on said waters to enforce the provisions of this act.

SEC. 2. That all officers of the Revenue-Cutter Service who are directed to enforce the rules and regulations prescribed by the Secretary of Commerce and Labor, pursuant to the authority vested in him by this act, are hereby empowered and directed, in case of necessity or when a proper notice has been disregarded, to use the force at their command to remove from channels or stop any vessel found violating the prescribed rules.

SEC. 3. That in the event of the violation of any such rules or regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of $100, and the said vessel may be holden for the payment of such penalty and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be, and in the name of the officer designated by the Secretary of Commerce and Labor: *Provided,* That the Secretary of Commerce and Labor may, in his discretion, remit or mitigate such fine: *Provided, also,* That nothing in this act shall be construed to amend or repeal the act entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States."

The SPEAKER. Is there objection?

Mr. BURTON of Ohio. Reserving the right to object——

Mr. JONES of Virginia. Reserving the right to object, I desire to ask a question of the gentleman. I understand, Mr. Speaker, this is a bill providing for the movements and anchorage of vessels in Hampton Roads during the proposed Jamestown Exposition. But the act does not limit its operation to that period. If the gentleman in charge of the bill will consent to an amendment limiting the operation of the act to the year 1907, I will not object to the consideration.

The SPEAKER. Does the gentleman modify his request?

Mr. RYAN. I will accept the amendment, as the purpose of the bill is to authorize and direct the Secretary of Commerce and Labor to adopt and prescribe rules and regulations governing the movement and anchorage of vessels and rafts in the waters named in view of the proposed display of naval and other vessels which will probably take place in connection with the Jamestown Exposition.

The SPEAKER. The gentleman will indicate the amendment.

Mr. JONES of Virginia. I will give the amendment. After the last word insert:

And provided further, That this act shall not go into force and effect until the 1st day of January, 1907, and shall not remain in force longer than the 1st day of January, 1908.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill insert: "*And provided further,* That this act shall not go into force and effect until the 1st day of January, 1907, and shall not remain in force longer than the 1st day of January, 1908."

Mr. RYAN. I accept that amendment, Mr. Speaker.

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

There was no objection.

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

On motion of Mr. RYAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS ST. FRANCIS RIVER, ARKANSAS.

Mr. MACON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 20407.

The bill was read, as follows:

A bill (H. R. 20407) to authorize the Baldwin and Dague Lumber Company to construct a bridge across the St. Francis River in Arkansas.

Be it enacted, etc., That the Baldwin and Dague Lumber Company, of Dague, Ark., its successors and assigns, be, and it is hereby, authorized to construct, maintain, and operate a logging road bridge and approaches thereto across the St. Francis River, at or near the corner line between the northwest corner of section 1, township 9 north, range 5 east, in Cross County, and the southeast corner of section 35, township 10 north, range 5 east, in Poinsett County, in the State of Arkansas, 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.

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

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

On motion of Mr. MACON, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION OF LOCK AT PLAQUEMINE, LA.

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

The Clerk read as follows:

House resolution (No. 625) for an investigation of the delay in the completion of the lock at Plaquemine, La.

Resolved, That the Speaker of the House of Representatives be, and he is hereby, directed to appoint, from the membership of the House, a committee of three, with full power, and whose duty it shall be, to make a full and complete investigation of all contracts connected with the project of the construction of the locks at Plaquemine, and the improvement of the waterways immediately connected with said project, the canceling of contracts connected therewith, and the extensions granted contractors in the performance of their contracts, and report their findings and conclusions to the House; the said committee to have full power to send for persons and papers, to summon and compel the attendance of witnesses, to administer oaths, to take testimony and reduce the same to writing, to employ such clerical and stenographic help as may be necessary, and to proceed, if it deems it necessary, to the locality for these purposes, all expenses to be paid out of the contingent fund of the House.

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

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

The SPEAKER. The Chair announces the following committee: Mr. BURTON of Ohio, Mr. LORIMER, and Mr. BURGESS.

POSITION OF FIRE PUMP ON STEAM VESSELS.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4298.

The Clerk read as follows:

A bill (S. 4298) to amend section 4471 of the Revised Statutes of the United States, regulation of steam vessels.

Be it enacted, etc., That section 4471 of the Revised Statutes of the United States be, and it is hereby, amended by striking out after the words "is afloat," and before the words "Every steamer," the words "and no fire pump thus provided for shall be placed below the lower deck of the vessel;" so that said section when amended shall read as follows:

"SEC. 4471. Every steamer permitted by her certificate of inspection to carry as many as fifty passengers, or upward, and every steamer carrying passengers, which also carries cotton, hay, or hemp, shall be provided with a good double-acting steam fire pump, or other equivalent apparatus for throwing water. Such pump or other apparatus for throwing water shall be kept at all times and at all seasons of the year in good order and ready for immediate use, having at least two pipes of suitable dimensions, one on each side of the vessel, to convey the water to the upper decks, to which pipes there shall be attached, by means of stop cocks or valves, both between decks and on the upper deck, good and suitable hose of sufficient strength to stand a pressure of not less than 100 pounds to the square inch, long enough to reach to all parts of the vessel and properly provided with nozzles, and kept in good order and ready for immediate service. Every steamer exceeding 200 tons burden and carrying passengers shall be provided with two good double-acting fire pumps, to be worked by hand; each chamber of such pumps, except pumps upon steamers in service on the 28th day of February, 1871, shall be of sufficient capacity to contain not less than 100 cubic inches of water; and such pumps shall be placed in the most suitable parts of the vessel for efficient service, having suitable well-fitted hose to each pump, of at least one-half the vessel in length, kept at all times in perfect order and shipped up and ready for immediate use. On every steamer not exceeding 200 tons one of such pumps may be dispensed with. Each fire pump thus prescribed shall be supplied with water by means of a suitable pipe connected therewith, and passing through the side of the vessel so low as to be at all times under water when she is afloat. Every steamer shall also be provided with a pump which shall be of sufficient strength and suitably arranged to test the boilers thereof."

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, I have no objection, because I do not understand what the bill is. I ask the gentleman to give an explanation.

Mr. GROSVENOR. I can make a very brief statement. Under the present law, Mr. Speaker, the fire pump is required to be below the lower deck of the steamer. The present style of building these vessels—the present type of vessels—in many instances requires that the fire pump shall be contiguous to the position of the engineer, and the only change made in the present law is to authorize this stationing of the fire pump above the lower deck if necessary, in order to be contiguous to the position of the engineer. The bill is recommended unanimously by the Committee on Merchant Marine and Fisheries of the House, and it passed the Senate unanimously.

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

THOMAS H. KENT.

Mr. SHERMAN. Mr. Speaker, I desire to call up the bill H. R. 8825 under the rule adopted yesterday. It is a bill for the relief of Thomas H. Kent.

The SPEAKER. The gentleman from New York calls up the following bill from the Private Calendar, under the special order of yesterday. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Thomas H. Kent, of Sweet Grass County, Mont., the sum of $2,007.20, out of any money in his possession otherwise unappropriated, for the reimbursement of the said Thomas H. Kent for money actually expended by the said Kent in causing to be made the survey known as the "Bundock survey," within the boundaries of land ceded by the Crow Indians in Montana to the United States, under treaty dated August 27, 1892, a map or plat of said survey having heretofore been filed in the office of the Commissioner of Indian Affairs and marked "11622, Indian Office."

With the following amendments recommended by the Committee on Claims:

In line 4, after the word "pay," insert "out of any money now in his hands or hereafter received from the sale of Crow lands in Montana."

In line 7, after the word "cents," strike out "out of any money in his possession otherwise unappropriated."

In line 9, after "reimbursement," strike out "of" and insert "to."

In line 10, after the word "by," strike out "the said Kent" and insert "him."

The amendments recommended by the committee were agreed to.

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

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

KENNETH G. CASTLEMAN.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20461) to reinstate Kenneth G. Castleman as a lieutenant in the Navy.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the consent of the Senate, Kenneth G. Castleman a lieutenant on the active list of the Navy, to take rank next after Lieut. Willis G. Mitchell, United States Navy, subject to the usual examination for such grade.

SEC. 2. That the said Kenneth G. Castleman shall be additional to the number of officers prescribed by law for the grade of lieutenant in the Navy and to any grade to which he may hereafter be promoted, and that for the purpose of computing his pay the time of his former service as an officer in the United States Navy, from September, 1892, to January, 1905, namely, the period of twelve years and three months, shall be allowed in the longevity estimate.

The SPEAKER. Is there objection?

There was no objection.

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

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

EMMA K. TOURGÉE.

Mr. FULLER. Mr. Speaker, under the rule adopted yesterday, I desire to call up for consideration two Senate pension bills.

The SPEAKER. The gentleman calls up the following on the Private Calendar, under the special order adopted yesterday.

The bill (S. 4840) granting an increase of pension to Emma K. Tourgée 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 Emma K. Tourgée, widow of Albion W. Tourgée, late of Company E, Twenty-seventh Regiment New York Volunteer Infantry, and first lieutenant Company G, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

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

JOHN L. WELLS.

The next business was the bill (S. 6422) granting an increase of pension to John L. Wells.

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 L. Wells, late of Company F, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $55 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.

ST. MARYS RIVER WATER POWER.

Mr. BURTON of Ohio. Mr. Speaker, I ask the passage of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Ohio presents a resolution, which the Clerk will report.

The resolution (H. Res. 624) was read, as follows:

Resolved, That the Secretary of War be requested to transmit to the House, if not inconsistent with the public interests, a statement of all permits, licenses, or other privileges granted by his Department in the St. Marys River at or near Sault Ste. Marie, Mich., for the creation of water power or for the occupancy of the waters of said river or any land adjoining the same. Also, of all permits for diversions from Lake Superior which might in any way affect the flow of the water in St. Marys River or in the canal and locks constructed by the United States Government in or adjacent to said river, or affect prospective improvements in that locality, together with such regulations and agreements as may have been promulgated or entered into by his Department relating to such licenses, permits, and other privileges.

The resolution was agreed to.

CHANNELS ALONG THE NEW JERSEY SEACOAST.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6167) to improve the channels along the New Jersey seacoast.

The bill was read, as follows:

Be it enacted, etc., That authority be given to the State of New Jersey, or, through it, to any commission, individual, corporation, or municipality, singly or collectively, designated by the legislature of said State, or by a commission appointed or authorized by said legislature, to improve the channels on the New Jersey seacoast, or any portion of said coast, or the waters adjacent thereto, lying between 38 degrees 56 minutes and 40 degrees 20 minutes north latitude, by dredging, or by the construction of piers, jetties, or breakwaters, or other river and harbor work of any description or nature adapted to attain the ends now pursued by the United States Government for the advantage of said coast or the relief of commerce: *Provided*, That such operations shall not encroach upon those portions of said coast, or the channels adjacent thereto, for which the United States Government may undertake similar work according to its own plans: *And provided*, That the plans for said work shall be placed on file with the Chief of Engineers of the War Department for thirty days, during which time he is authorized to disapprove said plans and forbid such work if, in his judgment, the improvements when completed will interfere with navigation or with any works of the United States Government commenced or proposed to be made: *Provided further*, That no tolls or other charges upon commerce shall be imposed by those making such improvements: *And provided further*, That this act shall not be construed as affecting in any way the jurisdiction and control of the Federal Government over any waters that may be improved in pursuance of the provisions thereof, nor as exempting such waters from the operation of the laws heretofore or hereafter enacted by Congress for the preservation and protection of navigable waters.

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

The SPEAKER. Is there objection?

There was no objection.

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

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

POSTAL SAVINGS BANKS.

Mr. KENNEDY of Nebraska. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 602.

The resolution was read, as follows:

Resolved, That the Secretary of State be directed to send to the diplomatic representatives of the United States abroad a circular letter instructing them to obtain from the several foreign governments to which they are accredited as full information as possible touching the operation of postal savings banks, from 1896 to the present time, in the several countries which have adopted them; such information to consist chiefly of the aggregate amounts on deposit, and the aggregate number of depositors, at a stated date each year during the period aforesaid, the rates of interest paid, and copies of the present laws relating to such banks; the reports received in response to said circular letter to be sent to the House of Representatives at the opening of the regular session of Congress in December next, or as soon thereafter as possible.

With the following committee amendment:

On page 1, in line 1, strike out "directed" and insert "requested."

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

There was no objection.

The amendment was agreed to.

The resolution as amended was agreed to.

BRONZE CANNON FOR JUNCTION CITY POST, KANSAS.

Mr. CALDERHEAD. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 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.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to deliver to Junction City Post, No. 132, Grand Army of the Republic, Department of Kansas, at Junction City, Kans., if the same can be done without detriment to the public service, one 12-pounder bronze field gun, now at Fort Riley, Kans., with its carriage, limber, and accessories belonging to it, to be the property of said post: *Provided*, That the donation shall be without expense to the United States.

The SPEAKER. Is there objection?

There was no objection.

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

CONDUCTORS OF ELEVATORS.

Mr. CASSEL. Mr. Speaker, by direction of the Committee on Accounts I present the following substitute for House joint resolution 160.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay out of the contingent fund of the House, miscellaneous items 1905, to the conductors of the elevators in the House wing of the Capitol the difference between the amounts received by them and the rate of $1,200 per annum from July 1, 1904, to June 30, 1906, inclusive, each, as follows: L. B. Cook, $200; George Winters, $200; M. N. O'Donnell, $200; Elmer Stanley, $239.53; Charles E. Walker, $200; J. K. Duncan, $200; in all, $1,239.53.

The resolution was considered, and agreed to.

STENOGRAPHER TO JOURNAL CLERK.

Mr. CASSEL. Mr. Speaker, I also present the House resolution No. 610.

The Clerk read as follows:

Resolved, That the stenographer to the Journal clerk of the House of Representatives, whose employment was directed pursuant to House resolution adopted December 19, 1905, be, and the same is hereby, continued for the remainder of the present Congress at the same rate of compensation, to be paid out of the contingent fund of the House.

The resolution was agreed to.

HENRY E. RHOADES.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3506) for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired, and to postpone it indefinitely.

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

ADMINISTRATIVE CUSTOMS BILL.

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 upon that I move that all general debate be closed.

The SPEAKER. The gentleman from New York moves that the House resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the customs administration bill, and pending that he moves that all general debate be closed.

Mr. WILLIAMS. Mr. Speaker, before that motion is put, I have things reduced down on this side of the Chamber to a request for forty-five minutes. Could not the gentleman give us that time before general debate ceases?

Mr. PAYNE. If this side was accommodated too it would take three hours. I will say to the gentleman that after the bill is read through for amendment, and the amendments agreed upon, if there is any time for general debate, I will not object.

Mr. WILLIAMS. With that understanding, Mr. Speaker, I will not object.

The SPEAKER. Is there objection to the request of the gentleman that general debate be closed?

There was no objection.

The motion of Mr. PAYNE was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the customs administration bill, with Mr. CAPRON in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That sections 5, 7, 13, 14, and 15 of the act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An

act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, be, and the same are hereby, amended so as to read as follows:

"SEC. 5. That whenever merchandise imported into the United States is entered by invoice, one of the following declarations, according to the nature of the case, shall be filed with the collector of the port at the time of entry by the owner, importer, consignee, or agent; which declaration so filed shall be duly signed by the owner, importer, consignee, or agent, before the collector or before a notary public or other officer duly authorized by law to administer oaths and take acknowledgments, who may be designated by the Secretary of the Treasury to receive such declarations and to certify to the identity of the persons making them, under regulations to be prescribed by the Secretary of the Treasury; and every officer so designated shall file with the collector of the port a copy of his official signature and seal: *Provided*, That if any of the invoices or bills of lading of any merchandise imported in any one vessel, which should otherwise be embraced in said entry, have not been received at the date of the entry, the declaration may state the fact, and thereupon such merchandise of which the invoices or bills of lading are not produced shall not be included in such entry, but may be entered subsequently.

"DECLARATION OF CONSIGNEE, IMPORTER, OR AGENT.

"I, ——— ———, do solemnly and truly declare that I am the consignee (importer or agent) of the merchandise described in the annexed entry and invoice; that the invoice and bill of lading now presented by me to the collector of ——— ——— are the true and only invoice and bill of lading by me received of all the goods, wares, and merchandise imported in the ———, whereof ——— ——— is master, from ——— ———, for account of any person whomsoever for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know or believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been, on my part, nor, to my knowledge, on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice and the declaration therein are in all respects true, and were made by the person by whom the same purports to have been made; and that if at any time hereafter I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly declare that to the best of my knowledge and belief [insert the name and residence of the owner or owners] is [or are] the owner (or owners) of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost (if purchased) or the actual market value or wholesale price (if otherwise obtained) at the time of exportation to the United States in the principal markets of the country from whence imported of the said goods, wares, and merchandise, and includes and specifies the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other or different discount, bounty, or drawback but such as has been actually allowed on the same.

"DECLARATION OF OWNER IN CASES WHERE MERCHANDISE HAS BEEN ACTUALLY PURCHASED.

"I, ——— ———, do solemnly and truly declare that I am the owner, by purchase, of the merchandise described in the annexed entry and invoice; that the entry now delivered by me to the collector of ——— contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me, in the ——— ———, whereof ——— ——— is master, from ———; that the invoice and entry which I now produce contain a just and faithful account of the actual cost of the said goods, wares, and merchandise, and include and specifies the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other discount, drawback, or bounty but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I further solemnly and truly declare that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that to the best of my knowledge and belief the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purports to have been made; and that if at any time hereafter I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

"DECLARATION OF MANUFACTURER OR OWNER IN CASES WHERE MERCHANDISE HAS NOT BEEN ACTUALLY PURCHASED.

"I, ——— ———, do solemnly and truly declare that I am the owner (or manufacturer) of the merchandise described in the annexed entry and invoice; that the entry now delivered by me to the collector of ——— contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me in the ———, whereof ——— ——— is master, from ———; that the said goods, wares, and merchandise were not actually bought by me, or by my agent, in the ordinary mode of bargain and sale, but that nevertheless the invoice which I now produce contains a just and faithful valuation of the same at their actual market value or wholesale price at the time of exportation to the United States in the principal markets of the country from whence imported for my account (or for account of myself or partners); that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets and is the price which I would have received and was willing to receive for such merchandise sold in the ordinary course of trade in the usual wholesale quantities; that the said invoice contains also a just and faithful account of all the cost of finishing said goods, wares, and merchandise to their present condition, and includes and specifies the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs and charges incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other discount, drawback, or bounty but such as has been actually allowed on the said goods, wares, and merchandise; that the said invoice and the declaration thereon are in all respects true and were made by the person by whom the same purports to have been made; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. I do further solemnly and truly declare that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if at any time hereafter I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district."

With the following committee amendments:

Page 1, line 3, after "seven," insert "twelve."
Page 5, line 1, strike out "specifies" and insert "specify."

The CHAIRMAN. The question is on the committee amendments.

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

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from New York a question. On page 4 of this bill appear the words "discount, bounty, or drawback," and on page 7 the words "and no other discount, drawback, or bounty but such as has been actually allowed on the said goods, wares, and merchandise" appear. Will the gentleman tell us what discount or drawback or what bounty is now allowed under the law?

Mr. PAYNE. Oh, that is not a question of allowance under the law. It is a question of allowance on the purchase or on the consignment of the goods—a matter between private parties.

Mr. GAINES of Tennessee. There is a discount, bounty, or drawback allowed now?

Mr. PAYNE. That is when goods are reexported. I want to say to the gentleman that the only change in this section from the present law occurs in line 18, on page 4, where the words "by purchase" are inserted after the word "owner."

Mr. GAINES of Tennessee. I just want to get at what discounts or drawbacks or what bounties are now allowed under the law.

Mr. PAYNE. There are no bounties allowed. I want to say——

Mr. GAINES of Tennessee. What drawbacks are allowed?

Mr. PAYNE. Where merchandise is imported and afterwards manufactured in the United States, and then the manufactured article is exported, upon proof of that the party who imported the merchandise and who paid the duty received a drawback of the whole duty, or of 99 per cent of the whole duty.

Mr. GAINES of Tennessee. Will the gentleman tell me what the difference is between a "rebate" and a "drawback?"

Mr. PAYNE. Oh, they are words that are used sometimes indiscriminately. In the law it says "drawbacks."

Mr. GAINES of Tennessee. We have used the word "rebate" in some of the statutes. Now, then, what is the difference in allowing a drawback, as the gentleman has described, from allowing what is called a "rebate?" You import foreign-made goods and bring them into the United States, and when the party has paid the tariff on them you reimburse him for that—give him a rebate. Say he pays $10 or $100 tariff tax. Now, what is the difference between the two—a rebate and a drawback?

Mr. PAYNE. Oh, that is an increase of the duty. If a man undervalues his goods and the board of appraisers raises the value, then he has to pay not only the duty on the present value, but also an additional duty of 1 per cent on the goods for each 1 per cent of the raised value.

Mr. GAINES of Tennessee. But a rebate is as valid as a drawback, is it not?

Mr. PAYNE. This is not a drawback. This is an additional duty. This draws it out of the individual, not out of the Government.

Mr. GAINES of Tennessee. A rebate is as valid as a drawback, and permissible, is it not?

Mr. PAYNE. A rebate is hardly the proper term, because the law calls it a drawback. Still, they are used indiscriminately.

Mr. GAINES of Tennessee. You import an article and remit the duty to the person who has paid for that article?

Mr. PAYNE. If he reexports it after manufacturing.

Mr. GAINES of Tennessee. That is not exactly my question. I fully understand that. We import a foreign-made article; and say it costs $100 and there is a $10 tariff on it. I import it and I pay $110 for that article, and the Government rebates or gives me $10 in the nature of a rebate or a drawback. Now, what is the difference in that case and the case you first stated?

Mr. PAYNE. What is that?

Mr. GAINES of Tennessee. What is the difference between

the case I have stated and the case which the gentleman stated himself?

Mr. PAYNE. There is no difference, only we pay back 99 per cent; in a hundred dollars it would be $99.

Mr. GAINES of Tennessee. They were equally valid propositions of legislation?

Mr. PAYNE. Yes.

Mr. GAINES of Tennessee. I thank the gentleman for that information.

The Clerk read as follows:

SEC. 7. That the owner, consignee, or agent of any imported merchandise which has been actually purchased may, at the time when he shall make and verify his written entry of such merchandise, but not afterwards, make such addition in the entry or such deduction therefrom to the cost or value given in the invoice or pro forma invoice, or statement in form of an invoice, which he shall produce with his entry, as in his opinion may raise or lower the same to the actual market value or wholesale price of such merchandise at the time of exportation to the United States, in the principal markets of the country from which the same has been imported; but no such addition shall be made upon entry to the invoice value of any imported merchandise obtained otherwise than by actual purchase; and the collector within whose district any merchandise may be imported or entered, whether the same has been actually purchased or procured otherwise than by purchase, shall cause the actual market value or wholesale price of such merchandise to be appraised; and if the appraised value of any article of imported merchandise subject to an ad valorem duty, or to a duty based upon or regulated in any manner by the value thereof, shall exceed the value declared in the entry by more than 5 per cent there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, an additional duty of 1 per cent of the total appraised value thereof for each 1 per cent that such appraised value exceeds the value declared in the entry, but the additional duties shall only apply to the particular article or articles in each invoice that are so undervalued, and shall not be imposed upon any article upon which the amount of duty imposed by law on account of the appraised value does not exceed the amount of duty that would be imposed if the appraised value did not exceed the entered value, and shall be limited to 100 per cent of the appraised value of such article or articles. Such additional duties shall not be construed to be penal, and shall not be remitted, nor payment thereof in any way avoided, except in cases arising from a manifest clerical error, nor shall they be refunded in case of exportation of the merchandise, or on any other account, nor shall they be subject to the benefit of drawback: *Provided*, That if the appraised value of any merchandise shall exceed the value declared in the entry by more than 100 per cent, except when arising from a manifest clerical error, such entry shall be held to be presumptively fraudulent, and the collector of customs shall seize such merchandise and proceed as in case of forfeiture for violation of the customs laws, and in any legal proceeding that may result from such seizure, the undervaluation as shown by the appraisal shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same and forfeiture shall be adjudged, unless he shall rebut such presumption of fraudulent intent by sufficient evidence. The forfeiture provided for in this section shall apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles in each invoice which are undervalued: *Provided further*, That all additional duties, penalties, or forfeitures applicable to merchandise entered by a duly certified invoice, shall be alike applicable to merchandise entered by a pro forma invoice, or statement in the form of an invoice, and no forfeiture or disability of any kind, incurred under the provisions of this section shall be remitted or mitigated by the Secretary of the Treasury. The duty shall not, however, be assessed in any case upon an amount less than the entered value.

Mr. OLCOTT. Mr. Chairman, I desire to offer the following amendment.

Mr. PAYNE. Can not the gentleman wait until the committee amendments are read?

The CHAIRMAN. The Chair will say the section is not yet completed.

Mr. PAYNE. I think if there be no objection it would be better to read the sections of the original law and pass the amendments to those sections as we go along.

The CHAIRMAN. If there be no objection, that course will be pursued.

The Clerk read the committee amendments, as follows:

Page 8, line 3, after the word "addition," insert the words "or deduction."

Page 8, line 22, strike out the words "on account of" and insert in lieu thereof the word "upon."

Page 8, lines 23 and 24, strike out the words "if the appraised value did not exceed" and insert in lieu thereof the words "by law upon."

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

Mr. OLCOTT. Mr. Chairman, I am offering an amendment to section 7. There are four separate amendments there which I offer to section 7, which I will ask the Clerk to read.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Page 7, line 18, strike out the words "which has been actually purchased."

Mr. PAYNE. Mr. Chairman, that makes, although a simple appearing amendment, a radical change in the law. This privilege is granted only now under the law, and has been under the law as it has stood since 1890, on goods actually purchased. This would seek to extend it to consigned goods. Now, the collectors have had more difficulty with consigned goods than with any other species of goods, and for many years it was the custom of large importers, the best firms in the country, such a firm as Marshall Field & Co., of Chicago, to say that they could not import goods themselves when they bought abroad, because they could buy them cheaper of consignees here. Those consignees are generally the consignees of the manufacturers abroad. A great source of fraud on the Government has been from these consignees. We do not wish to extend this privilege to them. The committee considered this amendment, we had hearings before us on the subject, and that was the judgment of the committee.

Mr. OLCOTT. Mr. Chairman, I would say in connection with this matter that I offer the amendment which has been read, and the other three which are on the Clerk's desk, because of information which I obtained from the State Department. It seems that in a recent arrangement made, a modus vivendi between the State Department and the German Government in connection with the restriction sought to be placed by the German Government on American goods, the State Department, I think after consultation with the Treasury Department, made an agreement for a temporary agreement. Letters passed between the Secretary of State and the German ambassador, and my impression and my feeling is, on information from the State Department, that unless these amendments which I have proposed are placed in this bill, it will be an evidence of bad faith by us or show that there is something in the nature of bad faith in the relations between our Government and the German Government. I certainly do not wish to do anything to interfere with the proper collection of customs or proper administration of our tariff laws, but I would rather temporarily have something disturb the system than that a well-grounded charge should be made against our Government that we had been guilty of bad faith in our relations with any other government.

Mr. SULZER. I quite agree with the gentleman from New York. What I want to find out is this: This amendment of yours would continue the matter until a new treaty was made, would it not?

Mr. OLCOTT. It is quite true it would amend the law, of course. Of course if this law should go into effect, it seems to me that our Government would not be able to carry out what it promised to carry out with the German Government.

Mr. SULZER. Briefly stated, what does your amendment do?

Mr. OLCOTT. My amendment, as the gentleman from New York has stated, makes this law apply to consigned goods as well as purchased goods.

Mr. PAYNE. Mr. Chairman, it is true that there was some negotiation between the State Department and the German ambassador, and it is true that the State Department recommended to Congress a change similiar to the change involved in this amendment, and I think the Secretary of the Treasury was present at the time. Whether he agreed to that change or not, he did agree to recommend another change in another particular in the bill, which will be read later, and I presume the gentleman from New York [Mr. OLCOTT] has an amendment to cover that which will follow soon after this. That arrangement did not permit the appraisers appearing before the committee and telling the truth; that did not permit the committee investigating this matter and getting at the facts, and we are unwilling, whether the State Department recommends it or not, to concede this amendment proposed to the law.

In my judgment it amounts to a change in duty or a loss in duty, not only on goods consigned from or brought in here from Germany, but goods brought in here from the whole world. We make anther concession in the bill, not going to the limits which were talked of between the Secretary of State and the German ambassador; and that was all of concession the committee was willing to make after full hearings on the subject before it. It will be remembered that by the modus vivendi the German concession lasts only a year from the 1st of July, and the change in this bill not only is conceded to Germany a year from July, as well as all other countries, but on after that, until the bill is again amended. We think we have given a good deal more to Germany than she has given to us when we make the trade we have made, and we did not feel like going to the extent recommended by Secretary Root. Therefore the bill is as it is, and I hope the amendment will be voted down.

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

Mr. PAYNE. Yes.

Mr. PARSONS. I would like to ask the gentleman to explain more at length how this change proposed by my colleague from New York would interfere with full collection of the revenue? Why does it make any difference whether the goods are consigned or purchased?

Mr. PAYNE. Well, the whole question of the appraisal of the goods comes in under this section, and the question of allowance of 5 per cent for guesswork on the value, and everything of that kind. And while we can reach with some reasonable

certainty the value of the goods—that is, a fair appraised value, where the goods are purchased—when any manufacturer consigns the whole product of his factory to the United States or for foreign trade, it is almost impossible to establish a market value for those goods in the country where they are produced. Hence it has resulted that the great frauds against the revenue laws have been committed on consigned goods. As I said a moment ago, reputable people purchasing abroad are not able to bring in the goods and pay the duties honestly; they have to buy of the agents of consigned goods on this side, who have brought in the goods on the undervaluation and who by paying a reduced duty can get them cheaper here than we can get them from abroad. It opens a vast door for fraud that we do not want to open.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. WALCOTT].

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

Mr. PAYNE. I ask for a division, Mr. Chairman.

The House divided; and there were—ayes 23, noes 32.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 8, lines 3, 4, and 5, strike out the words "But no such addition or deduction shall be made upon entry to the invoice value of any imported merchandise obtained otherwise than by actual purchase."

Mr. PAYNE. That is a similar amendment to the other, and I hope it will take the same course.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment, offered by the gentleman from New York [Mr. OLCOTT].

The Clerk read as follows:

Page 9, line 6, after colon immediately following the word "drawback," insert the following: "*Provided*, That where the appraised value of any merchandise exceeds the entered value by not more than 10 per cent the Secretary of the Treasury may remit the additional duties, if the board of general appraisers shall report that, in their opinion, there was no fraud or intentional undervaluation on the part of the owner, importer, or consignee of said merchandise, and shall recommend such remission."

Mr. PAYNE. Mr. Chairman, when the administrative act was adopted, in 1890, it had a provision similar to that, giving the importer 10 per cent leeway on a guess, and, as a rule, he guessed about 9½ per cent. In other words, they undervalued 9½ per cent, and strained their consciences to that extent. When we came to pass the act of 1897, the committee was unanimously in favor of abolishing this 10 per cent leeway. Now, if the goods have been undervalued and the valuation is raised by the board of appraisers over and above the price at which they are entered by the importer, the duties are paid according to the increased value, and an additional duty, which outsiders sometimes call a "penalty,"—but which is not a penalty, because, under the law, it is a duty—an additional duty of 1 per cent on the undervaluation is exacted upon the goods. Now, it does seem that at some time the Secretary of State agreed to recommend, and did recommend, an amendment similar to this amendment offered by my colleague from New York, but the committee did not feel it was safe to go back to the old plan of 1890 to 1897. It was sought to get this 10 per cent clause of the section in the bill, but we then thought we would go as far as 5 per cent and give them a chance to guess 4½ per cent; but we did not want to go any further than that, because it might make too great a reduction of revenues, and certainly would give the dishonest importer an advantage over the honest importer, who honestly appraised his goods and swore to his invoices when he tried to enter them. Now, by the action of the committee, after consideration, we concluded to give not to exceed 5 per cent, which we have given in this section which has just been read. So that I hope this amendment will be voted down.

Mr. OLCOTT. Mr. Chairman, it naturally makes me feel embarrassed to object to anything the chairman of the Committee on Ways and Means has to say relative to protection and high tariff, because I entirely believe in both, and always have. But I merely wish to say in regard to this matter that my interest in both of the amendments, and my desire to have them pass, is because of the fact that I believe it is the only way the Government of the United States can keep absolute faith with the German Empire.

A resolution was adopted in the House of Representatives (H. Res. No. 346) asking information from the President as to this arrangement with the German Government and was referred to the Committee on Ways and Means, and the following is a copy of the adverse report:

[House Report No. 1833, Fifty-ninth Congress, first session.]

The Committee on Ways and Means, to whom was referred the resolution (H. Res. No. 346) calling upon the President of the United States for information as to what arrangement or agreement the Department of State has made with the German Government, reports back the resolution with the recommendation that it be laid upon the table.

The resolution was submitted by the Committee on Ways and Means to the Secretary of State, who replies, under date of February 28, instant, transmitting the entire arrangement or agreement and all papers relating thereto between the United States and the German Government in reference to the subject-matter of the resolution. This correspondence and the papers received from the Secretary of State are made a part of this report, as follows:

DEPARTMENT OF STATE,
Washington, February 28, 1906.

MY DEAR MR. PAYNE: I have your letter of to-day inclosing copy of a resolution introduced in the House yesterday requesting "information as to what arrangement or agreement the Department of State has made with the German Government in reference to tariff relations between the United States and Germany."

Perhaps the simplest treatment of the subject will be to give you the information now. There has been no arrangement or agreement made with the German Government in reference to the tariff relations between the United States and Germany, except as appears in the inclosed correspondence.

The proclamation referred to in my letter of February 19, 1906, continuing the duties of section 3 of the Dingley tariff act, has been issued. The amended Consular Regulations, Nos. 678 and 680, referred to in my letter of February 16, 1906, have been prepared and will probably have been signed by the President by the time your committee meets.

Very sincerely, yours,

ELIHU ROOT.

Hon. SERENO E. PAYNE,
Chairman Committee on Ways and Means,
House of Representatives.

DEPARTMENT OF STATE,
Washington, February 16, 1906.

EXCELLENCY: I have received from the Secretary of the Treasury a formulation of the various changes in the Customs Laws and Regulations, to which the Treasury gives its assent, upon the several points as to which you desire changes.

1. You said in your letter of November 21: "It is now almost entirely the rule that the exporter has to appear personally before the American consul in order to get his invoice legalized. Could the rule be made the exception?"

I inclose herewith, marked "A," a proposed amendment of section 678 of our consular regulations, which I think accomplishes what you desire.

2. You say: "Would it be possible to have the invoice legalized, at the choice of the exporter, in the district where the goods have been bought or in the district where the importer lives?"

The proposed amendment of regulation 678, above referred to, also provides that the invoice may be legalized, at the choice of the exporter, in the district in which the goods were bought or in the district where they were manufactured. This I understand to be a substantial compliance with your wish.

3. You say: "Could, under certain circumstances, the American consul in making his inquiries about the dutiable value be instructed to cooperate with competent German chambers of commerce?"

I inclose a proposed amendment of consular regulation No. 680, making it the duty of consular officers to confer with the German chambers of commerce and making it their duty also to report the communications which they may receive from such bodies, so that their views and action shall be before the appraising officers in this country. The proposed amended regulation 680 is marked "B."

4. You say: "Could the special agents or commissioners sent by the United States to Germany (special Treasury experts and agents), in order to investigate in cases of special importance the market value, be notified to the German Government and in certain cases cooperate with the competent German chambers of commerce?"

I inclose a proposed instruction to the agent of our Treasury Department charged with such matters in Germany which I think will accomplish what you desire. It is marked "C."

5. You say: "Could, in certain cases in which the accuracy of the value declared by the importer had been rendered probable by certificates of German official chambers of commerce, the importer be allowed, if, nevertheless, the American customs authorities do not accept his declaration, the possibility of defending himself in a more efficient way than he now can? Could the appraisers be instructed to give the motives of their decisions in all cases in which they decide against the certificates of these chambers of commerce?"

I inclose a proposed rule or order from the Secretary of the Treasury to the Board of General Appraisers, which requires them to make the hearing in such cases open and in the presence of the importer or his attorneys whenever the public interests will not be prejudiced thereby. It is believed that this will accomplish what you desire as fully as is practicable. It does not seem to be practicable to require a regular trial, as in a court of law, upon every case of appraisement. That would be something unknown to the administration of customs laws anywhere in the world and wholly incapable of practical operation. The whole theory under which our customs laws are administered is that the appraising officer shall reach a conclusion as to the value upon the best information that he can get. The rule now proposed goes as far in the direction of turning this ascertainment of value into a trial as our Treasury thinks it is possible to go. This proposed rule is marked "D."

6. You say: "Could it be arranged that an additional duty be levied only in case the appraised value exceeds the declared value more than 10 per cent?"

This would require Congressional action. I inclose, marked "E," a proposed recommendation, from the Secretary of the Treasury to Congress, which applies the rule for which you ask to the extent of 5 per cent and as to the remaining 5 per cent gives the Secretary of the Treasury authority to waive or remit the additional duty upon a certificate that the undervaluation was the result of honest difference of

opinion—that is to say, under the proposed rule the additional duty would be imposed only in case the appraised value exceeds the declared value more than 5 per cent and could then be remitted up to the point of a 10 per cent difference upon a certificate of good faith.

7. You say: "Could goods on consignment be treated like goods that have been sold as regards the reexamination of costs of production?"

You will recall that in an interview with Baron Bussche he indicated this was intended to call for an application of section 7 of the customs administration law, which permits the owner or consignee of purchased merchandise at the time of entry an addition to the cost or value given in the invoice, so as to raise the invoice value to the actual market value or the wholesale price of such merchandise at the time of exportation to the United States. The second paragraph of the proposed recommendation by the Secretary of the Treasury, marked "B," contains a further recommendation for the necessary amendment of section 7 to comply with your wish regarding consigned goods.

I beg you to believe, my dear Baron, that in our treatment of all these subjects we have been actuated by a strong desire to comply with the wishes of your Government and to obviate any annoyances or hindrances to German producers and merchants in the conduct of their trade with the United States. We would greatly deplore any interference with that trade, and we are anxious to avoid, so far as it can possibly be done, every occasion for irritation on the part of the persons engaged in it. We sincerely hope that the trade between our countries may continue and increase upon both sides with mutual satisfaction and profit.

Accept, Excellency, the renewed assurance of my highest consideration.

ELIHU ROOT.

His Excellency BARON SPECK VON STERNBURG.

A.

CONSULAR REGULATIONS.

SEC. 678. Invoices of merchandise purchased for export to the United States must be produced for certification to the consul of the district at which the merchandise was purchased, or in the district in which it was manufactured; but, as a rule, consular officers shall not require the personal attendance at his office of the shipper, purchaser, manufacturer, owner, or his agent, for the purpose of making declarations to invoices, but he shall certify invoices sent to him through the mails or by messenger. To conform to the statute which requires that merchandise shall be invoiced at the market value or wholesale price of such merchandise as bought and sold in usual wholesale quantities at the time of exportation to the United States, in the principal markets of the country whence imported, consuls will certify to invoices, the additional cost of transportation from the place of manufacture to the place of shipment whenever the invoice is presented to be consulated in a country other than the one from which the merchandise is being directly exported to the United States.

B.

CONSULAR REGULATIONS.

680. When the invoice and declaration are received by the consul, it is his duty to examine carefully each item and satisfy himself that it is true and correct. In aid of this examination it shall be the duty of such consular officer to confer with official chambers of commerce and other trade organizations in his district, and he shall report any and all written communications from such commercial bodies and trade organizations that may be submitted to him in writing, together with all schedules of prices furnished him officially for that purpose, and the consul is authorized, in his discretion, to call for the bills of sale of merchandise purchased for export to the United States; to inquire into the cost of production of merchandise not obtained by purchase; to demand samples; and, if the conditions require it, to examine the entire consignment. Whenever an invoice is offered for certification which covers consolidated shipments consisting of the productions of different manufacturers, the consul may demand the submission of the manufacturers' bills relating thereto. Even when the merchandise has been purchased for export and the invoice sets out truly the price paid, the consul should ascertain whether the price represents the market value of the goods.

C.

In conducting investigations for purposes of discovering market value or cost of manufacture of merchandise produced within your district you are directed to confer with chambers of commerce and other trade organizations and to report to this Department all information you derive from these sources, together with price lists submitted and approved by such organizations.

D.

You are hereby directed that in reappraisement cases pending before a board of three the hearing shall be open and in the presence of the importer or his attorney whenever in the judgment of the board the public interest will not be prejudiced thereby.

E.

I beg to recommend the following amendments and modifications of the custims administrative act of June 10, 1890:

1. That section 7 of the customs administrative act of June 10, 1890, be so amended as to permit at the time entry is made such addition to the cost or value given in the invoice of consigned merchandise as in the opinion of the consignee or his agent may raise the same to the actual market value or wholesale price thereof the same as is by said act permissible of merchandise actually purchased.

2. I further recommend that section 7 be so amended as to impose no additional duty for undervaluation unless such undervaluation shall equal 5 per cent of the market value of the merchandise, and that the Secretary of the Treasury be authorized to remit all additional duty whenever the undervaluation is less than 10 per cent of the value of the imported merchandise, provided the Board of General Appraisers shall certify that in its opinion the undervaluation is the result of good faith, differences of opinion, or error.

IMPERIAL GERMAN EMBASSY,
Washington, February 18, 1906.

MR. SECRETARY: As the American Government has not found it possible to arrive at a decision on my memorandum of November 4, the German Government, fully recognizing the difficulties of the American Government in dealing with the question, is ready to fulfill the desire which has been expressed to me by the President and by yourself, and recommended by me to my Government. The German Government is willing to grant to the United States for a certain period those reduced customs duties which have been fixed by the treaties concluded in 1904 and 1905 between Germany on one side and Belgium, Italy, Austria-Hungary, Russia, Roumania, Switzerland, and Servia on the other side. To-day a bill will be introduced in the Reichstag with a view to authorize the Federal Council (Bundesrath) to grant to the United States of America until June 30, 1907, these reduced duties. In making this concession the German Government expects that Germany will enjoy, after March 1, 1906, the reduced duties of section 3 of the Dingley tariff, as heretofore.

May I ask you, Mr. Secretary, to favor me with a written confirmation of this at your earliest convenience?[a]

The German Government further hopes that the existing severity and rigidness of the American customs administration will be lessened, and that during the time granted the negotiations which have been entered into will continue and finally lead to a conclusion satisfactory to both parties.

Believe me, Mr. Secretary, yours, most sincerely,

STERNBURG.

Hon. ELIHU ROOT,
Secretary of State of the United States.

DEPARTMENT OF STATE,
Washington, February 19, 1906.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of February 18, advising me that the German Government is willing to grant to the United States for a certain period those reduced customs duties which have been fixed by the treaties of 1904 and 1905 between Germany, Belgium, Italy, Austria-Hungary, Russia, Roumania, Switzerland, and Servia, and that a bill is about to be introduced in the Reichstag with a view to authorize the Bundesrath to grant these reduced duties to the United States until June 30, 1907.

I beg to say that upon the accomplishment of the purpose thus stated, by the assurance to the United States of such reduced duties until the 30th of June, 1907, the President will promptly issue the necessary proclamation for assuring to Germany the reduced duties of section 3 of the Dingley tariff, as heretofore.

I hope that the communication which I had the honor of addressing to you Friday, the 16th instant, enumerating certain proposed changes in the customs administrative law and regulations, will be regarded by your Government as evidence of the President's strong desire to relieve our customs administration from everything which seems to German exporters to have any feature of severity. I hope also that during the period which, under the proposed action of the German Government, will continue until the 30th of June, 1907, a satisfactory way will be found to establish a permanent basis for the mutual trade of both countries upon terms satisfactory to both. I am sure that there could not be a more sincere and kindly purpose or more reasonable and open-minded views than have actuated the representatives of both countries in the treatment of this subject, and I feel great confidence that a continuance of the same attitude on both sides will lead to a conclusion in conformity with the strong desire for real friendship between the German and American peoples which we both entertain.

Accept, Excellency, the renewed assurances of my highest consideration.

ELIHU ROOT.

His Excellency BARON SPECK VON STERNBURG.

FEBRUARY 21, 1906.

MY DEAR BARON: The President authorizes me to say that the regulation, marked "C" in the memorandum handed me by you to-day, can be modified in accordance with your suggestion by inserting the word "first;" so that it will read:

"In conducting investigations for purposes of discovering market value or cost of manufacture of merchandise produced within your district, you are directed to confer, first, with chambers of commerce and other trade organizations and to report to this Department all information you derived from these sources, together with price lists submitted and approved by such organizations."

The other memorandum relating to inclusion of the first general appraiser in the provision relating to open hearings has been sent to the Secretary of the Treasury for an expression of opinion by him, and I hope to be able to advise you regarding that to-morrow.

Always faithfully, yours,

ELIHU ROOT.

His Excellency BARON SPECK VON STERNBURG.

FEBRUARY 23, 1906.

MY DEAR BARON: Regarding the inclusion of the first general appraiser in the provision authorizing open hearing in reappraisement cases, the Secretary of the Treasury says that it can be done if you are specially urgent for it, but he thinks that I ought to say to you that he does not consider it probable that the first general appraiser will consider it practicable to give hearings which will be in the nature of court proceedings, and that he does not think the authority conferred in the new rule would be very much exercised by the first general appraiser; that is to say, he thinks that if the authority were given the appraiser would quite uniformly rule that the public interests would be prejudiced by the open hearing.

Referring to your letter of February 22, I have asked the Secretary of the Treasury to favor me with an expression of his views upon the questions which you ask, and I will communicate with you immediately upon hearing from him.

Very sincerely, yours,

ELIHU ROOT.

His Excellency BARON SPECK VON STERNBURG.

[Confidential.]

IMPERIAL GERMAN EMBASSY,
Washington, February 24, 1906.

DEAR MR. SECRETARY: In reply to your letter of the 23d instant permit me to say that our people interested in the matter think that the possibility of open hearings before the general appraiser is essential; they also believe that the first general appraiser will not uniformly rule that

[a] And also to state that the President will issue a proclamation with regard to Section III in due time.

The negotiations in the Reichstag will begin on Tuesday next.

the public interests would be prejudiced by the open hearing if he is left entire discretion in this respect. I therefore would be greatly obliged to you if you would have the proposed modification inserted.

Believe me, Mr. Secretary, very sincerely, yours,

STERNBURG.

Hon. ELIHU ROOT,
Secretary of State of the United States, Washington.

IMPERIAL GERMAN EMBASSY,
Washington, February 26, 1906.

DEAR MR. SECRETARY: Permit me, in connection with my statements of this morning, to inclose a memorandum explaining the status of our new customs law. Could I ask you to be so kind as to send me a short notice of the date on which the proclamation of the President regarding section 3 of the Dingley tariff will be issued?

Believe me, Mr. Secretary, most sincerely, yours,

STERNBURG.

Hon. ELIHU ROOT,
Washington, D. C.

[Memorandum.]

The bill has come before the Bundesrath, and will immediately be submitted to the Emperor for signature. In the meantime the Bundesrath has made use of the power conferred upon this body and decided on Saturday last to grant, until further notice, to the products of the United States the rates of the German conventional tariff, without setting a term within the fixed time. As soon as the act has received the signature of His Majesty it will be published, together with the resolution of the Bundesrath.

Mr. PAYNE. Another word. Our German friends, who are not always modest about what they ask, also wanted the duty levied upon the export price, the duty now being levied upon the market price where the goods are produced. We all well know that they have an export price which is uniform and uniformly lower than the market price at which they sell at home, and the difference in the price is often very great. Up to a few years ago on manufactured articles exported from Germany the export price was lower, and generally much lower, than the market price that goods sell for at home, and they were anxious to have our duties levied upon the export price. Of course, we can see how they would be anxious to have it that way, and I believe the Secretary of State had agreed to recommend that; but I hope this amendment will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. OLCOTT].

The question was taken; and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 9, line 7, immediately before the comma preceding the second word in the line, insert the word "further."

Mr. OLCOTT. I will withdraw that amendment.

The CHAIRMAN. Without objection, the amendment will be considered as withdrawn.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. The gentleman from New York says the Germans sell their manufactured goods cheaper to the foreigner than at home. On that proposition I want to make this observation: Our manufacturers sell to foreigners cheaper than to our own people and excuse themselves by saying they have to sell their "surplus," and sell to the foreigners cheaper than to our home people to keep their mills running all the time to give their hands employment all the time.

It is not contended by anyone that every manufacturer in the United States exports; yet they are protected and prosper. Those highly protected and rich—the monopolists and trusts—do export and sell cheaper abroad than at home. Now, then, it being true that all the manufacturers do not export, how is it that these manufacturers who do not export at all run their mills all the year long, employ their hands all the year long? How do the nonexporters continue business if to do so they must export and sell abroad at less than at home? The nonexporters work all the year. They employ men all the year; they are paid at the same price, and yet those manufacturers do not export a dollar's worth of any product. So, Mr. Chairman, there is nothing that I can see in the proposition that these great, highly protected manufacturers must sell their goods to foreigners cheaper than to our people to run their industries and keep their hands employed throughout the year, and so keep their mills running the year round.

Mr. SULZER. Mr. Chairman, the trust question is to-day the great issue in American affairs. It will not subside until the law is rigidly enforced without fear or favor.

In my address before the National Antitrust League convention at Chicago, in February, 1900, I said:

Under the law of our country trusts are criminal. The law on the statute books against trusts is clear and plain, and the highest court in the land has passed on its validity and sustained the constitutionality of its provisions. The antitrust act of 1890 declared that every contract or combination in the form of a trust or otherwise in restraint of trade and commerce among the several States and Territories, or with foreign nations, is a conspiracy—illegal and void—and punishable by fine and imprisonment.

Under this antitrust act it seems to me every trust in the United States can be prosecuted for violation of law, and the men behind it punished for conspiracy. Every trust by its very nature is in restraint of trade and commerce and in violation of this law. If you will read the decisions the conclusion will be irresistible to the logical mind that the fault is not so much with the law as it is with the men who are sworn to enforce the law. The imperative mandate of the day is—enforce the law. Whenever the trusts have been brought before the courts and their true character shown, they have been declared illegal.

In my opinion—and I say so advisedly—the Department of Justice under the present law can institute and successfully maintain actions against every trust doing business in the United States.

What I said in 1900 is equally true to-day. The law should be enforced and the trust criminals punished. The people will, with no uncertain voice, demand such action at the coming election in the fall.

I wish to call attention here to the oldest and one of the most infamous trusts in the United States. The proofs of its criminality have been in the hands of the several Attorneys-General for more than twelve years. Yet it continues its iniquitous operations in every State east of the Ohio River, and maintains its office right here in the District of Columbia within sight of the Department of Justice. The name of this trust is the Eastern Railroad Association. Its doings are destructive of the property rights of every inventor of railway appliances in the nation. It is the oppressor of a class of men among the most useful of all our citizens.

I desire for a few moments to consider the question of property in inventions. There are some people, I am sorry to say, who have very little regard for this property—for the property right of the inventor and patentee. I think I will show that it is as sacred a property and as much entitled to the protection of the Government as any other species of property. Nay, more; I think I will show that it is a property which stands on a higher plane, and which, if there is any distinction between property, is of a higher character and order than on any other property in the land. I quote here from Walker on Patents what he says as to the right of property in inventions:

SEC. 152. The right of property which an inventor has in his invention is excelled in point of dignity by no other property right whatever. It is equaled in point of dignity only by the rights which authors have in their copyrighted books. The inventor is not the pampered favorite or beneficiary of the Government or of the nation. The benefits which he confers are greater than those which he receives. He does not cringe at the feet of power nor secure from authority an unbought privilege. He walks everywhere erect and scatters abroad the knowledge which he created. He confers upon mankind a new means of lessening toil or of increasing comfort, and what he gives can not be destroyed by use nor lost by misfortune. It is henceforth an indestructible heritage of posterity. On the other hand, he receives from the Government nothing which costs the Government or the people a dollar or a sacrifice. He receives nothing but a contract which provides that for a limited time he may exclusively enjoy his own. Compared with those who acquire property by devise or inheritance, compared with those who acquire property by gift or marriage, compared with those who acquire property by profits on sales or by interest on money, the man who acquires property in inventions by creating things unknown before occupies a position of superior dignity. Even the man who creates value by manual labor, though he rises in dignity above the heir, the donee, the merchant, and the money lender, falls in dignity below the author and the inventor. The inventor of the reaper is entitled to greater honor than his father who used the grain cradle, and the inventor of the grain cradle is entitled to greater honor than his ancestor who for a hundred generations had used the sickle. Side by side stand the inventor and the author. Their labor is the most dignified and the most honorable of all labor, and the resulting property is most perfectly theirs.

Lord Bacon gave the weight of his opinion to views somewhat similar to the foregoing. The following is a translation of one of his Latin paragraphs:

"The introduction of great inventions appears one of the most distinguished of human actions, and the ancients so considered it, for they assigned divine honors to the authors of inventions, but only heroic honors to those who displayed civil merit (such as the founders of cities and empires, legislators, the deliverers of their country from lasting misfortune, the quellers of tyrants, and the like). And if any one rightly compare them he will find the judgment of antiquity to be correct, for the benefits derived from inventions may extend to mankind in general, but civil benefits to particular lands alone; the latter, moreover, last but for a time, the former forever."—Walker on Patents, 102, 103.

By preventing the adoption of needed improvements in railway appliances this Eastern Railroad Association trust is a daily menace to the lives and safety of all the millions who travel on railroads, and especially so to the million or more railroad employees.

Now that this case has been thus publicly called to the attention of the present Attorney-General, who is showing most commendable activity in enforcing the antitrust law, I hope he will take prompt and proper action against this Eastern Railroad Association combine.

I submit the following proof:

EXHIBIT A.

THE EASTERN RAILROAD ASSOCIATION.

This association is a combination, voluntarily formed under a secret written agreement, of nearly all railroad corporations in the fifteen Atlantic coast States to secure by unity of action arbitrary control

over all patented inventions applicable for use on railroads. It is without doubt the oldest illegal trust in the United States. It was formed in 1866 and has successfully pursued its iniquity for some thirty-five years.

The association's annual reports from 1867 to 1883 are on file in the United States Patent Office library, but since 1883, which is approximately the date of the present agitation against unlawful combinations, no reports have been allowed to reach the public.

Its membership in 1868 embraced 57 railroad corporations in Maryland, Pennsylvania, New York, and in the New England States. In 1883 the membership had increased to include 255 railroad corporations. The present membership is not actually known, inasmuch as the affairs of the association since 1883 have been kept secret. However, it is believed that the membership now includes at least 600 or 700 railroad corporations.

The headquarters of the combine was originally at Springfield, Mass.; afterwards, in 1878, at the Boston and Lowell station in Boston; then, in 1880, at the Grand Central Station in New York, and finally a permanent base of operations was established at Washington, D. C., the association, in 1886, purchasing for $25,000 the premises No. 614 F street NW., to be held "in trust for the sole use and benefit of the members of a certain association known as the Eastern Railroad Association."

On reference to the "Memorandum of deed in trust" (see Exhibit H), it will be seen that the conveyance was made to three members of the executive committee of the association and in a form which "has ever been held most sacred in equity." The building which is now the headquarters of the association contains large fireproof vaults with combination locks and within which are guarded the secret archives.

The railroad corporation members prior to December 4, 1878, operated under a written agreement, called a "constitution," adopted February, 1867, a copy of which is not available. On the above date an amended constitution was adopted. (See Exhibit C.) This latter constitution was revised some time prior to 1887. (See Exhibit F.)

It will be seen on reference to the constitution that all the affairs of the association are turned over to and managed by nine governors called an "executive committee." The names of the committee and the officers of the association have been published from time to time in the Travelers' Official Guide. In the Guide for December, 1904, the following list of the officials is given:

Eastern Railroad Association.—General offices, 614 F street NW., Washington, D. C.; Theodore N. Ely, president, Philadelphia, Pa.; William G. Besler, vice-president, New York; Albert A. Folsom, treasurer, Boston, Mass.; Robert J. Fisher, general counsel, Washington, D. C.; John J. Harrower, secretary, Washington, D. C.

Executive committee.—Theodore N. Ely, Pennsylvania Railroad Company; Henry F. Kenney, Philadelphia, Baltimore and Washington Railroad Company; John R. Kenly, Atlantic Coast Line Railroad Company; John J. Turner, Pennsylvania Company; William G. Besler, Central Railroad Company of New Jersey; John F. Deems, New York Central and Hudson River Railroad Company; Fairfax Harrison, Southern Railway Company; Fayette S. Curtis, New York, New Haven and Hartford Railroad Company; George L. Potter, Baltimore and Ohio Railroad Company.

The meaning and force of certain articles in the amended constitution were explained to the fifty-three corporation members in the twelfth annual report of the president, Exhibit D, and reveals the true nature and character of the association.

Litigation is asserted to be the association's most important business. It is stated that section 4 of the constitution is "tyrannical," and deprives "members of the liberty of individual and independent action in the settlement of claims;" that members are forbidden to settle claims independently of the permission of the executive committee, for "the money thus paid enables the party making the unjust claim to prosecute other members, which in most cases he would otherwise be unable to do;" that the members of "the association must act as a unit," and that "it is believed that this unity of action has been the true cause of our success heretofore."

In fact, this report furnishes conclusive evidence that the association was at the time, as it is now, a criminal conspiracy at common law. In State *v.* Burnham (15 N. H., 396, 1840) Judge Gilcrist said:

"Combinations against law or against individuals are always dangerous to the public peace and to public security. But the law by no means intends to exclude society from the benefits of united effort for legitimate purposes and such as promote the well-being of individuals or the public. It uses the word 'conspiracy' in its bad sense. An act may be innocent without being indictable where the isolated acts of an individual are not so injurious to society as to require the intervention of the law. But when innocent acts are committed by members in furtherance of a common object, and with the advantage and strength which determination and union impart to them, they assume the grave importance of a conspiracy, and the peace and order of society require their repression."

"The general principle on which the crime of conspiracy is founded is this, that the confederacy of several persons to effect any injurious object creates such a new and additional power to cause injury as requires criminal restraint, although none would be necessary were the same thing proposed or even attempted to be done by any person singly." (7 Rep. Crim. Law Com., 1843, p. 90.)

"The concentrated energy of several combined wills operating simultaneously and by concert upon any one individual is dangerous even to the cautious and circumspect. It is therefore the business of the law to protect individuals from such conspiracies. All combinations in society to effect an evil purpose are dangerous, and when their object and purpose are to cheat an individual, by whatever means, they are obnoxious to the criminal law." (Twitchell *v.* Comm., 9 Pa. St. R., 211.)

"I take it, then, a combination is criminal wherever the act to be done has a necessary tendency to prejudice the public or to oppress individuals by unjustly subjecting them to the power of confederates and giving effect to the purposes of the latter, whether of extortion or mischief." (Judge Gibson, Comm. *v.* Carlisle, Brightly's Rep., Pa. 36, 1821.)

"An association may be formed, the declared objects of which are innocent and laudable, and yet they may have secret articles or an agreement communicated only to the members by which they are banded together for purposes injurious to the peace of society; such would undoubtedly be a criminal conspiracy on proof of the fact, however meritorious and praiseworthy the declared objects might be." (Comm. *v.* Hunt, 4 Metcalf, 1845.)

Some time between 1878 and 1887 a further change in the constitution, as above stated, was made (Exhibit F), and in accordance with which the association has since carried on its business and exploited inventors and owners of patents.

The real purpose of the combination can be ascertained from an inspection of Article V, VI, and VII of the constitution.

From section 1, Article V, it appears that an inventor or owner of a patent can not deal directly with any member of the association. He must deal with the executive committee, persons who never wish to purchase. The executive committee determines the validity of the patent and the expediency of contesting the claim, and the railroad corporation directly interested is deprived of individual freedom of action.

Under section 2 the executive committee arbitrarily fix the basis of settlement, if fixed at all. The individual member interested has no voice in the matter.

Under section 3 the individual member sued can not settle a claim or defend the suit. The executive committee manage the suit, and corporation members in no way interested are compelled to contribute aid.

Under section 4 each member is deprived of the right of individual opinion and freedom of action.

Under section 5 the individual member is forced to accept the judgment of the executive committee when "for the best interests of the association," whatever may be the interests of the individual member. If a claim is settled, the inventor receives pay from those not using the invention. The sole condition of settlement is that such settlement is cheaper for the association than "carrying on the litigation."

Article VI fixes the penalty for violating the agreement.

Article VII authorizes the unlawful "maintenance" of suits where a majority of the members are not directly or indirectly interested and where no member of the association is a legal defendant of record.

These articles provide for the suppression of competition between the corporate members in the purchase of licenses and interests in letters patent and restrict freedom in the settlement of claims for the infringement of patents; and also for the fixing of the price by the executive committee when any interest in a patent may be purchased or any claim is to be settled, provided "such settlement or purchase can be effected at less expense to the association than the cost of carrying on the litigation."

Under its constitution and by-laws the association exists in violation of the antitrust act. The facts and law showing this to be true are fully set forth in a "statement" filed in 1900 with the Attorney-General of the United States and which accompanied a request that he direct a suit of equity to be instituted under section 4 of the act to restrain and enjoin the association. A copy of the "statement" and certain exhibits, as well as the reply of Attorney-General Griggs defending the association, are herewith submitted. (Exhibits B and I.)

The principal business of the association under and outside of its unlawful constitution and by-laws appears to embrace, first, reports upon patents, and, second, litigation.

Reports upon patents are prepared by the general counsel and a slip attached stating that they are of "no effect or binding on the association until approved by the executive committee." All applications for information by a corporate member must be made through an authorized person named by the board of directors of the corporation. The reports on the validity of patents are preserved in secret, and the inventors or owners of the patents and the general public as well never learn their substance unless accidentally. Inasmuch as there is no competition and that the reports are generally made to railroad officials unfamiliar with the art and the patent laws, and hence incompetent to criticise, it is maintained with truth that the said reports are, as a rule, superficial and arbitrary. Several reports have been seen which disclosed great ignorance of the particular arts and which prevented the introduction of very desirable safety devices upon railroads.

However incomplete, arbitrary, capricious, and unjust these reports may be, the association members are in practice bound to adopt and follow them. Any official who should ignore the report would be dismissed from service. By these secret reports it is within the power of the association to destroy the property right in a patent created by the Government, or to give value to a worthless or invalid patent if some one on the inside is adequately remunerated.

It is obviously against public policy for a combination of corporations, each exercising a public office, affected with a public use, and performing the function of the Government, to agree and covenant that they will be bound by secret decisions and reports relative to the validity or invalidity of patents for such appliances as are discovered and invented from time to time, and are adapted for cheapening, hastening, and rendering safer the transportation of freight and passengers on railroads.

Litigation is another and the most important business in which the association is engaged. (See Exhibit D.) According to one of the association's reports, it had in its treasury in 1882 the sum of $50,028.98. Of this amount immediately available for litigation and corrupt uses, $33,655 was invested in convertible bonds and stock and $10,000 loaned on call. A much larger sum is now doubtless immediately available for "running down a poor inventor with an invalid patent," who has the audacity to bring suit against a corporation member. The members of the association are domiciled in four judicial circuits. An owner of a patent commences suit in equity against a railroad corporation member in a certain district. The general counsel of the association appears for the defendant and unlawfully maintains the suit, the other corporate members of the association refusing to lawfully intervene, so they may not be bound by any judgment rendered within that district.

When the complainant takes his proofs he must pay his witnesses and railroad fares. The general counsel travels to the place of examination on a railroad pass, cross-examines the witnesses at great length to increase the per diem charges of the witness for his services and to increase the cost of printing the testimony by the complainant. When the general counsel takes testimony for the defense he rides on a pass and secures witnesses free, who also travel on passes, from among railroad employees, who are always willing to testify as instructed. The testimony may be taken in any part of the country which will entail the greatest possible expense for the complainant in railroad fares.

The general counsel secures perjurous testimony, manufactured evidence, and avails himself of all means, honest or dishonest, to defeat the suit. When the case comes on to be heard it may be before a Federal judge who has a railroad pass in his pocket. Then comes a series of appeals. Should the complainant be successful he can but seldom prove profits or damages, as the association has by its ingeniously contrived constitution prevented the establishment of a license fee. Upon application for an injunction in another judicial circuit against a railroad corporation which had participated in the defense, the general counsel will again appear and assert new defenses and allege a different claim or demand and the case must be tried anew.

Without entering into details it is a truthful statement of fact to say that the ordinary citizen is absolutely precluded from prosecuting in any Federal court a suit against a railroad corporation for infringing a patent with any hope of success.

The association is above citation in any court of justice, and in fact possesses a power superior to that exercised by any circuit court of the United States. In the annual report of 1882 the president says:

"The association has so increased in strength and usefulness that now it may be likened in one respect to a judicial authority or tribunal, to which all interested can apply for advice-respecting patented inventions in any way relating to railroads, and with the assurance that the advice given, if followed, will be supported and sustained with all the combined force and power of our membership."

In closing the thirteenth annual report, 1879, the general counsel uttered this boast:

"It appears to be the fact that during the whole period of thirteen years during which the association has been in existence no suit defended by it has resulted in a judgment against a member on appeal to the highest court; and that while some claims have been settled after suit was brought, no member defended by the association has yet, by process of law under execution, attachment, or otherwise, been compelled to pay anything on account of infringement of letters patent."

For thirty-five years this association has stripped owners of patents and inventors of their property as effectively and completely as the uncircumcised Philistines of old stripped Saul on Mount Gilboa. As stated by the Scientific American March 12, 1892: "Legislation is certainly needed to put a stop to combinations formed like the Eastern Association for the express purpose of nullifying the privileges granted to inventors by Congress."

[Extracts from the association's annual reports.]

In the first report it is stated that persons who claim damages for the infringement of their patents are "cormorants."

In the third report it is said that the usefulness of the association is becoming apparent. Members enjoy freedom from applications of "patent agents." Our relations to the Western Railroad Association, of Chicago, are such as to secure to each party the full benefit of investigations conducted at the expense of the other.

Fourth report: That under the quiet influence of our own and the Western Railroad Association the business of dealing in railroad patents is fast becoming legitimate and respectable. Owners of patents making claims against railroads are aptly denominated "patent sharks."

Sixth report: That after six years, of all the suits brought against members of the association only one has been pressed to trial, and in that case the defendant was successful, "and a fraudulent claim was permanently overthrown." Referring to certain attempts to secure extensions of patents from Congress, it is stated that "the poor inventor was employed to stand around as a figurehead and recite his misfortunes to Members of Congress for the purpose of eliciting sympathy." "It is deemed a part of prudence for the association to be properly represented at Washington during the session of Congress to watch the speculators in these defunct patents and report their earliest appearance."

Seventh report: That the association saves to the companies many hundreds of thousands of dollars annually. That during the seven years' experience of the association only three cases have actually been heard by the courts.

Eighth report: "The executive committee presents its eighth annual report with a feeling of lively satisfaction at the success which continues to attend the organization."

Ninth report: "The kindly relations hitherto existing between the executive committee of this and the Western Railroad Association are still maintained."

Eleventh report: "It has been thought advisable to accept of a low compromise rate offered by the owners of one or two patents whose claims have upon investigation been found to be valid." Data is given of twenty suits defended by the association.

Thirteenth report: it is stated that attention is called to a bill before Congress providing for a commission, appointed by the President of the United States, to examine patented improvements applicable to railroads, with power to decide which of such improvements shall be used and the amount to be paid to the owner. "But the provisions of the bill were so manifestly unconstitutional I did not think it necessary to appear as a remonstrant."

Fifteenth report: "The association can no longer be said to be an experiment. With fifteen years' experience and the resulting accumulation of valuable records and tangible assets in the form of invested securities shown by the reports of the counsel and secretary and the treasurer, it must be admitted to be an established institution, and that it has proved a success far exceeding the expectations of its founders.

"It has fully subserved the object which was intended to be accomplished, and has so increased in strength and usefulness that now it may be likened in one respect to a judicial authority or tribunal, to which all interested can apply for advice respecting patented inventions in any way relating to railroads, and with the assurance that the advice given, if followed, will be supported and sustained with all the combined force and power of our membership.

"All are apt to be blind when their own interests are concerned, but it is worthy of remark, and a subject of congratulation, that whatever may be the individual interests of our members here we meet as a brotherhood, on a common level, for a common purpose, and without respect to persons or individuals, whatever may be their circumstances or pretensions.

"It may be proper to remind you that the association makes use of no legal power or authority against its members; we are bound by no other ties than those of honor and mutual benefit. There has been some discussion as to the desirability of our acquiring the powers of a corporation. Your committee has not so far discovered any necessity for making such a radical change in the organization of the association."

H. B. MARTIN,
National Secretary.
F. E. STEBBINS,
Of Counsel for American Antitrust League.

EXHIBIT B.

In re The Eastern Railroad Association.

STATEMENT ACCOMPANYING A REQUEST, FILED WITH THE ATTORNEY-GENERAL, THAT SUIT IN EQUITY BE INSTITUTED AGAINST THE EASTERN RAILROAD ASSOCIATION.

"In an effort to avoid the condemnation of the law, shelter has been sought under what has ever been held most sacred in equity, a trust, a thing over which equity, to prevent fraud, has asserted and exercised an exclusive jurisdiction. The same combinations to prevent competition, condemned already by the law, are attempted to be worked out at the footstool of the chancellor, concealed in the form there most favored. It is like the outlaw grasping the horns of the altar for security, but, unlike him, it conceals its guilt and demands protection, protesting its innocence while pursuing its iniquity. The act is the culmination of corporate insolence and deceit." (Ray, Contractual Limitations, under the head of "Corporate combinations to prevent fair competition.")

STATEMENT.

The agreement of the Eastern Railroad Association, set forth in its constitution and by-laws, and its doings in accordance therewith, constitute violations of the "Act to protect trade and commerce against unlawful restraints and monopolies." (26 Stat. L., chapter 647.)

I.

The constitution of the Eastern Railroad Association is a contract in restraint of trade or commerce among the several States.

THE AGREEMENT.

Prior to the 4th day of December, 1878, 53 railroad corporations, chartered under the laws of and doing business in 15 separate States—to wit, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, and South Carolina—had entered into an agreement by which they constituted themselves an association to be known as the "Eastern Railroad Association." On December 4, 1878, "after due discussion and deliberation," and at a special meeting of the association, an amended constitution was adopted. (Exhibit D.)

Under date of March 24, 1879, the president of the association made the twelfth annual report to the railroad corporation members, and therein called "particular attention" to, and explained the meaning of, certain provisions of the amended constitution.

During the year 1883 the railroad corporation members to the agreement numbered 255, and operated over 19,198 miles of track in 15 States. (Exhibit E; report in Patent Office library.)

In 1894 and at the present time, as far as can be learned, the membership of the association embraces some 700 railroad corporations, having 34,000 miles of track and $2,820,000,000 capital.

About 1887 the members of the association adopted a revised constitution, which each railroad company signed and by which it agreed to be bound. (Exhibit F.)

Article I of the constitution recites the purpose of the association, to wit:

"While having for its general purpose the promotion of railway interests, its leading object shall be the protection of its members against unjust claims made for patented inventions."

By Article II the members agree that any railroad company approved by the executive committee and subscribing to the articles and contributing to the expense of the association may become a member. Each company is to be represented by a duly authorized person.

By Article III the members agree that the affairs of the association shall be turned over to and managed by nine governors, called the executive committee, who shall be elected each year by the representatives of the railroad corporations at the annual meeting of the association, held in the city of New York (by-laws, Article I); that the executive committee shall elect a president, vice-president, and treasurer, selected from among themselves, and shall also elect a general counsel and secretary, and that the officers shall be the officers of the association; that the committee shall have power to elect other officers and employees, to appoint legal counsel, fix salaries and compensation for themselves and other employees, to prescribe the duties of all officers, agents, and employees, and to make by-laws for its own government.

By Article IV the members agree that annual meetings of the association shall be held; that special meetings shall be called at the request of two members of the executive committee and upon written request of the representatives of not less than five companies; that each company shall be entitled to one vote.

By Article V the members agree that the executive committee shall determine the validity or invalidity of any patent submitted for examination by any railroad corporation member; that the executive committee shall determine the expediency of contesting any claim for compensation made upon any railroad corporation member for the use of a patented invention which it has appropriated; that should the executive committee conclude (1) that a patent is valid or (2) that it is inexpedient to contest a claim for compensation made against one of the railroad members of the association, it shall be the duty of said executive committee, at the request of an associate member to negotiate (1) for the use of the patent or (2) for a settlement of the claim for compensation; that if the railroad member declines to accept the terms fixed by the executive committee for the use of the patent the association will not be responsible for the defense of any suit against such member.

That if the railroad member declines to accept the basis of settlement fixed by the executive committee when claim for compensation is made for the use of an invention, the association will not thereafter be responsible for the expense of litigation growing out of the case. That when the owner of a patent brings suit at law or in equity against a railroad member for infringing his patent adjudged invalid by the executive committee, said member shall report the suit to the secretary, and the executive committee shall manage the same thereafter at the expense of the association. That when the owner of a patent brings suit at law or in equity against a railroad member for the use of a patent which the executive committee has reported upon as valid and for the use of which the executive committee has also fixed the price, accepted by the railroad member, but not by the owner of the patent, the said railroad member shall report the suit to the secretary and the executive committee shall thereafter manage the defense at the expense of the association.

That no member shall settle a suit or claim against it after being advised that a similar suit or claim is in charge of the association for defense against another member, except with the consent of the general counsel and president of the association. That when the executive committee decide it inadvisable to assume or continue the expense of litigation arising out of a report which it has adopted, it may so notify the member against which suit has been brought. But the executive committee may compromise or settle the claim for compensation made by the owner of the patent or purchase a license for the member at the expense of the association: *Provided,* The settlement or purchase can be affected at less expense to the association than the cost of carrying on the litigation.

By Article VI the members agree: That expulsion shall be the penalty when any member willfully violates "these articles."

By Article VII the members agree: That the executive committee

shall confer with the officers of similar associations in the United States relative to the settlement of patent claims and the trial of patent cases; meaning by "similar associations" especially the Western Railroad Association, which embraces some eighty-one railroad corporations distributed among the Western States. And that they will contribute from the trust fund to maintain the defense of suits.

By Article VIII the members agree: That they shall be assessed annually according to mileage and gross receipts "for any expenses incurred or hereafter to be incurred" in behalf of the association; and that payment of the assessments shall be enforced under penalty.

By Article IX the members agree: That any company may withdraw from the association by giving notice in writing.

The provisions recited in the by-laws and standing resolutions of the association are intended to aid in carrying out and making effective the agreement set forth in the constitution.

It should be noted that Article V of the constitution of 1887 is substantially identical with Article VI of the constitution of 1878, and that the explanation of said Article VI by the president of the association in the twelfth annual report (Exhibit D) applies to Article V of the constitution of 1887. The explanation is as follows, and reveals the true purpose and object of the agreement:

"Your committee, however, think it proper here to refer to some of the provisions of the constitution as amended.

"Particular attention is called to Article VI, which is designed to regulate the action of all concerned when a claim is made for the use of a patented invention and said claim is submitted to the association for action.

"Section 1 of this article makes it the duty of the executive committee to negotiate with an inventor or patentee whose claim it is considered inexpedient to contest; but attention is drawn to the fact that the committee must first be requested to do so by a member. In this respect the section differs from section 3 of Article VII of the old constitution. Section 2 is substantially the same as section 4 of Article VII of the old constitution; but it will be observed that if a member fails to acknowledge receipt of notice sent by the committee for fifteen days after its date, the terms of settlement proposed shall be considered as accepted by such member.

"Attention is also called to section 3 of this article, as by its terms the members, in order to avail themselves of the services of the association for defense or in settlement of claims, must notify the secretary of any suit or claim brought against them. And if any member has previously declined, or shall subsequently decline, the basis of settlement recommended by the executive committee, the association will not be responsible for any expenses for litigation such member may incur.

"Section 4 prohibits any member settling any suit or claim brought against it, after being advised by the secretary that a similar suit or claim is in charge of the association for defense in behalf of any of its members, without the consent of the secretary, indorsed by the president.

"This provision of the constitution may appear tyrannical, and it does to a certain extent deprive members of the liberty of individual and independent action in the settlement of claims; but the subject has been well considered, and the rule is believed to be essential to the successful carrying out of the main object of the association, to wit, the protection of its members against unjust claims made for patented inventions.

"One member may find it expedient to settle a claim under special inducements; but the money thus paid enables the party making the unjust claim to prosecute other members, which in most cases he would otherwise be unable to do. Again, the weaker members of the association might be unduly influenced in the settlement of such claims when they learned that a more powerful member had found it expedient to settle.

"Such methods of influencing the settlement of claims are well known to those engaged in the manipulation of fraudulent patent claims, and, if allowed to prevail, the influence and salutary effect of the association would be destroyed. To obtain the best results, the members of the association must act as a unit, and it is believed that this unity of action has been the true cause of our success heretofore."

As further revealing the association's estimate of the character of its agreement, as embodied in its constitution, the following extracts from the president's annual report,[a] March 9, 1882, are reproduced, to wit:

The association "has so increased in strength and usefulness that now it may be likened in one respect to a judicial authority or tribunal,[b] to which all interested can apply for advice respecting patented inventions in any way relating to railroads, and with the assurance that the advice given, if followed, will be supported and sustained with all the combined force and power of our membership."

"There has been some discussion as to the desirability of our acquiring the powers of a corporation. Your committee has not so far discovered any necessity for making such a radical change in the organization of the association."

THE ANTITRUST LAW.

An act to protect trade and commerce against unlawful restraints and monopolies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SEC. 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 4. The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

SEC. 5. Whenever it shall appear to the court before which any proceeding under section 4 of this act may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpœnas to that end may be served in any district by the marshal thereof.

SEC. 6. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

SEC. 7. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained and the costs of suit, including a reasonable attorney's fee.

SEC. 8. That the word "person" or "persons," wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

Approved, July 2, 1890.

ARGUMENT.

Section 1 of the antitrust act states:

"Every contract * * * in restraint of trade or commerce among the several States * * * is hereby declared to be illegal."

The law assumes that trade and commerce among the several States shall be free, and that this freedom shall extend to all persons, natural as well as artificial, and also embrace all subjects-matter, whether corporeal or incorporeal, which can be bought, sold, or exchanged.

Chief Justice Fuller, in United States *v.* Knight (156 U. S., 11), said:

"The Constitution does not provide that interstate commerce shall be free, but, by the grant of this exclusive power to regulate it, it was left free except as Congress might impose restraints."

No limitation has ever been fixed by the Supreme Court to the phrase "commerce among the States." Its narrowest definition at least embraces "the conduct of individuals" "in buying and selling or barter."

On argument in Gibbon *v.* Ogden (9 Wheaton) it was claimed that navigation was not included within the meaning of the term; and the court remarked, at page 190:

"The mind can scarcely conceive of a system for regulating commerce (between the States) which shall * * * be confined to prescribing rules for the conduct of individuals in the actual employment of buying and selling or of barter."

Other deliverances on the subject are as follows:

"Commerce is undoubtedly traffic. But it is also something more; it is intercourse." (Gibbon *v.* Ogden, 9 Wheat., 181.)

"Sale is the object of importation, and it is an essential element of commerce." (Brown *v.* Maryland, 12 Wheat., 419.)

"Commerce is intercourse; one of its most ordinary ingredients is traffic." (Brown *v.* Maryland, 12 Wheat., 446.)

"Commerce is a term of the largest import. It comprehends intercourse for the purpose of trade in any and all of its forms, including the transportation, purchase, sale, and exchange of commodities between the citizens of our country and the citizens of other countries, and between the citizens of different States." (Welton *v.* State of Missouri, 1 Otto, 275.)

"Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities." (County of Mobile *v.* Kimball, 102 U. S., 702.)

"The negotiation of sales of goods which are in another State, for the purpose of introducing them into the State in which the negotiation is made, is interstate commerce." (Robbins *v.* Shelby Taxing District, 120 U. S., 497.) (1886.)

"While the completely internal commerce of a State is reserved to the State itself, because never surrendered to the General Government, commerce, the regulation of which is committed by the Constitution to Congress, comprehends traffic, navigation, and every species of commercial intercourse or trade between the United States, among the several States, and the Indian tribes." (Interstate Commerce Commission *v.* Brimson, 154 U. S., 447.) (1894.)

"Definitions as to what constitutes interstate commerce are not easily given, so that they shall clearly define the full meaning of the term. We know from the cases decided in this court that it is a term of very large significance. It comprehends, as it is said, intercourse for the purpose of trade in any and all its forms, including transportation, sale, purchase, and the exchange of commodities between the citizens of different States." (Justice Peckham in Hopkins *v.* United States, October 24, 1898, 171 U. S., 597.)

(See United States *v.* Addyston Pipe and Steel Company, 54 U. S. App., 723 et seq. Supreme Court decision December 4, 1899, 175 U. S., 211.)

From the above definitions it may be said that the transfer by a person domiciled in one State to a person domiciled in another State of any interest in a patent by assignment, grant, or license, or negotiations

[a] On file in the United States Patent Office library.

[b] It is not within the power of individuals or corporations to create judicial tribunals for the final and conclusive settlement of controversies. (102 Ind., 262, 1885.)

preliminary or preparatory to such transfer, constitute trade or commerce among the several States.

The Congress by positive enactment has declared that there shall be freedom of trade or commerce in patents for inventions and interests therein throughout the United States. Section 4898, Revised Statutes of the United States, reads:

"Every patent or any interest therein shall be assignable in law by an instrument in writing; and the patentee or his assigns or legal representatives may, in like manner, grant and convey an exclusive right under his patent to the whole or any specified part of the United States."

There are three classes of persons in whom the patentee can vest an interest of some kind in the patent. They are an assignee, a grantee of an exclusive sectional right, and a licensee. (Potter *v.* Holland, 4 Blatchford, 406.)

The courts have repeatedly affirmed the existence of a free and open market for patent property throughout the United States. Justice Davis, of the Supreme Court of the United States, in ex parte Robinson, 2 Biss., 309 (1870), a case arising under an act of the State of Indiana "regulating the sale of patent rights," said:

"The property in inventions exists by virtue of the laws of Congress, and no State has a right to interfere with its enjoyment or to annex conditions to the grant. If the patentee complies with the laws of Congress on the subject, he has a right to go into the open market anywhere within the United States and sell his property."

It has repeatedly been held that the acts of State legislatures which attempt to direct the manner in which patent rights shall be sold in the States are void. (See Helm *v.* Bank, 43 Ind., 167; Robinson on Patents, sec. 46, note 4, and sec. 1242.)

In Holliday *v.* Hunt (70 Ill., 113) the court recognized that the purchase and sale of a patent right constituted "traffic," and remarked of the State law:

"It is a marked discrimination against the traffic in patent rights, which can not fail to seriously prejudice and impair the rights of patentees and their assignees."

A State can not impose a license tax upon the sale of a patent. (State *v.* Butler, 3 Lea., 222.) (1879.)

An act respecting foreign corporations and their agents does not apply to an agent selling patented inventions. (Grove & Baker Sewing Machine Company *v.* Butler, 53 Ind., 454 (1876); Shock *v.* Singer Company, 61 Ind., 520.) (1878.)

The necessary effect of the agreement entered into by the railroad corporations, members of the Eastern Railroad Association, is the restraint of trade or commerce in patent property among the several States.

In United States *v.* The Trans-Missouri Freight Association (166 U. S., p. 341) Justice Peckham, referring to the agreement there under consideration, said:

"The question is one of law in regard to the meaning and effect of the agreement itself. The necessary effect of the agreement is to restrain trade or commerce, no matter what the intent was on the part of those who signed it."

The true meaning of the agreement is to be gathered according to the well-known rule, from the four corners of the agreement itself. (Judge Chitty in Mills *v.* Dunham, 1 Ch., 580; 1891.)

I do not think any averment is necessary as to what has been done under it (the agreement) or as to any mischief which it has actually produced. We are to consider what may be done under it and what mischief may thus arise. (Lord Campbell in Hilton *v.* Eckersley, 6 E. & B., 65.)

Whether the nature of the combination is injurious is to be determined by a construction of the provisions of the agreement constituting the combination, and not by its effects in actual operation. (Salt Company *v.* Guthrie, 35 Ohio State, 678; Atcheson *v.* Mallon, 43 N. Y., 149 (1870); Richardson *v.* Buhl, 43 N. W., 1102; 77 Mich., 632; Anderson *v.* Jett, 41 Alb. L. J., 104; 89 Ky., 375.)

From the plain terms of the constitution of the Eastern Railroad Association it appears to be the fact that the several hundred railroad corporations members thereof have entered into a mutual contract and agreement one with another whereby they have voluntarily abolished competition among themselves in the negotiations for the purchase of any interest in patents for inventions; that for securing "unity of action" they have handed over to a committee of nine persons, called the "executive committee," all control over all their business relating to the purchase of patent rights and licenses; that each and every of them has surrendered its liberty of individual and independent action in dealing with investors and owners of patents, and especially in negotiating settlements of claims made for the use of patented inventions; that they have delegated and surrendered to the said executive committee the power of fixing the price or prices to be paid for the use of any patented invention, and the price in payment for any unlawful appropriation of a patented invention, and the price to be paid for a license to use any patented invention, and the price to be paid for any patent or assignment thereof (assuming that in any case they intend to pay anything at all), and have bound themselves by penalties to abide by the articles of agreement and the decisions of the executive committee.

The several hundred railroad corporations members of the association and parties to the agreement are organized under the laws of the fifteen or more States. The owner of a patent domiciled in any of the States is, under the agreement, debarred from negotiating with any one of the railroad corporation members for the sale of an interest in a patent, or for the settlement of any claim for compensation against any railroad member that has infringed a patent.

As between an individual patentee or owner of a patent and the corporation members of 14 States the negotiations involve trade or commerce among the States.

In Hammerstein *v.* Parsons (38 Mo. App., 333) (1889) the court remarked:

"The constitution and by-laws of an association constitute a contract between the members."

It can not be gainsaid that the constitution and by-laws of the Eastern Railroad Association constitute a contract in restraint of trade or commerce among the several States, and thus violate section 1 of the antitrust act.

Had the agreement as set forth in the association's constitution given the executive committee power only to report on the validity or invalidity of a patent, and then left each railroad company to its own individual and independent judgment as to whether it would purchase a license or settle for an infringement or defend any suit brought against it the agreement would perhaps not be illegal. But had the agreement been so limited it would have been useless. If each company should be allowed to act independently in dealing with owners of patents the whole agreement might as well be rescinded. The president, in explaining the provisions of the constitution (Exhibit D), reveals the real nature and essential purpose of the agreement when he says:

"To obtain the best results the members of the association must act as a unit, and it is believed that this unity of action has been the true cause of our success heretofore."

Justice Peckham, in United States *v.* The Joint Traffic Association (171 U. S., 505), referring to an analogous agreement, said:

"If one company is allowed, while remaining a member of the association, to fix its own rates and be guided by them, it is plain as to that company the agreement might as well be rescinded. This result was never contemplated."

The defense in the Joint Traffic case endeavored to differentiate the agreement there involved from that in the Trans-Missouri case by asserting that in the former the rates were made by the several companies and in the latter by the association. Both agreements were held to be violations of the antitrust act.

The conditions imposed upon railroad members by Section V of the constitution, aside from the provision of the remaining sections, render the agreement unlawful. In the Inter Ocean Publishing Company *v.* The Associated Press (184 Ill., 438) (1900) the supreme court of Illinois decided that—

"The restrictions attempted to be imposed by the Associated Press through its contracts and by-laws upon the rights of members to purchase news from other agencies which such corporation may declare to be antagonistic are null and void, as tending to create monopoly and restrict competition."

II.

The combination and confederacy of the railroad corporations composing the association to oppose individual patentees and owners of patents in the negotiations of interests in their property, and the agreement of said corporations to use certain unlawful means set forth in their constitution in so opposing, as well as their unlawful acts in pursuance thereof, constitute the association a conspiracy in restraint of trade or commerce among the several States.

By the first section of the antitrust law not only are contracts in restraint of trade which impose binding obligations upon parties to the agreement not to compete illegal, but also conspiracies in restraint of trade, which cover a well-known class of cases where the confederacy proposes or attempts to prevent others from freely carrying on their trade.

The Congress intended to embrace within the statutory prohibition all conspiracies which would be illegal at common law. Illustrations of such cases are: Commonwealth *v.* Carlyle (Br. Rep., 36), where a combination of employers conspired to depress the wages of journeymen, and in respect to which Judge Gibson remarked:

"An association is criminal when its object is to depress the price of labor (commodity) below what it would bring if it were left without artificial excitement, by either masters or journeymen, to take its chances in the market" (p. 42).

Mogul Steam Company *v.* McGregor, Grow & Co. (Appeal Cases, 25). (See Judge Taft's remarks on this decision, 54 U. S. App., 211). People *v.* Everest (51 Hunn., 19). Wright, Criminal Conspiracy, pp. 144–181; American and English Encyclopedia of Law, Vol. IV, p. 608; Stephen's History of Criminal Law; Ray, Contractual Limitations.

First. The combination under the constitution and by-laws constitutes the conspiracy, though nothing be done in pursuance thereof. In Woodworth *v.* Sherman and same *v.* Cheever and 18 others, 3 Story, 172 (1844), Justice Story, who had at that time served thirty-five years on the bench, remarked during the course of the case:

"That he observed that the bills contained a charge of an actual combination to resist the patent. That it was a question of much importance what would be the legal effect of such a combination. That he did not intend to express any opinion on this part of the case, but that in a former case he had occasion to declare that it seemed to approach very near, if it did not actually reach, a criminal conspiracy. That in many cases it was lawful for individuals to do what could not lawfully be done by a combination. That an individual patentee might successfully resist an individual, but it was much more difficult to resist the combined force of a great number of persons united to oppose a patent."

An inspection of the agreement will disclose that the associated railroad companies, organized under the laws of 15 States, have conspired together for the purpose of restraining individual owners of patents, domiciled in the several States, from freely negotiating sales of interests in their patents and from collecting compensation from any member of the association who has appropriated a patented invention.

Second. The agreement by the association to use unlawful means in opposing owners of patents in their attempts to negotiate interests in their property constitutes the association a criminal conspiracy.

A conspiracy has been defined as—

"A combination of two or more persons by concerted action to accomplish a criminal or unlawful purpose, or some purpose not in itself criminal or unlawful, by criminal or unlawful means." (Pettibone *v.* United States, 13 Supreme Court Reporter, 542 (1893).)

The unlawful means which the association agrees to use are: (1) The unlawful maintenance of suits brought against any one of its members. (Art. V; secs. 3 and 5, Art. VII.) (2) The boycott. The members of the association agree by Article V not to indivually negotiate with the owner of a patent for an interest therein and not to settle a suit or claim when a similar suit or claim against another member is being maintained by the association, for, as the president of the association said in the twelfth annual report: "The money thus paid enables the party making the unjust claim to prosecute other members, which in most cases he would be otherwise unable to do." He further remarked that "this unity of action has been the true cause of our success heretofore."

Third. The acts of the association, its res gestæ, through a series of years in opposing individual patentees and owners of patents, prove the association to be a permanent conspiracy in restraint of trade or commerce among the several States.

The methods and means, unlawful under the common law and by statute, employed by the association embrace: [a]

(1) The unlawful maintenance of suits and without legal intervention. (See article "Intervention," A. and E. Enc. of Pleading and Practice, Vol. XI, p. 494.)

(2) Impeding, obstructing, and defeating the due course of justice. (Sec. 5407, R. S., U. S.)

(3) Manufactured evidence.

(4) Perjury. (Sec. 5392, R. S., U. S.)

(5) Subornation of perjury. (Secs. 5393, 5440, R. S., U. S.)

[a] Statement of facts under oath now on file in the office of the Attorney-General support these charges.

(6) Oppression. (Sec. 5508, R. S., U. S.)

The association violates, and has violated, the first section of the antitrust act within the meaning of the conspiracy clause thereof.

III.

The members of the association have combined and conspired to monopolize part of the trade or commerce among the several States appertaining to the purchase and sale of interests in patents, and have consequently violated section 2 of the act.

By the agreement, as set forth in the constitution, the members turn over to the executive committee of nine governors the sole control of all purchasing of licenses from owners of patents, the settlements of claims made against individual members of the association for the appropriation of patented inventions and the maintenance of all suits. In the twelfth annual report (Exhibit D) the president states that "this unity of action has been the true cause of our success heretofore."

By suppressing competition among the members and delegating to the executive committee the power to fix prices, the sole buying by the corporation members in 15 States and the selling by the individual owners of patents domiciled in the several States, Territories, and District of Columbia is effectively controlled, and a monopoly of part of the commerce or trade among the several States or Territories is established.

Had not the main purpose of the association been the creation and acquiring of a monopoly the constitution would have provided that after the executive committee had reported upon the validity or invalidity of a patent each member should be left free to exercise its own individual and independent judgment as to the advisability of purchasing an interest in or license under the patent or settling a claim made for the use of an invention. Deprive the association of the power of compelling or agreeing upon "unity of action" and it would fall to pieces immediately.

It may be further asserted that under the provisions of Article VII of the constitution the attempt is made to further extend the monopoly to all the trade or commerce in patent rights in all the States which may be carried on or attempted to be carried on between railroad corporations and owners of patents for inventions.

But it is immaterial whether an attempt is made to monopolize the whole or any part of the trade or commerce among the States. In United States *v.* Knight Company (156 U. S., 16) Chief Justice Fuller said:

"Again, all the authorities agree that in order to vitiate a contract or combination it is not essential that the results should be a complete monopoly. It is sufficient if it really tends to that end and to deprive the public of the advantages which flow from free competition."

Combining or conspiring to monopolize trade or commerce among the several States may be defined as a conspiracy of two or more persons by concerted action to acquire the sole, or an excessive, power to control trade or commerce among the several States which others have the legal right to engage in independently.

Tested by this definition, the association has violated section 2 of the antitrust act.

As the headquarters of the association are in the District of Columbia, it might be shown that it violates section 3 of the act. It is at least within the jurisdiction of the supreme court of the District of Columbia, and that court is authorized by section 4 to apply the third section to corporations (see section 8) doing business within the District of Columbia and bound by contract or conspiring to restrain trade locally in the District of Columbia, or between the District of Columbia and any State of Territory.

THE SCOPE OF THE ANTITRUST ACT.

Six decisions only have thus far been rendered by the Supreme Court in cases under the act, to wit: United States *v.* E. C. Knight Company, 156 U. S., 1; United States *v.* Trans-Missouri Freight Association, 166 U. S., 290; United States *v.* The Joint Traffic Association, 171 U. S., 505 (decided October 24, 1898); Hopkins et al. *v.* United States, 171 U. S., 578; Anderson et al. *v.* United States, 171 U. S., 604; Addyston Pipe and Steel Co. et al. *v.* United States, 175 U. S., 211.

It was decided in United States *v.* E. C. Knight Company that the act did not apply to "monopolies in manufacture even of a necessary of life," but to "monopolie in restraint of interstate or international trade or commerce."

The Chief Justice remarked in that case:

"What the law struck at was combinations, contracts, and conspiracies to monopolize trade and commerce among the several States or with foreign nations; but the contracts and acts of defendants related exclusively to the acquisition of the Philadelphia refineries and the business of sugar refining in Pennsylvania, and bore no direct relation to commerce between the several States or with foreign nations."

In this suit the Government neglected to secure evidence of a restraint of interstate commerce, and consequently failed.

In the United States *v.* Trans-Missouri Freight Association it was held:

That the anti-trust act applied to railroad companies.

That the true meaning and intent of the statute was that it should apply, and did apply, to "every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States," irrespective of whether the contract, combination, etc., was in reasonable or unreasonable restraint of trade or commerce.

"While the statute prohibits all combinations in the form of trusts or otherwise, the limitation is not confined to that form alone. All combinations which are in restraint of trade or commerce are prohibited, whether in the form of trusts or in any other form whatever. We think, after a careful examination, that the statute covers, and was intended to cover, common carriers by railroad." (326.)

"We are of opinion that the language used in the title refers to and includes, and was intended to include, those restraints and monopolies which are made unlawful in the body of the statute." (327.)

"Contracts in restraint of trade have been known and spoken of for hundreds of years, both in England and in this country, and the term includes all kinds of those restraints, which, in fact, restrain or may restrain trade." (328.)

"When, therefore, the body of an act pronounces as illegal every combination or contract in restraint of trade or commerce among the several States, etc., the plain and ordinary meaning of such language is not limited to that kind of contract alone, which is in unreasonable restraint of trade, but all contracts are included in such language, and no exception or limitation can be added without placing in the act that which has been omitted by Congress." (328.)

"Why should not a railroad company be included in general legislation aimed at the prevention of that kind of agreement, made in restraint of trade, which may exist in all companies, which is substantially of the same nature wherever found, and which tends very much toward the same results, whether put in practice by a trading and manufacturing or by a railroad company?" (322.)

"It is entirely appropriate generally to subject corporations or persons engaged in trading or manufacturing to different rules from those applicable to railroads in their transportation business, but when the evil to be remedied is similar in both kinds of corporations, such as contracts which are unquestionably in restraint of trade, we see no reason why similar rules should not be promulgated in regard to both, and both be covered in the same statute by general language sufficiently broad to include them both." (324.)

In The United States *v.* The Joint Traffic Association it was held:

That the differences between the provisions contained in the Trans-Missouri and Joint Traffic agreements were not of a material and fundamental nature, and that the decision in the former case was a precedent for the latter; that the act was constitutional; that the decision of the Trans-Missouri case was not erroneous.

In Hopkins et al. *v.* The United States it was held:

That certain rules and regulations of a live-stock exchange "are not agreements affecting interstate commerce, within the meaning of the anti-trust law, having no direct or necessary relation to such commerce."

It appears from this decision that the members after they entered into such association "still continued their individual business in full competition with each other and that the association itself, as an association, does no business whatever."

Justice Peckham here remarked:

"The contract condemned by the statute is one whose direct and immediate effect is a restraint upon that kind of trade or commerce which is interstate.

"There must be some direct and immediate effect upon interstate commerce in order to come within the act."

In Anderson et al. *v.* United States it was held:

That an association of dealers who buy and sell cattle in competition with each other in a particular market, where it is open to all similar dealers, and where no attempt is made to control prices on the number of cattle bought, nor in any manner to prevent full competition between its members, is not in violation of the antitrust act, although the members are engaged in interstate commerce.

In Addyston Pipe and Steel Company *v.* United States it was held—

That a combination and conspiracy among six companies in regard to the manufacture and sale of cast-iron pipe, by which they agreed that there should be no competition between themselves in some 36 States and Territories and by which prices were to be fixed for each contract by the association, was in violation of the antitrust act.

From these decisions it is apparent—

That any agreement (whether contract, combination, in the form of trust or otherwise, or conspiracy) in direct restraint of trade or commerce among the several States is illegal.

That the act is not restricted to any particular subject-matter of the buying or selling or trade or commerce among the several States.

That, further, the act is not limited in its application to any particular persons, natural or artificial, who may enter into any agreement to restrain trade or commerce among the several States.

The decision of the court of appeals for the fifth circuit in United States *v.* Addyston Pipe and Steel Company (54 U. S. App., 723) is especially noteworthy in positively disclosing that the scope of the antitrust act is not restricted to contracts, combinations, or conspiracies to restrain the transportation or delivery of the corpus (iron pipe) from one State to another, but extends to contracts, combinations, etc., in restraint of negotiations and sales which precede delivery of the corpus across State lines (or not). Sections 4 and 5 of the act confer jurisdiction over and power of reaching persons, companies, and corporations who have entered into agreements or combinations to hinder, interrupt, restrain, or in any way prevent full, free, and unrestricted negotiations or sales preliminary to the delivery of the corpus.

Section 6 reaches the corpus when it is in process of transportation, provided the corpus is of such a character or nature that it can be seized.

It is worth while here to observe that by the construction of the antitrust act in the trans-Missouri and joint traffic cases it is not necessary to prove that an agreement actually restrains trade in practice or in operation to render it violative of the act. The defense in the joint traffic case attempted to show the opposite, and instanced in support of its view a State statute of New York (1830), and cited three cases tried under the act, to wit, People *v.* Fisher (14 Wend., 9); Hooker *v.* Vandewater (4 Denio, 347); Stanton *v.* Allen (5 Denio, 434).

Under section 4, moreover, courts of equity have jurisdiction and power to issue injunctions for the purpose of and which may result in restraining the commission of crime. United States *v.* Trans-Mississippi Freight Association; United States *v.* Joint Traffic Association; Ellenbecker *v.* Plymouth County (134 U. S., 31); United States *v.* Alger (62 F. R., 824); United States *v.* Elliott (64 F. R., 27); United States *v.* Debs (64 F. R., 724). In fact, this act seems to revive, in a measure, the ancient criminal jurisdiction of the court of chancery. See Spence's Equity Jurisdiction of Court of Chancery, Vol. I, page 684.

PATENTS FOR INVENTIONS ARE PROPERTY AND FORM THE SUBJECT-MATTER OF TRADE OR COMMERCE AMONG THE STATES.

(I) Patents are property.

"An invention secured by patent is property, and as much entitled to protection as other property." (Cammemyer *v.* Newton, 94 U. S., 225.)

"Patents when rightfully issued are property, and are surrounded by the same rights and sanctions which attend all other property." (Densmore *v.* Scofield, 102 U. S., 375.)

"By the laws of the United States the rights of a party under a patent are his private property." (Brown *v.* Duchesne, 19 Howard, 197.)

"The Government has no more power to appropriate a man's property invested in a patent than it has to take his property invested in real estate." (Solomon *v.* United States, 137 U. S., 346.)

"The power, therefore, to issue a patent for an invention and the authority to issue an instrument for a grant of land emanate from the same source, and * * * are of the same nature, character, and validity." (United States *v.* A. B. T. Co., 128 U. S., 358–359.)

Robinson on Patents, section 752 et seq.

The distinction between a patent for an invention and the physical thing, as machine, article of manufacture, etc., which embodies the invention set forth in the patent should not be overlooked.

In Webber *v.* Virginia (103 U. S., 349) the court clearly distin-

guished between "the right to an invention or discovery—the incorporeal right—which the State can not interfere with," and the "tangible property," which is subject to the tax laws of the State.

"The purchase of an implement or machine for the purpose of using it in the ordinary pursuits of life stands on different ground from the purchase of the right of making and using the article." (Bloomer v. McQuewan, 14 Howard, 439.)

"There is manifest distinction between the right of property in the patent, which carries with it the power on the part of the patentee to assign it, and the right to sell the property resulting from the invention or patent." (11 Bush., 311 Ky. See also Welch v. Phelps, 14 Nebr., 134, where many cases are cited. Robinson on Patents, section 46, note 4, and section 1242.)

(II) Patents are not, properly speaking, monopolies.

Inventions were not recognized as property at common law. The Crown undertook to secure the exclusive right by patent, the same instrument as was used to create a monopoly. Thus the English courts fell into the habit of calling a patent a monopoly—one allowed and not forbidden by the statute of 21 James I. The unreflecting confounded and still confound the word and the thing.

"Now patents (for inventions) are not monopolies, as the counsel have well said, because a monopoly is that which segregates that which was common before and gives it to one person or to a class for use and profit." (Singer v. Walmsley, 1 Fish, 363; Seymour v. Osborne, 11 Wall., 516.)

(III) Patents form the subject-matter of trade or commerce among the several States.

Section 4898, Revised Statutes of the United States, reads:

"Every patent or any interest therein shall be assignable in law by an instrument in writing, and the patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under his patent to the whole or any specified part of the United States."

A judgment debtor may be compelled to execute and deliver an assignment of an interest in a patent to a receiver. (Ager v. Murray, 105 U. S., 126.)

"If the patentee complies with the laws of Congress on the subject, he has the right to go into the open market anywhere within the United States and sell his property." (Justice Davis, of the Supreme Court of the United States, in ex parte Robinson, 2 Biss., 309.)

Property can not be defined without enumerating seizure, use, and alienation. (Wynehamer v. People, 13 N. Y., 396, where the entire subject is exhaustively discussed.)

See also section 5046, Revised Statutes of the United States.

CONTRACTS, COMBINATIONS, OR CONSPIRACIES TO LOWER PRICES IN NO WISE DIFFER IN CHARACTER FROM SIMILAR CONTRACTS, ETC., TO RAISE PRICES WHEN THE PURPOSE IS THE SAME.

Lieber, in his Political Ethics, volume 2, book 4, chapter 37, has briefly and intelligently discussed this subject.

See also Commonwealth v. Carlyle (Br. Rep., 36), where it is stated that "a combination of employers to depress the wages of journeymen below what they would be if there were no recurrence to artificial means by either side is criminal."

People v. Fisher (14 Wendell, 1): "Combinations and conspiracies to enhance or reduce the price of labor or of any articles of trade or commerce are injurious."

Moore v. Bennet (29 N. E., 888): "To stifle or prevent competition, and thereby enhance or diminish prices to a point above or below what they would have been if left to the influence of unrestricted competition," is unlawful.

In United States v. Knight Company (156 U. S.) Chief Justice Fuller, at page 16, remarked:

"Contracts, combinations, or conspiracies to control domestic enterprise in manufacture, agriculture, mining, production in all its forms, or to raise or lower prices or wages, might undoubtedly tend to restrain external as well as domestic trade." * * *

Wharton's Criminal Law, tenth edition (1896), section 1365:

"To prejudice the public or Government generally, as, for instance, by unduly elevating or depressing the prices of wages or toll or of any merchantable commodity."

Section 1370:

"To suppress competition at public auction."

(Comm. v. Haines, 15 Phila. Rep., 363; Huntzinger v. Connecticut, 10 Weekly Notes, Pa., 98; Texas Standard Oil Company v. Ardoue, 83 Tex., 650; Journeymen Tailors' case, 8 Mod., 10; Comm. v. Hunt, 4 Metcalf, 111; The Queen v. Rowlands, 17 Q. Bench, 671; Hilton v. Eckersley, 6 Ellis & B., 47.)

In the statutes of Great Britain and Ireland, Volume I, page 64 (31 Edw. III), is found a law relating to merchants who by covin do abate the price of wools.

In Leiber Assissarum (27 Edw. III, 138) is specified, among other conspiracies to be investigated, that of—

"Merchants who by alliance and covin among themselves in any year put a certain price on wools which are to be sold in the country, so that none of them will buy, or otherwise pass in the purchase of wools beyond the certain price which they themselves have ordained, to the great impoverishment of the people."

(See Statutes at Large, 7 and 8 Victoria (vol. 84), chap. 24, Section IV.)

Senator Hoar, who aided in formulating the antitrust act, gives the following definition of a trust:

"I understand that a trust, technically and legally, means the case of having one or more persons commit to others or to a combination of others their business or the control of their business or the management of some portion of their business, such as the selling portion or the fixing the price or the hiring of labor, with the understanding that these powers are to be exercised by the corporation or combination to whom it is committed in a manner to operate for the benefit of the persons committing to them that power ordinarily by the depression or putting up of prices." (CONGRESSIONAL RECORD, June 28, 1897.)

A contract, combination, or conspiracy in restraint of trade among the States, which lowers prices of whatever is to be purchased, undoubtedly violates the antitrust act; and further, any contract, combination, or conspiracy to lower prices in the District of Columbia, and thus restrain local trade, violates section 3 of the act.

THE RELATION OF QUASI PUBLIC CORPORATIONS TO THE ANTITRUST LAW.

This subject is fully discussed in United States v. Trans-Missouri Freight Association (166 U. S.), where numerous authorities are cited and the conclusion reached that—

"The business which the railroads do is of such a public nature that it may well be doubted, to say the least, whether any contract which imposes any restraint upon its business would not be prejudicial to the public interest."

That "while, in the absence of a statute prohibiting them, contracts of private individuals or corporations touching upon restraint in trade must be unreasonable in their nature to be held void, different considerations obtain in the case of public corporations like those of railroads," etc.

See Inter-Ocean Publishing Company v. The Associated Press (184 Ill. Rep., 438) (1900) (Exhibit IX), and also note that the by-laws of the Associated Press—declared to be illegal—are identical in force with several articles of the Eastern Railroad Association constitution.

A railroad corporation performs the function of the State (Olcott v. The Supervisors, 16 Wall., 678), and all its property is a trust fund for the sovereign power which created it. The incidental interests and profits of individuals are accidents, both in theory and in practice (Talcott v. Township of Pine Grove, 1 Flippin, 144) (1872).

In People v. Chicago Gas Trust Company it was said:

"Whatever tends to prevent competition between those engaged in a public employment or business impressed with a public character is opposed to public policy, and therefore unlawful."

The Constitution (Art. I, sec. 8, clause 8) empowers Congress to promote the progress of the useful arts by securing, for limited times, to inventors the exclusive right to their discoveries, and the Congress has repeatedly enacted laws to that end.

Patents for invention are granted under the authority of the Constitution for the promotion of a Federal purpose. (Board of Assessors of Brooklyn v. Edison Ill. Co., 156 N. Y., 417, 1898.)

The Congress also passed an act approved March 2, 1893, "to promote the safety of employees and travelers on railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and for other purposes."

In a message recommending this legislation, President Harrison said:

"It is a reproach to our civilization that any class of American workmen should, in the pursuit of a useful and necessary vocation, be subjected to peril of life and limb as great as that of a soldier in time of war."

Yet there exist two combinations of railroad corporations, one of them embracing practically all the companies in the 15 Atlantic coast States and the other 81 corporations, each bound together under a written agreement, entered into voluntarily by each corporation, to "act as a unit" not only in subverting and negativing the laws enacted to promote the progress of the useful arts, but also in delaying and obstructing the enforcement of the act approved March 2, 1893.

The restriction of the introduction of patented inventions by anyone is against public policy and the public interest, and especially reprehensible when practiced by a public corporation, or a combination of 700 public corporations.

Agreements between common carriers, whether by land or by water, whereby a company covenants not to use such inventions and appliances as are discovered or invented from time to time, and are adapted to cheapening, hastening, and rendering safer the transportation of freight and passengers, are against the most obvious public policy. (Wiggins Ferry Company v. Chicago and Alton Railroad, 5 Mo. App., 347.)

In Hopkins v. Oxley Stave Company (28 C. C. App., 83 F. R., 912) the court remarked, in the course of its decision:

"Another object of the conspiracy, which was no less harmful, was to deprive the public at large of the advantages to be derived from the use of an invention."

The common law will not permit individuals or corporations to legally place themselves in a position by contract where they are required to do or not to do a particular thing, when the thing to be done or omitted is in any degree injurious to the public. (W. Va., Trans. Co. v. Ohio R. P. L. Co., 22 W. Va., 617; W. U. Teleg. Co v. Am. U. P. Co., 65 Ga., 160; Watson v. Harlem and N. Y. Nav. Co., 52 How., Pr. 348. See Ray, Contractual Limitations, p 206; Partial restriction of trade not permissible by corporations; and p. 261, Corporate Combinations to Prevent Fair Competition. Beach, Trust and Monopolies.)

By reason of the influence of the Eastern and Western Railroad Associations innumerable old methods and devices are now in use on railroads which, had competition not been suppressed, would long ago have been cast aside and replaced by improved methods and life and labor saving devices.

FREE COMPETITION IS THE GENERAL PUBLIC POLICY OF THE BODY POLITIC OR NATION.

"Competition, free and unrestricted, is the general rule which governs all the ordinary business pursuits and transactions of life." (United States v. Trans-Missouri Freight Association, quoting Judge Shiras, 166 U. S., 337.)

"The public policy of the Government is to be found in its statutes, and where they have not directly spoken, then in the decisions of the courts and the constant practice of the Government officials; but where the lawmaking power speaks upon a subject over which it has constitutional power to legislate, public policy in such case is what the statute enacts." (United States v. Trans-Missouri Freight Association, 166 U. S., 340.)

The entire body of the laws of the United States may be subdivided into—

(1) The Constitution, treaties, and statutes of the United States.
(2) The constitutions and statutes of the several States.
(3) The common law as interpreted by the Federal courts.
(4) The common law as interpreted by the State courts.

The first constitutes supreme national law, and the third and fourth subsidiary national law. A United States court, when the law governing a case is common law, follows its own judgment in the interpretation to be placed upon the law, and not the interpretation of a State court, and the State courts thereafter follow such interpretation. In this way the common law has, in fact, acquired the character of a national system and is kept substantially uniform.

To determine the public policy of the nation relative to free competition, it is only necessary to consult (1) the Constitution, treaties, and Federal statutes, and decisions of United States courts in cases arising under the same; and (2) the decisions of the Federal courts and State courts in cases at common law.

I. The Constitution empowers the Congress only to interfere at all with free competition (other than purely local within a State) in what may properly be called industrial or commercial pursuits. Thus far the coining of money (Article I, section 8, clause 5) and the postal business (clause 7) have been completely monopolized, but in connection with the latter section 3950, Revised Statutes, requires free competition in making contracts for carrying the mails. The power, under clause 3, to regulate (not monopolize) commerce has been exercised

mainly in the direction of preserving freedom of interstate trade and commerce. Note the interstate-commerce law, and in particular section 5, which forbids "pooling" by common carriers, and the antitrust act.

Whatever industrial or commercial enterprises may in the future be conducted on a limited scale or be monopolized by the General Government under the authority of Article I, section 8, clauses 1 and 18, it is a fact that so far the power has for the most part been held in abeyance. The decisions of the United States courts in cases involving the construction of the Constitution or arising under the statutes have ever been in the line of preserving and promoting commercial freedom and free competition.

NOTE.—The Interstate Commerce Commission *v.* Railway Company (167 U. S., 479), where it was held that the Commission has no power to prescribe traffic rates for common carriers, "to evolve, as it were, out of its own consciousness the satisfactory solution of the difficult problem of just and reasonable rates for all the various roads in the country." (United States *v.* Trans-Missouri Freight Association; United States *v.* Joint Traffic Association.)

In Chicago and Northwestern Railway Company *v.* Osborne (52 Fed. Rep.) Justice Brewer said:

"Congress has not attempted to require that tariffs on all roads be uniform, nor has it attempted to place a limit in figures beyond which no company may go in its charges. The laws of business and competition have as yet been deemed sufficient restraint in that direction."

Nearly all States have legislated against the consolidation of competing lines of railroads. In a case arising under a State law (Pearsall *v.* Great Northern Railway Company, 161 U. S., 646) Justice Brown remarked:

"Whether the consolidation of competing lines will necessarily result in an increase of rates or whether such consolidation has generally resulted in a detriment to the public is beside the question. Whether it has had that effect or not, it certainly puts it in the power of the consolidated corporation to give it that effect; in short, puts the public at the mercy of the corporation. There is and has been for the past three hundred years, both in England and in this country, a popular prejudice against monopolies in general, which has found expression in innumerable acts of legislation. We can not say that such prejudice is not well founded. It is a matter on which the legislature is entitled to pass judgment. There are, moreover, thought to be other dangers to the moral sense of the community incident to such aggregations of wealth, which, though indirect, are even more insidious in their influence, and such as has awakened feelings of hostility which have not failed to find expression in legislative acts."

In Van Patten *v.* Chicago, Milwaukee and St. Paul Railway (81 F. R., 545) the judge said that "the controlling element in regulating prices, values, and rates in general commercial and manufacturing business of the country" is "self-interest controlled by free competition."

"The fact that Congress has not legislated upon the subject of interstate commerce is equivalent to the declaration that it shall remain free and untrammeled." (Welton *v.* Missouri, 91 U. S., 275; In re Debs, 158 U. S., 564.)

"Again, all the authorities agree that in order to vitiate a contract or combination it is not essential that its results should be a complete monopoly; it is sufficient if it really tends to that end and to deprive the public of the advantages which flow from free competition." (United States *v.* Knight Company, 156 U. S., 16.)

II. The decisions of the Federal and State courts in suits involving the interpretation of the common law have almost without exception condemned all agreements the main objects of which were the restraint or destruction of free competition. Those who before the courts and in the public press have denounced "free competition self-destructive" have been able to support their contentions by about six decisions, to wit:[a] (1) Perkins *v.* Lyman, 9 Mass., 522 (1813); (2) Kellogg *v.* Larkin, 3 Pinney, 123 (1851); (3) Schrainka *v.* Scharringhausen, 8 Mo. App., 522 (1880); (4) Leslie *v.* Lorillard, 110 N. Y., 519 (1888); (5) Manchester and Lawrence Railroad *v.* Concord Railroad, 20 Atlantic R., 383 (1890); (66) National Company *v.* Hospital Company, 45 Minn., 275.

These decisions, however, have but little weight when carefully studied. They are only minor and temporary reverse currents which have lost their way in the general onward flow of the main stream.

Free competition is to fix prices in all cases except where the nature of the business renders it inoperative and creates a "virtual monopoly," and there the "police power" may be exercised (subject, however, to the provisions of the fifth and fourteenth amendments to the Constitution) in establishing "reasonable rates" or charges. (Granger cases, 94 U. S.; Munn *v.* Illinois, 94 U. S., 113; Railway Company *v.* Minnesota, 134 U. S., 418; Smyth *v.* Ames, 169 U. S., 466; Budd *v.* New York, 143 U. S., 517; Spring Valley Water Works *v.* Schlotter, 110 U. S., 347.)

As confirmatory of the proposition expressed, there may be here introduced the testimony of two eminent jurists:

"The advantages of unrestricted competition are apparent to the public in industrial life all about us, and while in some kinds of business this is sharp, yet selfishness is sufficiently active and sufficiently intelligent to prevent its becoming ruinous." (Judge T. M. Cooley in Railway Review, January 8, 1887.)

"As long as the principle of competition by private contract is recognized by our social philosophy as regulative of industrial relations, the law has done all it can when, as with us, it breaks down the cast of hereditary privileges, sweeps away the law of primogeniture, and establishes that equality of opportunity which secures to every individual all that he can, according to his capacity, achieve and acquire for himself and his without infringing upon the equal right of his neighbor. The law can do no more than, as an impartial judge, keep a free and fair field, clear from all obstruction, and let the winner win." (Justice Matthews in New York Independent, July 10, 1879.)

As a summary of the benefits of free competition, see the remarkable article in Lalor's Cyclopedia of Political Science, Volume I, page 642, written by the eminent economist, Coquelin:

"We would not," it is remarked, "have the reader imagine that in what we have just said our object was to defend industrial or commercial competition against the puerile attacks which have so frequently been made on it. It has always seemed to us as ill-becoming economists to stoop to defend such a principle; it is too entirely inherent in the primary conditions of social life; it is at the same time too great, too elevated, too holy, and in its general application too far above the attempt of the pigmies who threaten it, to need any defense. We do not defend the sun, although it sometimes burns the earth, which it should only illuminate and warm; neither is there any need to defend competition, which is to the industrial world what the sun is to the physical world. Competition was not born in 1789; it was born in the very cradle of human society, which it has led step by step, from its state of primitive barbarity, to the point of civilization which it has now reached."

It may be truthfully stated that where competition is free no person, natural or artificial, can gain an advantage over others except by rendering more effective and efficient service to the community in quality, quantity, or time, or in some of these combined, unless resort be had to force or fraud.

The Eastern Railroad Association has, by its "combined force and power" and by fraud, for more than twenty-five years oppressed and robbed inventors and owners of patents. Since July 2, 1890, it has existed and pursued its iniquity, in violation of the antitrust act. It is unquestionably the duty of the Attorney-General, as directed by section 4 of the act, to instruct the proper district attorney forthwith to file a petition in equity praying that further violations of the law be enjoined and prohibited.

THE ATTORNEY-GENERAL, INDEPENDENT OF HIS POWER AND DUTY AS SPECIFIED UNDER SECTION 4 OF THE ANTITRUST ACT AND REPRESENTING THE GOVERNMENT OF THE UNITED STATES, HAS AUTHORITY TO AND SHOULD INSTITUTE SUIT IN EQUITY FOR THE PURPOSE OF RESTRAINING THE EASTERN RAILROAD ASSOCIATION.

The United States can assert its prerogative of parens patriæ and enter suit in its own courts in behalf of the public when there is an interference with the exercise of any exclusive power or function granted by the Constitution and over which the Congress by positive enactments has assumed control. (In re Debs, 158 U. S., 599; United States *v.* American Bell Telephone Company, 159 U. S., 670.)

The legislative branch of the Government vested with power and authority granted by Article I, section 8, paragraph 8, of the Constitution has enacted certain patent laws.

Patent rights are granted under the Federal Constitution and necessarily for the promotion of a Federal purpose. (Grant *v.* Raymond, 6 Peters, 218, 241; Ames *v.* Howard, 1 Sumner, 482; Blanchard *v.* Sprague, 3 Sumner, 535.)

In People ex rel Edison Illuminating Company *v.* The Assessors (156 N. Y. R., 417), the court remarked:

"The next step is that patent rights being created under the Federal Constitution and laws for a Federal purpose, the States are without the right to interfere with them."

A State has no power to obstruct or impose conditions upon or to interfere with the sale of State, county, or town rights or individual licenses under a United States patent. (Ex parte Robinson, 2 Biss., 209; Holliday *v.* Hunt, 70 Ill., 109; Helm *v.* First National Bank, 43 Ind., 167; Patterson *v.* Kentucky, 97 U. S., 501; Webber *v.* Virginia, 103 U. S., 304, etc.)

Regarding an interference with interstate commerce the Supreme Court, in re Debs (158 U. S., 564), expressed itself as follows:

"If a State with its recognized power of sovereignty is impotent to obstruct interstate commerce, can it be that any mere voluntary association of individuals within the limit of that State has a power which the State itself does not possess?"

By parity of reasoning a voluntary association of railroad corporations in fifteen States has no lawful authority to erect a "judicial tribunal" for the determination of all questions "respecting patented inventions in any way relating to railroads." (See p. 10.)

The executive branch of the Government must guard the Constitution and enforce the laws. The President "shall take care that the laws be faithfully executed." (Constitution, Article II, section 3.)

By act of Congress certain Executive Departments have been created to aid the President in the performance of his duties and to act by his authority.

The circuit courts, a part of the judicial branch of the Government, have jurisdiction of actions to which the United States is a party (18 U. S. Stat., 470, act March 3, 1875), and can exercise their equity jurisdiction at the suit of the Attorney-General, to prohibit acts which interfere with any subject-matter over which Congress, by power granted, has assumed control, and to restrain or annul obstructions interposed by private persons or corporations in the way of the full and free exercise of privileges lawfully granted by said legislative branch of the Government. (In re Debs, 158 U. S., 599; United States *v.* A. B. T. Co., 128 U. S., 359.)

Justice Brewer, in re Debs, summed up the conclusions of the court in a case involving an interference with interstate commerce by a voluntary association. Substituting for the clauses thereof relating to commerce among the States those relating to the promotion of useful arts by patents for inventions, the decision reads:

"Summing up our conclusions, we hold that the Government of the United States is one having jurisdiction over every foot of soil within its territory, and acting directly upon each citizen; that while it is a government of enumerated powers, it has within the limits of those powers all the attributes of sovereignty; that to it is committed power 'to promote the progress of science and useful arts by securing for limited time to * * * inventors the exclusive right to their * * * discoveries;' 'that the powers thus conferred upon the National Government are not dormant, but have been assumed and put into practical exercise by the legislation of Congress; that in the exercise of those powers it is competent to remove all obstructions,' 'natural or artificial,' to the progress of science and useful arts and to the free exercise by every citizen of the privileges guaranteed under the patent laws; that while it may be competent for the Government (through the executive branch and in the use of the entire executive power of the nation) to forcibly remove all such obstructions, it is equally within its competency to appeal to the civil courts for an inquiry and determination as to the existence and character of any alleged obstructions, and if such are found to exist, or threaten to occur, to invoke the powers of those courts to remove or restrain such obstructions; that the jurisdiction of such courts to interfere in such matters by injunction is one recognized from ancient times and by indubitable authority; that such jurisdiction is not ousted by the fact that the obstructions are accompanied by or consist of acts in themselves violations of the criminal law; that the proceeding by injunction is of a civil character."

And the court further stated that its decision in this case rested upon "broader ground" than the antitrust act.

See the following authorities:

The United States may bring an injunction bill, in the proper circuit court, to protect improvements which she is making under the authority of Congress in navigable waters from injury which will be caused by works of internal improvement within State limits and by

[a] Ex parte Koehler, 21 Am. and English Rid. Cas., 57. But pooling is now forbidden by the interstate-commerce act.

State authority. (United States *v.* City of Duluth et al., 1 Dillon, 469 (1870).)

According to the principles of equity, as recognized in the courts of the United States, a State can obtain relief by a bill in equity filed by the attorney-general of the State. (Coosaw Mining Company *v.* South Carolina, 144 U. S., 564 (1892), citing United States *v.* Gear, 3 Howard, 120, and City of Georgetown *v.* Alexandria Canal Company, 12 Peters, 91.)

When a corporate excess of power tends to the public injury or to defeat public policy, it may be restrained in equity at the suit of the Attorney-General. (Stockton *v.* Central Railroad Company, 50 N. J. Eq. Rep., 52 (1892).)

"Remedies against corporations—bill by Attorney-General to prevent corporations from entering into agreements and combinations to prevent competition or monopolize trade, or for continuing in, or carrying out, such agreements and combinations." (Note to People *v.* Milk Exchange, page 485 of American Railroad and Corporation Reports, Volume XI.)

"When the managing body are doing or about to do an ultra vires act of such a nature as to produce public mischief, the Attorney-General, as the representative of the public and of the Government, may maintain an equitable suit for preventive relief." (Pomeroy, Equity Jurisprudence, sec. 1093. See also the last paragraph of the decision, United States *v.* Trans-Missouri Freight Association, 166 U. S., 290.)

The unlawful agreement relating to patents for inventions entered into by the railroad corporations of the fifteen Atlantic coast States under the style of the Eastern Railroad Association, and the many unlawful acts of the association in enforcing its unlawful agreement are fully set forth in the foregoing statement and accompanying exhibits.

The Attorney-General should, independent of his duty as designated in the antitrust act, direct the filing of a civil information in equity in the proper United States circuit court praying for an injunction to issue restraining the Eastern Railroad Association and for a dissolution of the unlawful trust combination and conspiracy.

F. E. STEBBINS.

EXHIBIT C.

Constitution and by-laws of the Eastern Railroad Association, adopted December 4, 1878.

CONSTITUTION.

ARTICLE I.

This association shall be called "The Eastern Railroad Association." While having for its general purpose the promotion of the railway interests, its leading object shall be the protection of its members against unjust claims made for patented inventions.

ARTICLE II.

This association shall be composed of railroad companies of New England, and any others, at the discretion of the executive committee, subscribing to the articles and contributing to the expenses of the association, each company to be represented by a duly authorized person.

ARTICLE III.

SECTION 1. The affairs of the association shall be managed by an executive committee of nine members, who shall be elected every year at the annual meeting of the association. They shall submit at each annual meeting of the association a report of the operations of the past year and of its financial condition, and any member of said committee, ceasing to be the representative of the company for which he is appointed, shall cease to be a member of said committee.

SEC. 2. Said committee shall organize by the election of a chairman, secretary, and treasurer—the chairman and treasurer to be selected from its own members—who shall also be president, secretary, and treasurer of the association. A majority shall constitute a quorum for the transaction of business. They shall also appoint such standing committees as they may deem requisite.

SEC. 3. Said committee shall provide a suitable place for the general office of the association, where all models, books, papers, and documents may be deposited for safe keeping.

SEC. 4. Said committee shall have power to elect such other officers and employees and appoint such legal counsel as may be necessary for the interests of the association, and fix their compensation; shall fill vacancies in its membership and make by-laws for its own government.

SEC. 5. Meetings of the executive committee may be called at any time by the chairman, or shall be when requested by any two members of the committee.

ARTICLE IV.

SECTION 1. The annual meeting of the association for the election of the executive committee and for the transaction of other business shall be held on the second Wednesday in May, at such hour and place as may be designated by the executive committee, and the fiscal year of the association shall terminate on the 31st of December.

SEC. 2. Special meetings of the association shall be called by the president, upon the request of two members of the executive committee, or at the written request of the representatives of not less than five companies.

SEC. 3. The representatives of ten companies shall constitute a quorum at all meetings of this association. Each company shall be entitled to one vote.

ARTICLE V.

SECTION 1. It shall be the duty of the president to preside at all meetings of the association. In the absence of the president a president pro tempore may be appointed. The presiding officer shall name or appoint all special committees, unless otherwise ordered by the association, and the president shall be ex officio member of all committees.

SEC. 2. The Secretary shall keep the minutes of the association, have charge of the models, archives, and the property not belonging to the finances of the association; he shall give his time exclusively to its service, and receive therefor such salary as the executive committee may fix.

He shall notify each company of any meeting of the association, by written or printed notice, at least ten days before such meeting. He shall answer all inquiries from members of the association relative to patent matters, and furnish them with written information regarding patents or patent claims that may be in possession of the executive committee. He shall also perform such duties in examining the validity of patents, and preparing cases for defense before the courts, and such other duties as the executive committee may direct. And, in order that this association may become more extended in its usefulness, it shall be the duty of the secretary to collect information relative to American railway operating, and distribute the same as may be directed by the executive committee.

SEC. 3. The treasurer shall collect all assessments as made by the executive committee, and disburse all the moneys of the association, under the direction of the executive committee, to whom he shall report as often as required, and at the annual meetings of the association shall submit a statement showing its financial condition, with a detailed exhibit of the receipts and expenditures of the past year.

ARTICLE VI.

SECTION 1. Whenever, in the opinion of the executive committee, a patent submitted for examination by any member is valid, or whenever it is deemed inexpedient to contest any claim made upon a member of the association for the use of a patented invention, it shall be the duty of said committee, at the request of any of the associate members, to negotiate either for the use of said patent, or for a settlement of the claim preferred, and when effected, to report the same to each associate member for acceptance.

SEC. 2. If any member declines accepting the basis of settlement so offered (and a failure to acknowledge receipt of said notice for fifteen days after its date shall be deemed an assent to the terms thereof), the association shall not be responsible for the defense of any suit, or for the expenses of any litigation against that company, and growing out of that case, incurred subsequent to date of said notice.

SEC. 3. Whenever a suit is brought against any member of the association for infringing upon a patent reported upon as invalid, or whenever a claim is made against any member for the use of a patent reported upon as valid, and for which a basis of settlement has been agreed upon as aforesaid, it shall be the duty of that member to make report of such suit or claim to the secretary, and thereafter the said committee shall manage the same at the expense of the association: *Provided*, The member so reporting has not previously declined, or shall not subsequently decline, such basis of settlement as has been, or may be recommended by the executive committee.

SEC. 4. Members of the association shall not settle any suit or claim against them after being advised by the secretary that a similar suit or claim is in charge of the association for defense in behalf of any of its members, without the consent of the secretary, indorsed by the president.

ARTICLE VII.

Any member willfully violating these articles may be stricken from the roll of membership by a vote of two-thirds of the members present, at any annual or special meeting, provided due notice of such proposed action shall be given in the call of said meeting.

ARTICLE VIII.

The chairman of the executive committee shall confer with the officers of similar railroad associations in the United States in relation to the settlement of patent claims and the trial of patent cases, and said committee may, if they deem it advisable, contribute from the funds of the association to aid in the defense of any patent case the issue of which involves the interests of the members of the association.

ARTICLE IX.

The executive committee shall have the power, and it shall be their duty, from time to time, as often as they judge the interests of the association require, to make assessments upon members of the association, one-half, as nearly as practicable, in proportion to their gross receipts for the fiscal year preceding the making of the assessment, and one-half in proportion to the length of their roads, for any expenses already incurred or hereafter to be incurred, which, in the opinion of the committee, should be borne by this association; and each of the companies, members of said association, does hereby severally agree with the treasurer of said association when said assessment is made to pay him the sum so assessed upon it, and that said treasurer may maintain an action in his own name against each of said companies severally for the assessment as aforesaid made upon it.

ARTICLE X.

Any company may withdraw from this association by giving notice in writing to the secretary, provided such company shall nevertheless be liable for its proportion of the expenses of the association for the fiscal year ending December 31 next ensuing.

ARTICLE XI.

This constitution may be altered or amended by a vote of two-thirds of the members present at any regular or special meeting, provided due notice of said proposed alteration or amendment shall have been given in notice for said meeting.

BY-LAWS.

ARTICLE I.

The annual meeting of the association and the election of an executive committee shall be held in the city of New York, and the stated meetings of the executive committee shall be held on the second Wednesdays of the months of March, May, September, and December, in each year, at such place and hour as the committee may from time to time designate; special meetings of the executive committee shall be called in the same manner as provided in constitution for the meetings of the association.

ARTICLE II.

The general office of the association shall be located, until further action by this committee, at Boston, Mass.

ARTICLE III.

The executive committee shall, at their first meeting after election, organize by electing from their own number a chairman and a treasurer, a secretary and general agent, not members of the committee, and also a finance committee, to be composed of three members of the executive committee. All elective officers shall serve for the ensuing year, or until their successors be elected.

ARTICLE IV.

Five members of the committee shall constitute a quorum for the transaction of business, which shall be in the following order:

1. Minutes of the last meeting read.
2. Report of treasurer.
3. List of applications made since last meeting.
4. Report of secretary.
5. Miscellaneous business.
6. Unfinished business.
7. New business.

ARTICLE V.

SECTION 1. The finance committee shall have charge of the finances of the association, and shall authorize all investments, and annually audit the accounts of the treasurer.

SEC. 2. The chairman shall preside at all meetings of the executive committee, preserve order and regular debate, according to parliamentary rules, and appoint all committees, unless otherwise ordered by the committee. In the absence of the chairman, a chairman pro tempore may be appointed. The chairman shall be ex officio a member of all committees.

SEC. 3. The Secretary shall have charge of the models, books, papers, and documents of the executive committee and of the association, excepting those in charge of the treasurer; and no original paper or report shall be taken from the office without the consent of the executive committee; he shall be present at all meetings of the executive committee, take minutes of the proceedings and record the same in a suitable book for that purpose. He shall notify the members of all regular and special meetings at least ten days prior to each meeting, and shall answer all inquiries from members of the association relative to patent matters by furnishing such important information as may be in possession of the committee; make such examinations and investigations and collect such information and testimony as may be necessary for the proper action of the executive committee or for conducting a suit in the interests of the association; he shall report at each stated meeting a list of applications submitted since the last meeting and make such reports thereon as have been prepared, and may send to members applying therefor any report that has been prepared for the action of the executive committee, but not submitted, with the understanding that said report is of no effect unless approved by the said committee. He shall, whenever the necessity for outside counsel may arise, submit to the executive committee the names of parties to be engaged and the rates at which such services may be obtained; but no engagement therefor shall be binding unless approved by the president. He shall prepare and submit to the executive committee, at its stated meeting in March of each year, a report of the operations of the association for the past year, showing the applications made, from whom and date of report thereon, and also the status of any suits that may be in progress. He shall, by and with the consent of the committee, appoint a clerk to perform such duties connected with the association as he may direct.

SEC. 4. The treasurer shall keep a regular set of books, containing the accounts of the association and of all the funds that may pass through his hands, and keep a separate account as treasurer at such bank or banks as the executive committee may approve. He shall make a report at each stated meeting of the executive committee of his receipts and disbursements in such form as the said committee may direct, and at the stated meeting in March shall submit a general statement of the financial condition of the association and a detailed statement of receipts and expenditures of the past fiscal year, duly audited by the financial committee. All payments shall be made by orders on the treasurer, audited by the secretary and approved by the president.

SEC. 5. The general agent shall, under the supervision and direction of the secretary, investigate and report on all patent questions as submitted by members of the association, and in contested cases shall prepare for defense. He shall note application for new patents and the extension of old ones. He shall furnish such information through the secretary as will enable the executive committee to reply to the inquiries of correspondents touching patent matters and to act intelligently in adjusting patent claims.

ARTICLE VI.

No alteration or amendment shall be made in these by-laws until presented at a stated meeting and adopted at a subsequent meeting by a majority of the whole committee.

EXHIBIT D.

Twelfth annual report of the executive committee of the Eastern Railroad Association to the members 1878–79.

Membership.—Ashuelot; Baltimore and Ohio; Boston and Albany; Boston, Concord and Montreal; Boston, Clinton, Fitchburg, and New Bedford; Boston, Lowell and Nashua; Boston and Maine; Boston and Providence; Catasauqua and Fogelsville; Central (of New Jersey); Central, Vermont; Cheshire; Concord, Manchester and Lawrence; Connecticut River; Connecticut Western; Danbury and Norwalk; Delaware and Hudson Canal Company; Eastern; Fitchburg; Housatonic; Lehigh Valley; Long Island; Maine Central; Naugatuck; New York Central and Hudson River; New York, New Haven and Hartford; New Haven and Northampton; New London Northern; New York and New England; North Pennsylvania; Northern Central; Northern (New Hampshire); Northeastern (of South Carolina); Norwich and Worcester; Ogdensburg and Lake Champlain; Old Colony; Passumpsic; Pennsylvania; Philadelphia and Baltimore Central; Philadelphia and Reading; Philadelphia, Wilmington and Baltimore; Providence and Worcester; Providence, Warren and Bristol; Raleigh and Gaston; Richmond, Fredericksburg and Potomac; Richmond and Petersburg; Seaboard and Roanoke; Stonington and Providence; Troy and Boston; Vermont Valley; Wilmington, Columbia and Augusta; Wilmington and Weldon; Worcester and Nashua.

Executive committee.—Strickland Kneass, assistant to president Pennsylvania Railroad Company; J. B. Winslow, agent Boston and Lowell Railroad Company; Frank Thomson, general manager Pennsylvania Railroad Company; J. N. DuBarry, representing Northern Central Railroad Company; E. D. Worcester, secretary New York Central and Hudson River Railroad Company; William D. Bishop, director New York, New Haven and Hudson River Railroad Company; James Moore, general superintendent Central (of New Jersey) Railroad Company; A. A. Folsom, general superintendent Boston and Providence Railroad Company; D. L. Harris, president Connecticut River Railroad Company.

Officers.—President, Strickland Kneass, Philadelphia, Pa.; treasurer, A. A. Folsom, Boston, Mass.; secretary, A. McCallum, Boston, Mass.; secretary's office, Room No. 15, Boston and Lowell passenger station, Boston, Mass.

REPORT.

OFFICE OF THE EASTERN RAILROAD ASSOCIATION,
Boston, Mass., March 24, 1879.

To the Members of the Eastern Railroad Association:

GENTLEMEN: In submitting this the twelfth annual report, your committee congratulates the members on the continued prosperity of the association. On referring to the reports of the secretary and treasurer herewith, it will be seen, from the details of the business transactions therein set forth, that the association has proved of increased usefulness to its members, while financially its condition is very satisfactory.

Your committee also congratulates the members on the successful results of the litigation assumed by the association on their behalf, as noted in that part of the secretary's report devoted to this the most important branch of the business of the association. In view of the results obtained in this respect your committee is fully impressed with the conviction that very large sums of money have been saved to the members, and to railroads generally, by the determined and persistent opposition made to what was believed to be "unjust claims for patented inventions." In this regard it must be a matter of great satisfaction to the members to know that no case which has been opposed by the association has yet been decided against them on final adjudication to the Supreme Court of the United States.

Since the last annual meeting several important changes have occurred which call for particular notice.

With much regret your committee accepted the resignation of Messrs. Isaac Hinckley as president, D. L. Harris as secretary, and John B. Winslow as treasurer. The resignation of these gentlemen, who so long and so ably filled their responsible positions, is felt to be a great loss; but we have the satisfaction of knowing that, while unable longer to continue the active duties of their former positions, they still take a deep interest in the welfare of the association, and continue to aid in its administration by their valuable counsel.

We have also to note the resignation of S. M. Whipple, esq., who has heretofore acted as expert and general agent of the association, to investigate and report on patent claims, and to prepare for defense in contested cases.

Under the new constitution such services require to be performed under supervision of the secretary, and form part of his duties. It is therefore believed that, with the addition to the clerical force of the secretary's office already made, the office of expert and general agent as heretofore existing may be dispensed with. Several important changes have been effected by the amended constitution, which, after due discussion and deliberation, was adopted at the special meeting of the association on the 4th day of December, 1878.

Copies of the amended constitution, and also of the by-laws, were forwarded to the members, and their representatives have doubtless made themselves familiar with the same.

Your committee, however, think it proper to refer to some of the provisions of the constitution as amended.

Particular attention is called to Article VI, which is designed to regulate the action of all concerned when a claim is made for the use of a patented invention and said claim is submitted to the association for action.

Section 1 of this article makes it the duty of the executive committee to negotiate with an inventor or patentee whose claim it is considered inexpedient to contest; but attention is drawn to the fact that the committee must first be requested to do so by a member. In this respect the section differs from section 3 or Article VII of the old constitution.

Section 2 is substantially the same as section 4 of Article VII of the old constitution; but it will be observed that if a member fails to acknowledge receipt of notice sent by the committee for fifteen days after its date, the terms of settlement proposed shall be considered as accepted by such member.

Attention is also called to section 3 of this article, as by its terms the members, in order to avail themselves of the services of the association for defense, or in settlement of claims, must notify the secretary of any suit or claim brought against them. And if any member has previously declined, or shall subsequently decline, the basis of settlement recommended by the executive committee, the association will not be responsible for any expenses for litigation such member may incur.

Section 4 prohibits any member settling any suit or claim brought against it, after being advised by the secretary that a similar suit or claim is in charge of the association for defense in behalf of any of its members, without the consent of the secretary, indorsed by the president.

This provision of the constitution may appear tyrannical, and it does to a certain extent deprive members of the liberty of individual and independent action in the settlement of claims; but the subject has been well considered, and the rule is believed to be essential to the successful carrying out of the main object of the association, to wit, the protection of its members against unjust claims made for patented inventions.

One member may find it expedient to settle a claim under special inducements; but the money thus paid enables the party making the unjust claim to prosecute other members, which in most cases he would otherwise be unable to do. Again, the weaker members of the association might be unduly influenced in the settlement of such claims when they learned that a more powerful member had found it expedient to settle.

Such methods of influencing the settlement of claims are well known to those engaged in the manipulation of fraudulent patent claims, and, if allowed to prevail, the influence and salutary effect of the association would be destroyed. To obtain the best results, the members of the association must act as a unit, and it is believed that this unity of action has been the true cause of our success heretofore.

Your committee also think it proper to direct attention to the fact that by the amended constitution the duties and responsibilities of the secretary's office have been increased (see section 2, Article V). One of the objects sought to be attained by extending the duties of the secretary so as to include the management of litigated cases was economy. Heretofore the executive committee, as a matter of necessity, had to employ counsel whenever suits were brought against any of the members and pay whatever bills were presented without full knowledge of the actual services rendered. As a remedy for this unsatisfactory state of affairs it was thought advisable to employ as secretary an attorney having experience in the practice of the patent law and who could, if necessary, practice in any of the United States courts having jurisdiction in patent cases. For particulars respecting the present method of carrying on the business of the association, we refer to the accompanying report of the secretary.

On referring to said report, it will also be found that the secretary is prepared to furnish information respecting several subjects not specially inquired of, but of general interest to the members, such as the early histories of the "electric telegraph," "power brakes," "sleeping cars," etc.; but as the regular duties of his office have proved onerous, it is not to be expected that he can give much attention to the collection of such general information. It is therefore suggested that when anything of interest in this connection comes to the knowledge of any members, the same be communicated to the secretary, so that, under the direction of your committee, he may be enabled to distribute such information to the other members.

We also call attention to the suggestions of the secretary as to the formation of a scientific library by voluntary donations of spare books by the members, to which end your committee have appropriated a limited amount to secure a complete set of the drawings of patents relating to railroads, and such reports on patent cases as will materially aid in carrying out the objects of the association, as well as to the importance of collecting models with a view to the formation of a museum of inventions. Your attention is particularly called to the means suggested to prevent the grant of fraudulent patents.

Recent developments show that our members can not be too careful when taking a license to see that the language of the agreement or license affords them proper protection in the use of the patented invention for which the license is given; and in this connection the following suggestions may be acceptable:

1. Be sure that the party who gives the license has a legal title to the patent. This can be ascertained by making application to the Commissioner of Patents for a certified abstract of the assignments of the particular patent for which the license is to be given.

2. Be sure that the license covers the right to use the invention, any improvements thereon which the inventor may have made and patented, or for which patents may hereafter be obtained by the inventor or his assignees.

3. Be sure that the license covers the right to use the patented device, not only on your own roads, but on any roads and branches which may be leased, or otherwise connected therewith, during the life of the patent or patents.

4. Be sure that the license covers the right to use the patented device during the entire period for which letters patent are or may be granted or extended, including any reissue of the same.

Attention is respectfully called to the resolutions adopted at the meeting of your committee, December 4, 1878, a printed copy of which was sent to the members at that time. Said resolutions are to the effect that the association can not, under the Constitution, undertake to defend the members against claims for infringement of letters patent until said claims have been examined and reported on by the executive committee; so that when suits are brought previous to such examination and report, the expenses incurred in defending the suit must be borne by the individual members sued unless said suit, upon examination, be accepted by the executive committee, in which case all expenses will be assumed by the association.

This does not prohibit the secretary from giving all the information on the subject at issue which may be in his possession, or from rendering aid in the proper defense of such suit prior to the action of your committee. Such services are at all times available to the members, but anything that may be done or any expense that may be incurred is subject to the approval of the executive committee.

On referring to the report of the treasurer, it will be found that the account up to December 31, 1878, stands as follows:

Balance from preceding year	$17,958.44
Collections under assessments	17,819.85
Collection of interest	460.00
Total	36,238.29
Less expenditures	15,678.21
Balance	20,560.08

Respectfully submitted.

By order of the executive committee:

STRICKLAND KNEASS, *President.*

EXHIBIT E.

Membership of the Eastern Railroad Association for the year ending March, 1883.

	Miles.
Allegheny Valley and branches	259
Baltimore and Ohio and branches, also 18 other railroad corporations	1,495
Boston and Albany and branches, also 4 other railroad corporations	372
Boston, Concord and Montreal and branches, also 2 railroad corporations	166
Boston and Lowell, also 6 railroad corporations	197
Boston and Maine and branches, also 6 railroad corporations	606
Boston and Providence and branches, also 1 railroad corporation	67
Boston, Barre and Gardner and branches	37
Camden and Atlantic and branches, also 1 railroad corporation	70
Carolina Central and branches	241
Catasauqua and Fogelsville and branches	25
Central Railroad of New Jersey, also 2 railroad corporations	545
Central Vermont Railroad, also 5 railroad corporations	353
Cheshire Railroad, also 2 railroad corporations	80
Connecticut and Passumpsic, also 1 railroad corporation	147
Concord Railroad, also 4 railroad corporations	142
Connecticut Railroad, also 1 railroad corporation	80
Concord and Claremont, also 1 railroad corporation	71
Danbury and Norwalk	37
Delaware and Hudson Canal and Railroad, also 10 railroad corporations	568
Eastern Railroad, also 7 railroad corporations	283
Fitchburg Railroad, also 1 railroad corporation	151
Housatonic Railroad, also 4 railroad corporations	126
Hartford and Connecticut Western, also 2 railroad corporations	105
Lehigh Valley Railroad, also 2 railroad corporations	316
Long Island Railroad, also 11 railroad corporations	325
Manchester and Lawrence, also 1 railroad corporation	26
Maine Central, also 3 railroad corporations	470
Naugatuck Railroad, also 1 railroad corporation	66
New York Central and Hudson River Railroad, also 2 railroad corporations	1,118
New York, New Haven and Hartford Railroad, also 2 railroad corporations	283
New York, Philadelphia and Baltimore, also 2 railroad corporations	82
New Haven and Northampton, also 1 railroad corporation	137
New London Northern, also 1 railroad corporation	121
New York and Lake Erie, also 5 railroad corporations	452
Northern Central, also 5 railroad corporations	343
Northern (N. H.), also 1 railroad corporation	100
Northeastern Railroad, also 5 railroad corporations	102
Ogdensburg and Lake Champlain	118
Old Colony, and 2 railroad corporations	477
Pennsylvania, also 23 railroad corporations	2,401
Pennsylvania Company, also 7 railroad corporations	864
Pittsburg, Cincinnati and St. Louis Railroad, also 7 railroad corporations	1,507
Philadelphia and Reading, also 2 railroad corporations	847
Philadelphia, Wilmington and Baltimore, also 8 railroad corporations	383
Pennsylvania and New York Canal and Railroad, also 1 railroad corporation	95
Portland and Ogdensburg	94
Providence and Worcester, also 3 railroad corporations	66
Petersburg	63
Providence, Warren and Bristol	15
Raleigh and Gaston, also 1 railroad corporation	196
Richmond, Fredericksburg and Potomac, also 2 railroad corporations	82
Richmond and Allegheny, also 2 railroad corporations	265
Rome, Watertown and Ogdensburg, and 2 railroad corporations	265
Seaboard and Roanoke	80
Sullivan Company	26
Troy and Boston, also 2 railroad corporations	46
Vermont Valley	24
West Jersey, also 4 railroad corporations	163
Wilmington, Columbia and Augusta	192
Wilmington and Weldon	198
Worcester and Nashua, also 1 railroad corporation	95
Total	19,198

Two hundred and fifty-five corporations.

EXHIBIT F.

Constitution and by-laws of the Eastern Railroad Association, now in force.

CONSTITUTION.

ARTICLE I.

This association shall be called "The Eastern Railroad Association." While having for its general purpose the promotion of the railway interests, its leading object shall be the protection of its members against unjust claims made for patented inventions.

ARTICLE II.

This association shall be composed of railroad companies of New England and any others, at the discretion of the executive committee, subscribing to the articles and contributing to the expenses of the association, each company to be represented by a duly authorized person; but no railroad company whose earnings are mainly derived from the transportation of passengers upon an elevated railroad within the limits of a city shall be admitted as a member of the association, except upon such terms and conditions as may be prescribed by the executive committee.

ARTICLE III.

SECTION 1. The affairs of the association shall be managed by an executive committee of nine members, who shall be elected every year at the annual meeting of the association. They shall submit at each annual meeting of the association a report of the operations of the past year and of its financial condition, and any member of said committee ceasing to be the representative of the company for which he is appointed shall cease to be a member of said committee; and in all cases where a member of the executive committee is absent from two consecutive stated meetings of said committee, unless such absence is caused by sickness or absence from the country, it shall be equivalent to a resignation of said member, and it shall be the duty of the executive committee to fill the vacancy thus created at the next stated meeting following.

SEC. 2. Said committee shall organize by the election of a president, vice-president, general counsel, secretary, and treasurer (the president, vice-president, and treasurer to be selected from its own members), who shall also be president, vice-president, general counsel, secretary, and treasurer of the association. A majority shall constitute a quorum for the transaction of business. They shall also appoint such standing committees as they may deem requisite.

SEC. 3. Said committee shall provide a suitable place for the general office of the association, where all models, books, papers, and documents may be deposited for safe-keeping.

SEC. 4. Said committee shall have power to elect such other officers and employees, and appoint such legal counsel, as may be necessary for the interests of the association, and fix salaries and compensation, and prescribe the duties of all officers, agents, and employees; shall fill vacancies in its membership, and make by-laws for its own government.

SEC. 5. Meetings of the executive committee may be called at any time by the president, or shall be when requested by any two members of the committee.

ARTICLE IV.

SECTION 1. The annual meeting of the association for the election of the executive committee and for the transaction of other business shall be held on the second Wednesday in May, at such hour and place as may be designated by the executive committee, and the fiscal year of the association shall terminate on the 31st of December.

SEC. 2. Special meetings of the association shall be called by the president upon the request of two members of the executive committee, or at the written request of the representatives of not less than five companies. Notice of any meeting of the association shall be given by a written or printed notice directed to each member and deposited in the post-office at least ten days prior to the day of such meeting.

SEC. 3. The representatives of ten companies shall constitute a quorum at all meetings of this association. Each company shall be entitled to one vote.

ARTICLE V.

SECTION 1. Whenever, in the opinion of the executive committee, a patent submitted for examination by any member is valid, or whenever it is deemed inexpedient to contest any claim made upon a member of the association for the use of a patented invention, it shall be the duty of said committee, at the request of any of the associate members, to negotiate either for the use of said patent, or for a settlement of the claim preferred, and, when effected, to report the same to each associate member for acceptance.

SEC. 2. If any member declines accepting the basis of settlement so offered (and a failure to acknowledge receipt of said notice for fifteen

days after its date shall be deemed an assent to the terms thereof), the association shall not be responsible for the defense of any suit or for the expenses of any litigation against that company, and growing out of that case, incurred subsequent to date of said notice.

SEC. 3. Whenever a suit is brought against any member of the association for infringing upon a patent reported upon as invalid, or whenever a claim is made against any member for the use of a patent reported upon as valid, and for which a basis of settlement has been agreed upon as aforesaid, it shall be the duty of that member to make a report of such suit or claim to the secretary, and thereafter the said committee shall manage the same at the expense of the association, provided the member so reporting has not previously declined, or shall not subsequently decline, such basis of settlement as has been or may be *recommended* by the executive committee.

SEC. 4. Members of the association shall not settle any suit or claim against them after being advised by the general counsel that a similar suit or claim is in charge of the association for defense in behalf of any of its members without the consent of the general counsel, indorsed by the president.

SEC. 5. Whenever the executive committee shall adopt a report relating to a patent, and shall not deem it for the best interests of the association to assume or continue the expenses of litigation growing out of such report, it may at its discretion so notify the member to whom such report is made, and the association shall not hereafter be at any legal or other expense on account thereof; but said committee may compromise and settle the claim or purchase a license for such member at the expense of the association: *Provided*, That in the opinion of said committee such settlement or purchase can be effected at less expense to the association than the cost of carrying on the litigation in behalf of such member.

ARTICLE VI.

Any member willfully violating these articles may be stricken from the roll of membership by a vote of two-thirds of the members present at any annual or special meeting, provided due notice of such proposed action shall be given in the call of said meeting.

ARTICLE VII.

The president of the executive committee shall confer with the officers of similar railroad associations in the United States in relation to the settlement of patent claims and the trial of patent cases, and said committee may, if they deem it advisable, contribute from the funds of the association to aid in the defense of any patent case the issue of which involves the interests of the members of the association.

ARTICLE VIII.

The executive committee shall have the power, and it shall be their duty from time to time, as often as they judge the interests of the association require, to make assessments upon members of the association, one-half, as nearly as practicable, in proportion to their gross receipts for the fiscal year preceding the making of the assessment, and one-half in proportion to the length of their roads, for any expenses already incurred or hereafter to be incurred, which, in the opinion of the committee, should be borne by this association. If any company shall neglect to make the proper returns called for by the treasurer after assessment is made, or neglect to pay the treasurer the sum assessed upon it before the 31st day of December thereafter occurring, it shall be deemed to be in default and shall not be entitled to the privileges of membership, and if it shall fail to pay the sum assessed upon it within three months after notice of default from the treasurer, it shall thereupon cease to be a member of the association.

ARTICLE IX.

Any company may withdraw from this association by giving notice in writing to the secretary, provided such company shall, nevertheless, be liable for its proportion of the expenses of the association for the fiscal year ending December 31 next ensuing.

ARTICLE X.

This constitution may be altered or amended by a vote of two-thirds of the members present at any regular or special meeting, provided due notice of said proposed alteration or amendment shall have been given in notice for said meeting.

BY-LAWS.

ARTICLE I.

The annual meeting of the association and the election of an executive committee shall be held in the city of New York, and the stated meetings of the executive committee shall be held on the second Thursday of the months of March, September, and December, and on the second Wednesday of the month of May in each year, at such place and hour as the committee may from time to time designate. Special meetings of the executive committee shall be called in the same manner as provided in the constitution for the meetings of the association.

ARTICLE II.

The general office of the association shall be located, until further action by this committee, at Washington, D. C.

ARTICLE III.

The executive committee shall, at its first meeting after election, organize by election from its own number a president, vice-president, and treasurer, a secretary and general counsel, not members of the committee, and also a finance committee, to be composed of three members of the executive committee. All elective officers shall serve for the ensuing year, or until their successors be elected.

ARTICLE IV.

Five members of the committee shall constitute a quorum for the transaction of business, which shall be in the following order:

1. Minutes of the last meeting read.
2. Report of treasurer.
3. List of applications for membership made since last meeting.
4. Report of general counsel.
5. Other business.
6. Reports on patents, etc.

ARTICLE V.

SECTION 1. It shall be the duty of the president or vice-president to preside at all meetings of the association. In the absence of the president or vice-president, a president pro tempore may be appointed. The presiding officer shall name or appoint all special committees, unless otherwise ordered by the association, and the president shall be ex officio a member of all committees.

SEC. 2. The vice-president, when called upon, shall assist the president in the performance of his duties, and during the absence or at the request of the president shall officiate in his place.

SEC. 3. The general counsel shall give his time exclusively to the service of the association, and receive therefor such salary as the executive committee may fix. He shall make all required examinations and reports as to scope and validity of letters patent and questions of infringement of same, and prepare cases for defense before the courts. He shall answer all inquiries from members of the association relative to patent matters and furnish them with written information regarding patents or patent claims that may be in the possession of the executive committee. He shall keep the minutes of the meetings of the association and of the executive committee, shall have charge of the office, models, archives, and property not pertaining to the investments or finances of the association, and perform such other duties as the executive committee may direct.

SEC. 4. The secretary shall give his time exclusively to the service of the association, and receive therefor such salary as the executive committee may fix. He shall keep the books of the association, excepting those in charge of the treasurer, shall notify the members and the executive committee of all meetings of their respective bodies. He shall have charge of the rooms of the office building in the city of Washington, D. C., not occupied by the association, rent same, collect the rents, and account to the treasurer therefor. He shall assist the general counsel and perform such duties as may be designated by him, and, in the absence of the general counsel, he shall take charge of the office, models, archives, and property not belonging to the finances of the association, and perform such other duties as the executive committee may direct.

SEC. 5. The treasurer shall collect all assessments as made by the executive committee, and disburse all the moneys of the association, under the direction of the executive committee. He shall keep a regular set of books containing the accounts of the association, and of all the funds that may pass through his hands, and keep a separate account as treasurer at such bank or banks as the executive committee may approve. He shall make report at each stated meeting of the executive committee of his receipts and disbursements in such form as the said committee may direct, and at the stated meeting in March shall submit a general statement of the financial condition of the association, and a detailed statement of receipts and expenditures of the past fiscal year, duly audited by the finance committee. All payments shall be made by orders of the treasurer, audited by the secretary, and approved by the president.

ARTICLE VI.

No alteration or amendment shall be made in these by-laws until presented at a stated meeting and adopted at a subsequent meeting by a majority of the whole committee.

STANDING RESOLUTIONS.

Resolved, That the secretary be instructed that in making reports to members, as directed by section 3, article 5, of the by-laws, previous to being submitted to the executive committee, he append thereto a printed notice to the effect that said reports are of no effect or binding upon the association until approved by the executive committee.

Adopted March 12, 1879.

Resolved, That the secretary be instructed to notify all railroad companies members of this association that hereafter all applications from such company asking for information from the association in regard to any patent device must be made through the president, vice-president, general manager, or superintendent of such company, or such officer or agent of said company as may be thereto specially authorized by resolution of the board of directors of said company.

Adopted March 10, 1880.

Resolved, That the executive committee be authorized to fix upon and establish an entrance fee that shall be chargeable to all companies desiring to connect themselves with the Eastern Railroad Association after this date, said entrance fee being intended to cover the proportional interest in funds of the association now invested.

Adopted at annual meeting, May 11, 1881.

Resolved, That it is not thought advisable for the association to introduce or, as an association, advocate legislation in Congress, but its members should promote any bill that may be offered to amend the patent laws so as to require the patentee or owner of a patent to give notice of any claim for infringement, and to commence suit thereon within a reasonable time after such notice is given.

Adopted December 14, 1881.

Resolved, That this association will, through its general counsel, furnish to any of its members any information it may be able to give in relation to the legal construction, effect, and bearing of any license or assignment made by the inventor or owner of any patent to one of the members, but, inasmuch as such licenses and assignments have been drawn or accepted by the officers or counsel of such members without action by or consultation with this association, the association can not properly take charge of or assume the expense of any litigation growing out of or connected with such licenses or assignments.

Adopted December 15, 1881.

Resolved, That the secretary notify all persons applying to the association for the privilege of making oral argument before the executive committee relating to patents that such privilege can not be granted, but that the executive committee will receive and consider any argument in writing that may be presented to it.

Adopted December 13, 1883.

Resolved, That in all future patent suits against members of this association the secretary be, and is hereby, instructed to require from the plaintiffs bonds or security for the costs, when such security can be legally demanded.

Adopted March 13, 1884.

In the matter of reports called for by members respecting inventions for which applications for patents are pending in the Patent Office,

On motion, it was—

Voted, That the general counsel be directed to notify the members making such inquiries that the association can not, consistently with its constitution and by-laws, give any advice or express any opinion in regard to any invention for which application for letters patent has been made and is pending in the Patent Office.

Adopted May 12, 1886.

Resolved, That the office of general counsel and secretary, created by resolution adopted May 12, 1880, be discontinued, and that the offices of a general counsel and a secretary be created in accordance with amendments to by-laws.

EXHIBIT G.

The following extracts from the technical journals represent the consensus of public opinion regarding the character of said Eastern Railroad Association, to wit:

[From the Railroad Car Journal, December, 1892.]

RIGHTS OF PATENTEES AND INVENTORS.

We have several times previously given space in this journal to the publication of the circumstances and proceedings in the suit of W. K. Tubman against the Wason Manufacturing Company for infringement of his patent. We have given unusual prominence to the case for the reason that it has brought up a much wider issue than the mere damage sustained by the owner of the patent—an issue of vital interest to inventors or owners of patented railroad appliances.

It would appear from the testimony that Tubman in his suit encounters a more formidable opponent than the actual defendants. He claims that the Eastern Railroad Association is maintaining the defense with the object of defeating his claim, and that with such an organization in existence, pursuing the methods it does, a poor inventor can not possibly hope to maintain his rights to a patented device which the association chooses to advise its members to use without the payment of royalty. The testimony, which we print in another column, of Mr. Andrew McCallum, the counsel of the association, can not be regarded as in any way rebutting the serious charges made against the association by Tubman. We quite fail to see why the proceedings of the Eastern Railroad Association should not be made public. The owner of a patent should certainly be entitled to learn the substance of the association's report to its members upon his invention; for railroads are becoming notorious by reason of the frequency with which they appropriate the ideas of inventors without compensation. The testimony in Tubman's case will be read with interest by inventors or owners of patents on railroad devices.

[From the World's Progress, March, 1892.]

APPROPRIATING PATENTS.

In another article in this issue we have discussed briefly the exercise of a practically assumed right by the Government to appropriate to its own use, without compensation, any patented article or invention it may please to want. That form of appropriation will have attention, and then will be duly regulated by law, just as soon as the abuse becomes so common as to produce public outcry. The sole reason why this law has not been made is that the number of those harmed is comparatively small. So far as the need in equity and justice for such a law is concerned, it seems to be commonly admitted that it is now urgent.

But there is another form of this appropriation which is more common, and consequently more aggravating. It is where a rich and powerful corporation deliberately takes and uses a patented device or invention and then says, coolly and impudently, to the patentee: "Help yourself, if you can." Then the issue so made is almost invariably governed by the length of the purse, and in the end the single-handed inventor finds himself outwinded by the long delays he can not prevent and the large expenses he is forced to pay to carry on his suit. We have now in mind a particular form of this organization that is accustomed to use any patented invention in the line of its business that it pleases to appropriate. We refer to the railroad associations, of which there is one at the east and one at the west. Ostensibly these associations are for self-protection against causeless litigation and the annoyance of importunate and unreasonable inventors. So far as this protective idea goes, the motive of these associations is very proper; but when these associations go further and assume the right to appropriate any invention they wish to use, and thus force the inventor into the courts to endeavor to get redress, these associations are all wrong.

The consequence is that the single-handed inventor rarely wins in any such suit. It must be said, in justice to these associations, that they allege that they always pay for the use of any and all really new and valuable improvements. But this assertion is hotly denied by the body of inventors who have, as they assert, been ruthlessly defrauded of their rights.

It seems to us that some law can be framed that will secure justice to both parties; that, on the one hand, will enable the inventor to contest his rights with some show of a fair trial, and, on the other, protect the parties who do not wish to be causelessly annoyed by every inventor who is willing, properly or improperly, to invoke the aid of the law. Under the new patent law in Germany a wanton infringement is made a criminal act. We do not say this is the way to deal in this country with the matter, but it is one way, and the existence of that law proves that the abuse of which we now write has already begun to attract deliberate attention. The attention of the House Committee on Patents has been called to the matter and an earnest attempt made to secure some legislation by Congress to prevent the alleged abuses.

[From the Scientific American, March 12, 1892.]

Legislation is certainly needed to put a stop to combinations formed like the Eastern Association for the express purpose of nullifying the privileges granted to inventors by Congress.

[From Locomotive Engineering for November, 1892. Angus Sinclair, editor, 912 Temple court, New York.]

PROPERTY RIGHTS IN PATENTS.

A decision was rendered last month by the United States court of appeals in a suit brought by the Edison Electric Light Company against the United States Electric Light Company that is of interest to many people who are not in any way concerned in proprietary rights in electrical appliances. Edison was the original inventor of the incandescent lamp, where light is produced by the electric current passing through a resisting medium inclosed in a vacuum. Several parties imitated this invention, and have been selling incandescent lamps which seemed to avoid the Edison patents. The court has now decided that every known form of incandescent lamp, and every possible form of this lamp, infringes the Edison patents.

This means practically that when an inventor secures a foundation patent for any device, the imitations which obtain the same results by different mechanical arrangements are infringements. The decision is a little more emphatic than several others previously made of the same tenor. The well-known decision on the Richardson safety-valve patents was substantially the same as that now rendered concerning electric lights.

This decision ought to be of direct interest to many railroad companies, for there is no class using mechanical appliances more given to patronizing articles that are notoriously pirated imitations of patents. The great variety of functions demanded of railway machinery presents an unparalleled field for inventive genius, and it is industriously cultivated. But no sooner does an inventor produce an appliance or improvement which promises to be in demand than there is a host of imitators doing their best to produce something which will do the same functions and avoid infringing the original patent. The principal work done by the mechanical engineers employed by some railroad companies is the designing of forms of patented articles which shall perform the functions of the original without incurring the liability to pay royalty. This is a small, mean business, and is nothing more than dishonesty; for it is stealing a man's ideas and dressing them so that their identity may be disguised.

The plain decisions of the courts ought to discourage this sort of industry. The only reason why railroad companies are not paying royalties on numerous patents that they are using illegitimately is the delay and expense that must be incurred in lawsuits for infringements of patents. Law's delays are so notoriously tedious in patent suits that those who have been injured patiently suffer wrong rather than engage in the long and expensive fight. We have recently heard of a movement among men of means to purchase the originals of patents that have been largely imitated by railroad companies. Should this be done some of the companies are likely to have to pay damages that will put the money paid to settle the Tanner brake suits far into the shade.[a]

That in the years 1877 and 1878 the said Eastern Railroad Association, in combination with a similar association in the West, endeavored to secure legislation in Congress which would enable the members of the association to appropriate patented inventions without being compelled to pay for them. The following selections from "Arguments before the Committees on Patents, Forty-fifth Congress, second session, Miscellaneous Document No. 50," represent the views of many reputable patent attorneys and others regarding the railroad combination to appropriate patent property, to wit:

W. C. Dodge, esq., Washington, D. C.:

"On the part of the railroads it is a demand that they shall be allowed to appropriate any invention they please, and then to have the law so changed as practically to prevent their being compelled to pay for them" (p. 69).

"Or, which of these public-spirited railroad companies now asking you to change the patent laws for their special benefit would invest their capital in building their roads if, when built, the dividends were to go into other pockets than their own?" (p. 70).

"That resolution was introduced by a member whose firm had been made to pay quite an amount in damages for the use of a patented invention which they had appropriated without leave or license of the owner; and it is a striking coincidence that this movement to change our laws was inaugurated by the railroad combination, who, as they tell you, have in like manner been mulcted in heavy damages for a similar appropriation of patented inventions, and which the owners would gladly have sold or licensed them to use for far less than the sum awarded by the courts. As proof of this it is stated that the owner of the swage block patent, for the use of which these companies complain they have been made to pay an exorbitant price—over $100,000—offered to let the same company have the use of his patent for the whole term for $1,000, which they agreed to pay, but when the papers were to be executed the company insisted on the party taking pay in bonds of the company, worth only 90 cents on the dollar, and because the owner of the patent refused to be thus swindled out of one-tenth of the price agreed upon they refused to complete the arrangement, and told him they would use it in spite of him, and he might help himself if he could. I submit that it does not become parties who have acted thus to now come here crying like a whipped schoolboy and ask Congress to change the law simply to relieve them from the consequences of their own willful violation of the law" (p. 72).

J. J. Storrow, esq., counsel for the Bell Telephone Company:

"There will be cases undoubtedly where defendants will willfully infringe patents. Nay, there will be cases where rich defendants will band themselves together and say to the patentee unless he will sell his invention to them at a price agreeable to them, that they will drag him for ten years through the courts at an expense which is a flea bite to them, but ruinous to him" (p. 135).

W. W. Hubbell:

"These railroad companies infringed a patent beyond all question, and they knew the inventor was poor and could not bring suits all over the United States against these different railroad companies, and they have taken a rule upon him for security for costs, and he, in his inability to furnish it, has been barred and thrown out of court. This was done over here in Baltimore. The Baltimore and Ohio Railroad Company did that, to my knowledge, where they infringed a patent" (p. 153). (See standing resolution No. 7 in constitution.)

G. H. Christy, esq., counsel for Westinghouse Air Brake Company:

"I think, further, that it is a dangerous remedy to put into the hands of a wrongdoer, particularly if he is a wealthy party or corporation, and I use the word 'corporation' not in any ill sense, for it is one of the most honest and legitimate ways of carrying on business; but it is especially dangerous to give the power to seventy or eighty wealthy corporations to pounce down on an inventor and snatch from him all his just rights, as was the case with Goodyear, and reduce him to absolute beggary; and as was the case with Pullman when he was jacking up houses in Chicago; or as with Westinghouse, who was not able to pay me his first fee for his first caveat.

"Now, if it is good to put in the hands of an associated power representing such a consolidated amount of wealth, and with the unscrupulous character for which railroads are noted (I speak of it only as an entity, and not in regard to its officers)—I say it is a very dangerous thing to put such a grant of power into the hands of such an organization in order that they may sit down on and squelch an inventor without any money to fight them. Now, then, if I have got seventy or eighty railroad companies at the back of me with their capital and their employees, it is a very singular circumstance if I can not cook up some testimony among them.[b] I do not say that Brother Raymond would, but I do not know who his successor might be. It is putting a dangerous remedy in the hands of a most dangerous class—the wealthy part of our country, who want to use an invention without paying for it" (pp. 254, 255).

[a] In the Tanner brake suit the railroad associations manufactured evidence which was of such an outrageous character that even the counsel of the Western Association discarded it. A. H. Walker, esq., of Hartford, Conn., author of "Walker on Patents," can give particulars. The Supreme Ruler only knows how much of the testimony in this case was "cooked up."

[b] In 1889 the association "reissued" a patent, with an added drawing, from its office on F street, in Washington. The reissue was then introduced in evidence for the purpose of securing a narrow construction of a patent claim.

Hon. Elisha Foote, ex-Commissioner of Patents:

"You might as well do directly what this section does indirectly, and pass an act that every railroad which is not making profits or dividends shall have the privilege of taking any patents they please with impunity; and, if you make the thing entirely consistent and rational, you should also say that they may enter upon anyone's land and cut their ties, and go into rolling mills and take their rails, or any other property they choose to take, and they shall have them without responsibility to anybody.

"Take the case of this Westinghouse brake, which, I understand, the patentee manufactures himself and puts onto cars at a very reasonable price. Now, suppose any of these Chicago railroads, making no money, should think it desirable for them to take and use this brake without paying anything for it. This section would undoubtedly authorize them to do so without any compensation, and they could grab any amount of property with impunity" (p. 413).

"What chance would the poor inventor have against these powerful corporations? None but a very wealthy person could enter into such a controversy. The roads would not need the other provisions of the bill. This would enable them to take and use any patent they please with impunity, and no one would dare to sue them" (p. 415).

"Suppose any of these wealthy corporations should call upon a poor inventor to commence a suit against them, and to encounter a big railroad combination with all their able and learned counsel in their employ? It would be impracticable; he would have to give up his patent" (p. 418).

Albert H. Walker, esq., author of Walker on Patents:

"Now suppose the Baltimore and Ohio Railroad Company see the wonderful invention, and think that is a good thing, and a good deal cheaper than coal, and say: 'We will proceed to infringe Mr. Vance's patent, and we will fight him ten or fifteen years, if he sues us, with the probable result of his exhausting his means before he gets a decree.' Such a course of defiant infringement is, in many cases, the deliberate purpose of railroad men. It was the avowed practice of H. E. Sargent, the superintendent for many years of the Michigan Central Railroad, and one of the members of the Western Railroad Association. He has avowed it as his universal principle never to pay anything voluntarily to a patentee. He says: 'Whenever our attention is called to a patent of value, we use it, and in a few cases we are made to pay, by plucky inventors; but, in the aggregate, we pay much less than if we took licenses at first.' I admit the railroad companies do not generally avow such a plan of action, but I know they entertain such ideas" (p. 396).

That the substance of the following article, which correctly sets forth the character, objects, and methods of the Eastern Railroad Association, was published in the Railway Age in 1891, to wit:

The Eastern Railroad Association should be broken up, because:

1. It is a secret society, with a secret constitution and by-laws, organized, not like most voluntary associations, for charity or mutual assistance in times of sickness, poverty, or distress, nor for moral or intellectual culture, nor for the promotion of science or the arts, nor for the advancement of man's estate, but, judged by its actions for many years, for the spoliation of the property of inventors. It has no charter. It does not report annually to any Commonwealth. Its right to exercise its franchises is a usurpation. It is not based upon any contract with the people of any State. It is an irresponsible body. It is organized selfishness.

2. It is a permanent conspiracy, inasmuch as its constitution requires unity of action by all its members in opposing individual patentees, and this whether each member (railroad) is directly interested or not in the particular controversy. It is well-established law that a combination to attain an end, even lawful in itself, constitutes a conspiracy when such combination subjects the individual to its combined and concentrated power.

3. The members of the association intermeddle in what is none of their business. The precepts of international law do not allow a disinterested nation to intermeddle in a contest between two other nations. Our National Government can not intermeddle with the local affairs of a State. The man who interferes with his neighbors' quarrels receives no sympathy if he gets his head broken. Boys in their sports cry: "Hands off!" "Fair play!" The courts have well-defined rules as to when and how interested parties may intervene in suits. But this association will not ask leave to intervene.

4. The association violates section 8, Article VIII, of the Constitution of the United States "to promote the progress of science and useful arts by securing for limited times to * * * inventors the exclusive right to their * * * discoveries."

Mr. W. S. Huntington, in the National Car Builder, some time ago, speaking of the eastern and western railroad associations, remarked: "The inventors are now practically in their power. Many inventors who had labored to improve railway appliances abandoned the field and exercised their ingenuity in other directions, where there were fewer obstacles."

5. It is a trust; the most powerful and wealthy trust in the United States—the Standard Oil is an infant beside of it—more powerful than any that has had being since the enactment of statute 21, James 1, abolishing monopolies. This statute has been called the Magna Charta for British industries, and may equally be called the same for American, inasmuch as it established legitimate competition. "This statute," Hume said, "contained a noble principle and secured to every subject unlimited freedom of action, provided he did no injury to others nor violated statute law." This association closes the market against inventors and owners of patents, and prevents free competition.

6. It interferes with the administration of justice in the courts. Its methods are somewhat as follows: If a railroad wishes to use a patented invention, the matter is referred to the general counsel of the association. He investigates and sees what is most expedient to do. He ascertains whether the owner of the patent is a poor man, without means to bring a suit, or a wealthy and influential citizen; whether it is cheaper to pay a small license fee or to appropriate the invention and fight the owner through the court of last resort. If appropriated and the owner brings suit against the railroad infringer, the entire strength and means of the association are brought to bear to crush him, so as to terrify other patentees from bringing suit for the spoliation of their property, and every member of the association joins in the defense against him, whether using the invention or not. It closes the market against the patentee by the first report on his patent. Its constitution forbids any member paying anything to the owner, because such payment would serve to establish a measure of damages should the owner ultimately win his suit. In one of the association's reports the president exhorts the members to "act as a unit," and says: "This unity of action has been the true cause of our success heretofore." Its general counsel in 1879 boasted that the association had never been compelled to pay anything for infringement of letters patent. The seal of the United States on a patent has no significance in its eyes. The little building, 614 F street, is bigger than the United States Patent Office.

All suits against any member of the association are defended by its general counsel, who travels on passes while taking evidence and at all other times in defending the suit, and he avails himself of every means within his power per fas per nefas to defeat the suit. Delays, obstructions, manufactured evidence, appeals, and all sorts of trickery are resorted to as occasion demands.

If the complainant is finally successful he can seldom prove "profits" or "damages," and as his patent has generally expired before a final judgment is secured, an injunction will not issue. The complainant has been to great expense and trouble and, after having won his suit, can not collect a cent. It is "more expedient" and cheaper to pay costs than to take licenses in the first instance.[a]

The following boast was made by the association's general counsel, A. McCallum, in closing the thirteenth annual report to the members of the association, to wit, "It appears to be the fact that during the whole period of thirteen years, during which the association has been in existence, no suit defended by it has resulted in a judgment against a member on appeal to the highest court; and that while some claims have been settled after suit was brought, no member (railroad) defended by the association has yet, by process of law, under execution, attachment, or otherwise, been compelled to pay anything on account of infringement of letters patent."

EXHIBIT H.

[Memorandum. Alexander T. Britton et ex. Mary, William C. McIntire et ux. Frances B., to William D. Bishop, of Bridgeport, Conn.; Theodore N. Ely, of Altoona, Pa.; Albert A. Folsom, of Boston, Mass. Deed in trust, dated June 18, 1886. Recorded June 26, 1886.]

Consideration, $25,000.

Parts of lots 17 and 18, in square 456.

Beginning on the north line of said lot 18, distant 49 feet west of the northeast corner thereof on F street, and run thence south 159 feet 1½ inches to a public alley, thence west 24 feet 4½ inches, thence north 159 feet 1½ inches to north line of lot 17, and thence east 24 feet 4½ inches to the beginning.

To hold unto the only use and benefit of parties of second part, their heirs, and to the survivors and survivor of them and the heirs and assigns of the survivor.

In and upon the following trusts:

First. In trust for the sole use and benefit of the members of a certain association known as the Eastern Railroad Association.

Second. The said parties of the second part, or any of them, shall at any and all times and from time to time convey the same land and premises, or any part thereof, to such person or persons to such uses and purposes and in such quantity or quality of estate or estates, whether in fee simple absolute or by way of trust or mortgage as the executive committee of said association shall name, limit, or appoint, such limitations or appointments to be deemed sufficiently evidenced by the signature of the secretary for the time being of said association affixed to the instrument of conveyance, and on any conveyance or conveyances being made as aforesaid the grantee or grantees in any such conveyance or conveyances shall take the title, discharged from all responsibility on the part of the grantee or grantees to see to or account for the due application of the purchase money, or any part thereof.

General warranty to parties of second part.

Recorded in Liber 1189, folio 253.

EXHIBIT I.

Letters from Whitney, Olney, and Griggs.

DEPARTMENT OF JUSTICE,
Washington, D. C., August 23, 1893.

WILLIAM K. TUBMAN, Esq., *Baltimore, Md.*

SIR: Your petition of August 18 in relation to the Eastern Railroad Association has received careful attention.

The facts stated in your petition, so far as material to the relief asked, are that you are bringing suit in the Federal courts in Connecticut and Pennsylvania, respectively, against two railroad companies for infringement of letters patent for an improvement in railway car windows; that these suits are being defended in the name of the defendant corporations by the Eastern Railroad Association; that one of the objects of this association is to combine all the railroad companies of this part of the country for the purpose of dealing with patentees, it being provided by the constitution of the association that negotiations with patentees should be carried on by the executive committee of the association; that no royalties should be paid, except with the consent of the executive committee, and that all suits for infringements should be defended by the association.

Your claim is that this combination is a violation of the antitrust law of July 2, 1890, and you ask me to direct the United States attorneys for the districts in which the suits are pending immediately "to institute proceedings in equity to restrain the Eastern Railroad Association from continuing in force against yourself the provisions of its constitution above referred to."

The antitrust law provides that every "contract, or combination in the form of a trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations" is illegal, and that every "person who shall monopolize or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States or with foreign nations" is guilty of a misdemeanor. I do not think that the combination you refer to comes within the purview of the act.

A patentee is the owner of a monopoly of the right for seventeen years to the sole manufacture, use, and sale of the article which he has invented. In this instance the article invented is one that can only be used by railway companies. You are the only producer and they are the only consumers. You allege that all the possible consumers of the article in a certain territory combine against the sole producer for the purpose of preventing its price being raised above the figure which they are willing to pay. It may be that this combination abuses its power, and, as you aver, either reduces the royalty to a grossly inadequate figure or violates the patentee's rights altogether, relying upon its ability to tire him out in litigation. These evils, however, are not those which the antitrust law was enacted to remedy, and their redress

[a] The theory of the association regarding patent property is somewhat analogous to that held by the defendant in Campbell Printing Press and Manufacturing Company *v.* Manhattan Railway Company (60 O. G., 894), decided March 9, 1892.

must be found elsewhere. I do not think that a combination of present consumers of a given commodity effects restraint or a monopoly of trade or commerce within the meaning of the act.

Moreover, I do not perceive that you can not obtain, by proceedings in your own name, whatever remedy, if any, could be afforded by the suit you ask to be brought. It has been the opinion of this Department that the right of a person injured to sue for violation of the act of 1890 is not to be regarded as denied, because, by the express terms of the statute, the United States may initiate an equivalent proceeding. General considerations of public policy require that private parties with ample remedies for the redress of their alleged wrongs in their own hands are not to be encouraged to expect governmental interposition in their behalf. For these reasons the prayer of your petition must be denied.

Respectfully,

EDWARD B. WHITNEY,
Acting Attorney-General.

DEPARTMENT OF JUSTICE,
Washington, D. C., December 11, 1893.

WILLIAM K. TUBMAN, Esq.,
Baltimore, Md.

SIR: Your communication of November 27, asking a reconsideration of your petition for the bringing of suit against the Eastern Railroad Association, under the antitrust law act of 1890, has received careful examination. I am unable to perceive, however, that the matter was not properly disposed of by the Acting Attorney-General in his letter of August 23 last.

The remarks of Congressmen quoted by you as to the depression of prices by middlemen in order that they may obtain an undue share of the profit between producer and consumer do not apply to combinations of the consumers themselves to obtain a reduction of prices. You do not refer to any authorities holding such combinations to be illegal in case of purely private sales; nor have I been able to find any.

Nor do I think that my refusal to direct suit in the name of the Government precludes you from relief. I am aware that the late Judge Billings decided last winter in a case in Louisiana that a private person could not sue for relief under section 4 of the act. His opinion, however, contains no reasons for the decision, and it does not appeal to my judgment, and I do not think that his decision alone should be controlling in a matter of so great magnitude. The Department of Justice has but a limited appropriation for maintenance of suits, and it has never been considered that the Attorney-General should commence suit except with the belief that he had a fair prospect of winning it. I do not think that Congress intended to conclude by the Attorney-General's opinion parties believing themselves to be injured.

In your communication you charge that officers of the Eastern Railroad Association are guilty of various acts which are crimes independent of the antitrust law. If you are possessed of evidence which will establish such crimes, it should be submitted to the district attorney for the proper district.

In acting upon your communications it has been assumed that you are the owner of a lawful patent which has been infringed by the railroad companies, although a Federal court has decided that you have no rights in the premises, a decision which might be held to dispose of your application.

Respectfully,

RICHARD OLNEY, *Attorney-General.*

DEPARTMENT OF JUSTICE,
Washington, D. C., May 23, 1900.

F. E. STEBBINS, *Washington, D. C.*

SIR: In the matter of the application of William K. Tubman, requesting me to institute proceedings under the act of July 2, 1890, commonly known as the "antitrust law," against the Eastern Railroad Association, having waited a reasonable time for Hon. J. M. Wilson to appear, I must infer from his failure to appear that he does not care to add anything to the argument you have submitted, and I therefore proceed to dispose of the matter.

The complaint is that a large number of railroad companies have formed this association for the purpose of advising its members with respect to the purchase or use of railway patent rights and of assisting them in the defense of claims for the infringement of such patents. It is urged that patent rights are the subject of interstate commerce and that the association constitutes a combination in restraint of trade or commerce among the several States.

The same application has been twice made to the Department and twice denied, first by Acting Attorney-General Whitney, in a carefully considered communication under date of August 23, 1893, and afterwards by Attorney-General Olney, in his letter of December 11, 1893.

In addition to the considerations mentioned by them, the following are in point:

A patent right is essentially a monopoly. The patentee is granted the exclusive right, for a term of years, to make, use, or vend the patented article. This right is absolutely within his control. He may omit to use it himself and refuse to permit anybody else to use it. He may permit one person to use it and without assigning any reason refuse to permit another to do so. He may sell the right in parcels, giving one person license to use the patent in one place and another license to use it elsewhere.

Such being the nature of a patent right, may not the association complained of be considered as a reasonable and fair arrangement for the mutual benefit and protection of railroads in transactions relating to patents? Before a railroad company can safely purchase a patent right or use an invention it must be assured that the patent is valid and its use will not operate as an infringement. So, too, if a claim for infringement is made the company has a right before paying it to make a full investigation, and may do this individually or through others. In what way does it unlawfully interfere with the rights of the patentee for the railroads to create a board of experts which shall be furnished with all the information they have respecting patents, and to which shall be referred for investigation and report all questions relating to patents? A man who offers a patent for sale does not enter the open field of competition. If his patent is valid there can be no competition.

The patent is a monopoly which no person can lawfully infringe, and which he can refuse to sell at all or sell for what he pleases. There is no competition to fix a reasonable price for patent rights. The patentee may demand a thousand or a million dollars. It is worth what he can get for it. If it is infringed, he has his remedy in the courts. If he makes a claim for damages because of infringement he can not object to the person or corporation threatened seeking advice and information from any source before paying or resisting it.

Another thing to be considered is, that to provide the safest service and to secure the best results railroads must be built and equipped in a uniform manner throughout the United States. Passengers and employees are alike interested in this, and Congress has recognized the need by requiring automatic couplers and other safeguards on interstate railroads. For these reasons a patented appliance for use on railroads may be of general concern, in which event one railroad can not safely adopt it without consulting the others. This of itself makes the creation of an association with a board of experts, to which patents may be referred for investigation and report, of exceptional propriety and benefit.

The application must therefore be denied.

Respectfully,

JOHN W. GRIGGS, *Attorney-General.*

This letter was written by Solicitor-General Richards and signed by Griggs, who prepared the answer to the bill in equity in the case of United States *v.* The Northern Securities Company et al.

EXHIBIT K.

OPINION OF WILLIAM E. CHANDLER, MARCH 24, 1902.

A combination of all or a large number of railroads to contest patents on all articles required for railroad use, in which each railroad agrees not to settle with any patentee without the consent of a committee of the combination, nor while any claim is pending against any other member of the combination, and by which the combination agrees to defend all suits against each railroad and to pay the expenses of such defense and pay any judgments which may be recovered, is an illegal conspiracy in restraint of trade under the act of Congress of July 2, 1890 (26 Stat., 209).

The object is to enable the combination to control and fix the prices to be paid as royalties upon all inventions, and does not allow each railroad to make its own settlements with the patentees. It is a conspiracy to get lower prices for what the combination buys, as contradistinguished from a conspiracy to get higher prices for what a combination produces and sells; and both are obnoxious to the law against monopolies.

Patents are property created by express national law. A patented article has attached to it a special value growing out of the patent. Congress having decided that it is for the public good that inventive genius shall be stimulated by patent monopolies, all patents and all patented articles are proper subjects of trade and commerce, and as such are protected by all the laws which protect other merchandise. If it is desirable that they shall exist it is desirable that there shall be unhindered trade therein, and such trade can not be lawfully lessened by combinations and conspiracies to diminish the value thereof through lawsuits, to fix the prices which shall be paid therefor, and to otherwise prevent free traffic therein.

The railroads can no more combine to fix low prices which they shall pay than an association of patentees can combine to fix high prices which they shall charge.

The fact that the patentees are for a limited period legal monopolists gives no right to the railroads to establish an illegal combination to limit the monopolies. Congress can abolish patents; the railroads can not.

All the above propositions seem clear and not doubtful. The facts in the case of the Eastern Railroad Association are all of record in their own books and reports, and are too plain to need recital. The association is formed expressly for the purpose above supposed, and for no other purpose. To be sure, it is stated that its object is only to resist illegal patents, but that recital does not change the avowed purpose to allow no patents to be settled for by any one member of the association except with the assent of a committee of all the railroads, and to defend any claims against any member and to pay the expenses and the judgment, if any is recovered. The Joint Traffic Association contended that its object was not to fix and maintain unreasonable rates, but only rates which should be reasonable. The subterfuge did not avail with the Supreme Court, and the subterfuge that the open combination of all the railroads to control the settlement for all patents is only intended to apply to illegal patents will be equally worthless.

It is difficult to believe that an illegal combination so plain and evident should have existed during all these thirty years last passed. It can not be doubted that the President and the Attorney-General, when they know the facts, will act with as much promptness and vigor as they have in the case of the Northern Securities Company, where the facts and the law are not so clear and plain as in the present case, because in the first the purpose is not stated in words, while in the latter it is openly and expressly avowed.

The foregoing opinion is given in full view of the letter of Acting Attorney-General E. B. Whitney, of August 23, 1893, and the letter of Attorney-General Olney of December 11, 1893. Those gentlemen were members of Mr. Cleveland's Administration, and, like Attorney-General Judson Harmon, were doubtless influenced in their poinion by their close relations to their President, of whom Mr. William J. Bryan, on March 21, 1902, spoke as follows:

"For four years he stood between the people and reform; for four years he made the White House the rendezvous of cunning and crafty representatives of predatory wealth; for four years the corporations and syndicates controlled his Administration."

Insensibly to themselves, perhaps, Mr. Whitney and Mr. Olney were controlled by surroundings like these, and Messrs. McKenna and Griggs mistakenly refused to reverse the decisions of their predecessors, doubtless overcome by the lingering malaria of the late Administration. But there is no such atmosphere now in the White House or in the Department of Justice. President Roosevelt and Attorney-General Knox are the friends of the people and reform, and not representatives or predatory wealth, and it is impossible that they should not suppress a combination so evidently illegal as that of the Eastern Railroad Association.

WM. E. CHANDLER.

EXHIBIT L.

OPINION OF UNITED STATES SENATOR TURNER.

UNITED STATES SENATE CHAMBER,
Washington, D. C., May 17, 1902.

H. B. MARTIN, Esq.,
Secretary Antitrust League, Washington, D. C.

DEAR SIR: From the papers submitted to me it appears that the Eastern Railroad Association is a trust formed by several hundred railway companies operating east of the Mississippi River, whereby each

company contributes to a fund controlled by trustees, engages to be bound by the action of the trustees, and to do nothing whatever in the matters committed to the said trustees; and under and by virtue of the trust agreement the fund thus created is to be used by the trustees—

First. To investigate concerning the validity and utility of all patents granted for improvements and devices to be used in connection with the operation of the railways.

Second. To defend all suits brought by patentees against railways, members of the trust, for using any such improvements and devices.

Third. To compromise such suits when, in the opinion of the trustees, the patent is valid, provided the sum paid by the way of compromise be not more than it would cost to litigate the suits.

Fourth. When patent rights are found to be both valid and useful, to negotiate and purchase the same for the benefit of the members of the trust, and upon such terms as the trustees may determine.

The companies agree that they will not negotiate or deal with patentees either in the matter of purchase or by way of compromise for illegal use, but that all such negotiations and dealings shall be by the trustees. The effect of the agreement is far-reaching, as a moment's reflection will readily show, upon the value of the property of patentees and upon their ability to vend the same throughout the several States covered by the agreement. The patentees, as to all such States, are reduced to the necessity of dealing with a single purchaser. This purchaser is armed with a large fund to fight in the courts all patents which it can not purchase on its own terms. It is an impudent bully which takes any property that it pleases upon such terms as it pleases, and is armed with a club to beat its victims to death if they decline to submit.

Since the trust is interstate in its scope and operations, has for its object the restraint of trade in patent rights, is created by contract, has taken and maintained the trust form, and is, moreover, a criminal conspiracy at common law, thus presenting all the features denounced by Section I of the act of July 2, 1890, it necessarily follows that it is illegal if, first, a patent right is property which may be said to enter into and form a part of trade and commerce; and, second, if a combination to lower the value of property entering into interstate commerce is as much "in restraint of trade" within the meaning of the act of 1890, as a combination to raise the value of such property would be.

It does not require either profound consideration or an extended examination of authorities to see that the question of correctness of both the foregoing subjunctive propositions must be answered in the affirmative.

First. A patent right is property. It is created by statute, and the freedom of vending it in all the States is declared by statute. The fact that it is incorporeal in character and intangible does not change its character as property. Judge Davis, of the Supreme Court of the United States, in ex parte Robinson (2 Biss., 309), uses the following language concerning the character of patents and the free right to vend them within the United States:

"The property in inventions exists by virtue of the laws of Congress, and no State has a right to interfere with its enjoyment or to annex conditions to the grant. If the patentee complies with the laws of Congress on the subject he has the right to go into the open market anywhere within the United States and sell his property."

Inventions secured by patents have been specifically declared to be property by the Supreme Court of the United States in the following cases: Brown *v.* Duchesne, 19 Howard, 197; Cammeyer *v.* Newton, 94 U. S., 225; Densmore *v.* Schofield, 102 U. S., 375; Soloman *v.* United States, 137 U. S., 346.

Being property and the right to freely vend them in the several States being secured by statute, why are not patented inventions as much within the spirit and purpose of the act of 1890 as any other species of property? It is impossible to conceive of any reason why they are not. There is no such reason. Indeed, as to many tangible articles of property covered by patents, the patented idea involved in and connected with them constitutes a great part of their value, and in some instances the greater part. The protection which the law carries for such articles against combinations in restraint of trade therein is a protection for both the value of the articles considered simply as manufactured articles and the value of the patent right which inheres in and belongs to them. We see, then, that the law does include within its purview the patent right when connected with tangible physical property, and it is impossible to conceive why it should not be taken to include the patent right when disconnected with the tangible physical property.

Second. Is it not a combination to lower the value of property entering into interstate commerce "in restraint of trade" within the meaning of the act of 1890? The evil most in the public mind at the time of the passage of that act was the existence of trust combinations formed to increase the price of manufactured articles, but that combinations might be formed for the opposite purpose could not have escaped the intelligence of Congress, and that combinations and conspiracies had existed in the past for that purpose, and constituted indictable crimes at common law, was well known to the Members of both Houses. The terms of the act are general. They say "every contract, etc., in restraint of trade or commerce among the several States," etc. Since it is as much in restraint of trade to depress the value of articles of property as it is to enhance them, and indeed more so, and since the history of the law showed that conspiracies for the first purpose were as likely to occur as conspiracies for the second, and that they were equally as injurious as the second kind, it is impossible, in view of the broad and comprehensive language employed, to conclude that Congress did not have both kinds of contracts and conspiracies in view.

It is true that only contracts and conspiracies of the second kind have been before the courts since the passage of the act of 1890, but that is no argument against the view here taken. The law has been in force a comparatively short time, and it requires much time for cases involving every phase of any law to arise and be adjudicated. It may be observed, however, of these cases which have been adjudicated that the reasoning on which the judgments proceeded was as applicable to the one case as to the other, and that in none of the opinions is there the most remote suggestion that the law was not intended to cover both classes of cases. Can anyone doubt that if all the grain dealers in the United States should enter into a combination to commit the purchase of all corn bought in the United States to the hands of one firm or corporation, thereby compelling the farmers whose necessities compel them to sell, to sell at any price this firm or corporation might fix, that such combination would be declared to be in restraint of trade and commerce within the meaning of the act of 1890? If such a combination would be in restraint of trade and commerce, then this combination is in restraint of trade and commerce. The only difference in the two cases is one of degree in the number of individuals affected and the public injury inflicted.

These considerations do not appear to have occurred to Acting Attorney-General Whitney, Attorney-General Olney, or Attorney-General Griggs when they declined to intervene against this trust combination at the request of Mr. Tubman. Mr. Whitney contents himself with declaring that he did not think a "combination of present consumers of a given commodity effects a restraint or a monopoly of trade or commerce within the meaning of the act." Why such a combination does not have such an effect he does not undertake to show, unless his general statement, that a patentee is the owner of a monopoly and that the railroads are the sole consumers and the patentee the sole producer, can be taken as a reason in favor of his contention. The considerations stated by him appear to be entirely foreign to his conclusion. The latter is a complete *non sequitur*.

Attorney-General Olney does not discuss the questions involved at all, and it is evident that he gave them only perfunctory consideration, if he gave them any consideration. Attorney-General Griggs evidently did not see the features of this combination which enabled it to kill competition and to control at will the prices to be paid inventors for their patented inventions. He speaks of it as if its sole purpose was to keep in touch with new inventions affecting railway business and to examine and report concerning their validity, utility, and value. He does make one statement which bears on the subjects I have been discussing, but it is nothing but a bare statement, and, moreover, it is palpably incorrect. He says, "If his patent is valid there can be no competition." There can be competition between railways for the purchase of valuable railway patents. Suppose there was only one line of railroad from the Atlantic to the Pacific coast having the right to use the Westinghouse air brake, would not that line of railway have a great advantage over its competitors in the matter of passenger traffic, and if such a patent right were put up for sale for the exclusive use of two or more competing lines of railways, would there not be keen competition for its purchase? If the free right to vend patented inventions were not broken down and destroyed by this combination, there would be such inventions for which rival lines of railways would compete.

I have not thought it necessary to quote from the contract by which the Eastern Railroad Association was formed. That contract and the constitution and by-laws of the association made to carry it out shows its objects and purposes to be what I have stated. If I have committed an error it is in understatements rather than overstatements. Neither have I deemed it necessary to quote from, or refer to, the several cases construing and applying the act of 1890. They are too well known to the profession to require more than the mention I have made of them.

In conclusion, I think that the question of the character of this association may well be again submitted to the Attorney-General for examination, and for the action of the Department after such examination, with the confident hope and expectation that that examination will induce a different opinion and cause different action to be taken from that reached and taken when the matter was before under consideration in the Department of Justice.

Very respectfully, GEO. TURNER.

EXHIBIT M.

Circuit court of the United States, district of Massachusetts. In equity. No. 2471. William K. Tubman *v.* Wason Manufacturing Company. Affidavit of John J. Harrower. Filed February 10, 1894.

I, John J. Harrower, of Washington, in the District of Columbia, make oath and say that I am secretary of the Eastern Railroad Association, whose office is at 614 F street NW., in said Washington; that Robert J. Fisher, counsel of said association, has directed me to appear on his behalf for the purpose of having forwarded to him for use in a cause in equity now pending in the circuit court of the United States for the eastern district of Pennsylvania, brought by the same complainant, Tubman, against the Pennsylvania Railroad Company (the said Eastern Railroad Association having carried on the defense in both of said causes on behalf of the defendants therein), certain exhibits, being models introduced as evidence by said defendant per said association, entitled in the printed record of this cause as follows: Defendants' exhibit, "Defendants' car;" defendants' exhibit, "Roberts's car;" which said models are now in the custody of the clerk of this court.

JNO. J. HARROWER.

Sworn to before me this 10th day of February, A. D. 1894.

ALEX. H. TROWBRIDGE,
Clerk United States Circuit Court, Massachusetts District.

I respectfully request that the said exhibits be forwarded by the clerk of this court to Robert J. Fisher, esq., counsel for the said Eastern Railroad Association, on the condition that they be carefully preserved in their present condition so that they can be returned to the custody of the clerk of this court whenever an order of court may be made requiring such return.

Very respectfully, JNO. J. HARROWER.

ORDER.

[February 10, 1894.]

Colt, J. Ordered that said exhibits be delivered as prayed for, subject to the further condition that they be kept or used in the said court of Pennsylvania, subject to the order for return to this court.

By the court:

ALEX. H. TROWBRIDGE, *Clerk.*
FEBRUARY 10, 1894.

Models forwarded to Robert J. Fisher, esq., per Adams express.

EXHIBIT N.

Hearing no further from the President or the Department of Justice, the following correspondence occurred, which closes the chapter of this consistent refusal upon the part of the Administration to act upon the plain facts presented:

THE AMERICAN ANTITRUST LEAGUE, NATIONAL OFFICE,
1229 PENNSYLVANIA AVENUE, SECOND FLOOR,
Washington, D. C., April 3, 1902.

Hon. GEORGE B. CORTELYOU,
Secretary to the President.

SIR: You will doubtless remember that on March 26 we placed in your hands an opinion by the Hon. William E. Chandler relative to the violation of the Federal antitrust law by the Eastern Railroad Association, and requested that the same be delivered to the President.

On December 21, 1901, we submitted to the President in person and filed certain printed documents and papers, among them being a copy of the association's unlawful agreement and a "statement" relating to the legal aspects of the same, and the President promised that he would give the matter careful consideration and call the attention of the hon-

orable Attorney-General to it. Since the above date we have not received any communication from either the President or the Attorney-General relating thereunto.

We would be pleased to have the opportunity of discussing this matter with the President in person if you can make arrangements for us to do so.

Respectfully, yours,

H. B. MARTIN, *Chairman*,
F. E. STEBBINS, *of Counsel*.

EXHIBIT O.

WASHINGTON, D. C., *May 27, 1902*.

Hon. THEODORE ROOSEVELT,
President of the United States.

SIR: On December 21, 1901, the undersigned placed in your hands certain evidence in the form of papers and documents showing that the Eastern Railroad Association, a voluntary combination of nearly all railroad corporations in the fifteen Atlantic coast States, exists and pursues its iniquity in violation of the Federal antitrust law. You received the papers and stated that you would give the matter careful consideration and call the attention of the Attorney-General to it.

On January 23, 1902, we addressed a communication to the honorable Attorney-General, asking what action, if any, had been taken in the matter. Thus far the Attorney-General has failed to make any reply whatsoever.

On March 26, 1902, we placed in the hands of your secretary, Mr. G. B. Cortelyou, to deliver to you in person, a legal opinion by the Hon. William E. Chandler to the effect that the Eastern Railroad Association was an "illegal conspiracy," Mr. Chandler having carefully examined a substantial duplicate of the evidence filed with you on December 21, 1901.

On April 3, 1902, we addressed a letter to Mr. Cortelyou, relative to the disposition made of Mr. Chandler's opinion and expressed the desire for a personal interview with the President, and in reply received the following letter from your secretary:

WHITE HOUSE,
Washington, April 5, 1902.

MY DEAR SIR: I have your letter of the 3d instant, and in reply would say that your previous communication was, by the President's direction, brought to the attention of the Attorney-General on March 27. I would suggest that you communicate with Mr. Knox on the subject.

Very truly, yours,

GEO. B. CORTELYOU,
Secretary to the President.

Mr. H. B. MARTIN,
American Antitrust League,
1229 Pennsylvania avenue, Washington, D. C.

On May 21, 1902, we called at the Department of Justice and were told by the secretary to the Attorney-General that he was at the White House and that we could call up the Attorney-General's office by telephone at 2 o'clock p. m. and arrange for an interview. Upon leaving we gave the secretary a copy of a legal opinion, prepared with great care by the Hon. George Turner, showing that the Eastern Railroad Association was an illegal trust, and requested the secretary to hand the same to the honorable Attorney-General. At 2 o'clock Mr. Martin communicated with the secretary by telephone, as agreed, and was informed that "the Attorney-General will not be able to take up the case." Mr. Martin replied: "Will not take up the case at all?" and the secretary responded: "He says he will not be able to take it up at all."

Mr. Martin: "We called to see him at the suggestion of the President." The secretary: "He says he will not be able to take it up at all." On the morning of May 22 Mr. Martin received through the mail and in a Department of Justice envelope the copy of the opinion by Hon. George Turner, delivered to the secretary on the previous day, and which was the sole paper inclosed in the envelope. The postmark indicated that the opinion had been returned very soon after its delivery to the Attorney-General's secretary.

Believing in the law, "the very least as feeling her care, and the gretaest as not exempted from her power," and that it should not be suspended and the courts closed, we again request consideration of our petition and that the Attorney-General be directed to institute suit in equity against the Eastern Railroad Association.

Among the papers filed with you on December 21, 1901, is a true copy of the constitution and by-laws of the association, which alone is ample ground for a suit. The decisions in United States *v.* The Trans-Missouri Freight Association, and United States *v.* The Joint Traffic Association, were rendered solely upon the agreements themselves. We will at any time furnish the Attorney-General with the original copy of the Eastern Railroad Association's agreement and proofs of its authenticity, and submit additional evidence of the association's unlawful and criminal acts and doings. The opinions of Hon. William E. Chandler and Hon. George Turner should not be disregarded, as they embody the views of most eminent publicists, gentlemen learned in the law, both of them "too wise to be deceived and too good to do wrong." The Hon. George F. Hoar has also verbally expressed the opinion that the Eastern Railroad Association violates the antitrust act, and it is believed he will reiterate his belief if solicited so to do. The late Hon. Jeremiah Wilson some two years ago reviewed all the evidence submitted by us on December 21, 1901, and repeatedly in person visited the Department of Justice for the purpose of soliciting the Attorney-General to bring suit.

We submit this communication with the confident belief that, if you once fully understand the nature and character of the Eastern Railroad Association, you will direct proper action to be taken by the Department of Justice.

In an article written by yourself and published in the Cosmopolitan, November, 1895, "Taking the New York police out of politics," are statements which apply to the enforcement of the antitrust law:

"Our enforcement of the Sunday excise law caused most disturbance. Up to the time we took office no official had ever made a serious and consistent effort to enforce the law. Almost all men of much experience insisted that the law could not be enforced. After carefully considering the matter, however, we came to the conclusion that it could be enforced, and that in any event we had no alternative save to try and enforce it if we wished to retain our self-respect or obey our oaths of office.

"We stood on the principle that the law should be honestly and fairly enforced while it remained on the statute books.

"It is a lamentable thing when the people and the public officials grow to think that laws should only be enforced as far as the officers of the law think that public opinion demands their enforcement. It is such a belief that inevitably leads to lynching, whitecapping, and all kindred forms of outrage."

In view of all the foregoing facts in this case we are compelled to appeal to you, Mr. President, to take the steps necessary in this emergency to compel your immediate subordinate, the Attorney-General, to proceed at once to enforce the Federal antitrust law against the Eastern Railroad Association. This case has been for months before the Attorney-General, and we believe that further delay can only be subversive of justice.

Respectfully submitted.

H. B. MARTIN,
Chairman.
F. E. STEBBINS,
of Counsel,
Joint Committee American Antitrust League and District Assembly 66, Knights of Labor.

Thus far the President has entirely ignored the last communication submitted by the antitrust league.

Attorneys-General Olney, Harmon, McKenna, Griggs, and Knox, for a period of some twelve years, refused to enforce the antitrust act.

All of these officials at the head of the Department of Justice apparently suspended the laws, and the suspending of laws has always been regarded as an offense.

But I do not know whether it be not a more dangerous mistake, without very good reason, to suspend the execution of the law still in force, for the sake of certain persons, than utterly to abrogate it. (Pufendorf, Law of Nations, VIII, 317.)

The pretended power of suspending laws and the execution of laws by legal authority without the consent of Parliament is illegal. (Declaration of Rights.)

When an officer neglects a duty incumbent upon him either by common law or by statute, he is indictable for his offense. (1 Russell on Crimes, 135.)

Whenever a duty is imposed upon a public officer, neglect to perform it is a public offense. (Wharton Criminal Law, vol. 1, sec. 10.)

Your own office also to be condemned in £50 of gold in case that upon the creation of any such prohibitive monopolies or corporate agreements, the above most wholesome penalties imposed by us shall in any instance, whether from venality or subterfuge, or in any other way, fail of being fully exacted. (Zeno's Law Against Monopolies. Corpus Juris Civilis, Cod. IV, Tit. LIX.)

If the laws, then, require a particular officer by name to perform a duty, not only is that officer bound to perform it, but no other officer can perform it without a violation of the law. (William Wirt, 1 Op. Atty. Gen., 625; 5 Op., 287.)

It is the constitutional duty of the President to take care that the laws be faithfully executed, but the Constitution consigns to Congress the power of designating the duties of particular subordinate officers, and the President is to take care that they execute their duties faithfully and honestly. (J. Y. Mason, 4 Op. Atty. Gen., 516.)

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read the following, to be inserted as a new section:

SEC. 12. That there shall be appointed by the President, by and with the advice and consent of the Senate, nine general appraisers of merchandise, each of whom shall receive a salary of $7,000 a year. Not more than five of such general appraisers shall be appointed from the same political party. They shall not be engaged in any other business, avocation, or employment, and may be removed from office at any time by the President only for inefficiency, mental or physical incapacity, neglect of duty, or malfeasance in office. They shall be employed at such ports and within such territorial limits as the Secretary of the Treasury may from time to time prescribe, and are hereby authorized to exercise the powers and duties devolved upon them by this act and to exercise, under the general direction of the Secretary of the Treasury, such other supervision over appraisements and classifications, for duty, of imported merchandise as may be needful to secure lawful and uniform apprainsements and classifications at the several ports. Three of the general appraisers shall be on duty as a board of general appraisers daily (except Sunday and legal holidays) at the port of New York, during the business hours prescribed by the Secretary of the Treasury, at which port a place for samples shall be provided, under such rules and regulations as the Secretary of the Treasury may from time to time prescribe, which shall include rules as to the classes of articles to be deposited, the time of their retention, and as to their disposition, which place of samples shall be under the immediate control and direction of the board of general appraisers on duty at said port.

The amendment, to insert the above as section 12, was agreed to.

The Clerk read the following amendments, to be inserted in section 14:

On page 14, in line 16, after the word "it," strike out "said board" and insert "the general board of nine general appraisers."

In line 19, after the word "practice," strike out "as may be deemed necessary for the conduct of their proceedings not inconsistent with law" and insert "not inconsistent with law as may be deemed necessary for the conduct of its proceedings and of the proceedings of the said board of three general appraisers."

The amendments were agreed to.

Mr. PAYNE. Mr. Chairman, I offer another amendment to this section; in line 10, page 14, after the word "court," strike out "of appeals."

The Clerk read as follows:

In line 10, page 14, strike out "of appeals."

Mr. PAYNE. Mr. Chairman, I will explain this, as other amendments of the same nature will be offered to the next section. The present law provides that an appeal from the Board of Appraisers shall go to the circuit court. The Board of Appraisers and the Treasury Department have, for some time,

been anxious to have the appeal go directly to the circuit court of appeals, and they urged before the committee very strong reasons why appeals should go to the circuit court of appeals. I would not consent to this change now if I could help it, but my colleague from New York [Mr. PARSONS] has handed me a letter to him from the assistant district attorney showing that the circuit court of appeals there is already overburdened with business. It has decided in the last year 232 appeals, of which, I *believe*, only about 34 were from the decision of the circuit court in customs cases. Now, the appeals from the General Board of Appraisers to the circuit court number something over 300, if I recollect aright, during the year. If these 300 cases should go to the circuit court of appeals in a lump, added to the 232 cases which they decided last year, of course it would clog up the business of the court. So very reluctantly I concluded to offer this amendment, changing it back to the old system, providing for an appeal, however, from the circuit court under the general law.

Mr. GAINES of Tennessee. Recently we created another Federal court in New York City, and the President has appointed and the Senate has confirmed, I think, another Federal judge for that place.

Mr. PAYNE. That is only an additional judge of the circuit court.

Mr. PARSONS. And a new district judge, too; but if you send all these appeals to the circuit court of appeals you take up the time of three judges, whereas now you only take up the time of one judge. If you had given us three new judges, this change would not be necessary, but if you turn over all this work to the circuit court of appeals it will clog their calendar and they will soon get behind.

Mr. GAINES of Tennessee. What change does this make? Who decides the matter now?

Mr. PARSONS. The importer first takes his appeal from the Board of General Appraisers to the circuit court. Then, under the present law, an appeal may be taken from the circuit court to the circuit court of appeals, and under the general law the importer can still take an appeal to the Supreme Court of the United States, but only a few of the cases go beyond the circuit court. Last year there were 344 appeals to the circuit court and, I think, only 34 appeals taken from the circuit court to the circuit court of appeals in these customs cases.

Mr. GAINES of Tennessee. I believe Judge Somerville is one of your appraisers.

Mr. PARSONS. He is one of the Board of General Appraisers.

Mr. GAINES of Tennessee. I know he is a very fine lawyer.

Mr. PARSONS. In that connection I ask unanimous consent to insert in the RECORD a letter from the district attorney from the southern district of New York about this matter, explaining the need for it.

The CHAIRMAN. The gentleman from New York asks unanimous consent to print in the RECORD the letter referred to. Is there objection?

There was no objection.

The letter is as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE UNITED STATES ATTORNEY
FOR THE SOUTHERN DISTRICT OF NEW YORK,
New York, June 23, 1906.

Hon. HERBERT PARSONS,
House of Representatives, Washington, D. C.

DEAR SIR: In consultation with my customs bureau, which has charge of those cases, I find that I have little difficulty in coming to the conclusion that the passage of the bill H. R. 19750, transferring appeals from the Board of Appraisers to the circuit court of appeals instead of the circuit court, would be a great calamity in this district. It would practically stall our circuit court of appeals.

You will remember that in the argument before the House committee on the subject of a new Federal judge, our statistics showed that our circuit court of appeals last year heard 232 appeals as against 156, which was the highest number heard in any other circuit. The number of appeals from the General Appraisers which were heard here last year in the circuit court was 349, while only 45 appeals were taken from the circuit court and heard in the circuit court of appeals. In other words, the method of hearing appeals in the circuit court sifts out about six-sevenths of the appeals from the General Appraisers, leaving only about one-seventh to go up to the circuit court of appeals. If all these appeals under the new legislation necessarily went to the circuit court of appeals, there would be an increase of seven times the number of customs cases now heard there and the number of customs cases would mean an addition to the calendar of the circuit court of appeals of nearly 150 per cent.

You will remember also that at the hearing our statistics showed that our circuit court of appeals was very much overworked, not only hearing more appeals, but hearing them under a greater pressure than any other circuit. To more than double the number of cases before them would work results which you yourself can calculate.

Another way of looking at it is that at present these appeals from the General Appraisers are heard and decided by one judge. The new method would make it necessary to have them heard by three judges, thus using two additional men to do the work that is now done by one. The results of the present system are so satisfactory that only one-seventh of the appeals are taken beyond the circuit court. There would, therefore, seem to be no demand on the part of the public for a change.

I am told that the customs bar is unanimous against the proposed change; that the only demand for the change came from the Board of General Appraisers, who are constantly striving to dignify their positions, and wish to have their decisions reviewed only by the highest court.

Finally, I have figures showing that since January 1, 1900, there have been 1,542 appeals from the Board of General Appraisers to the United States circuit court and only 181 appeals during those six years from the circuit court to the circuit court of appeals.

Faithfully, yours,

HENRY L. STIMSON,
United States Attorney.

The amendment offered by Mr. PAYNE was then agreed to.

Mr. GARDNER of Massachusetts. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from New York in charge of the bill a question. On page 12, line 3, he will see that two days only are allowed for an importer to give notice of dissatisfaction in case of an appraisement, whereas under the existing law ten days is allowed if he is dissatisfied with the classification. Now, I should like to ask the gentleman why it is that the discrimination is made, and if, in his opinion, two days are long enough to allow for an appeal in the case of dissatisfaction with an appraisement?

Mr. PAYNE. Mr. Chairman, this provision has been in the law since 1890, and I never heard any complaint about it except from the gentleman from Massachusetts, who called my attention to a case where a man had lost his rights because he didn't know the provision of law. Having been in the law so long, I did not think it was best to change. There seems to be no imperative reason for making the change, and where men get used to a certain time for giving notice—get used to a custom—it is better to leave it as it is. I never heard any complaint until the gentleman from Massachusetts stated his case.

Mr. GARDNER of Massachusetts. Mr. Chairman, I have no intention of offering an amendment, as I have ascertained that it would not be accepted, and because we have got beyond the paragraph, but I should like to state to this committee exactly the circumstances which have arisen in order to have them a matter of record for future use.

A manufacturer of morocco goods in my district imported a lot of sheepskins with the wool on them. The duty on wool is a specific duty of so much a pound, according to grade. He imported the sheepskins, and they were appraised in the port of Boston as having 70 per cent of them wool. The duty was assessed accordingly. The importer's factory is in the town of Peabody. It was absolutely impossible for him within two days to have the sheepskins removed to Peabody and there have the wool pulled and the wool and waste weighed. He did it as quickly as he could, brought the wool and waste before the public weigher, and it was demonstrated that only 54 per cent of the importation was wool and waste and therefore subject to duty. Yet he was assessed 70 per cent, and he had no possible remedy, because the two days had expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. WARREN, and Mr. CULBERSON as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. GALLINGER, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10501. An act to incorporate the National Educational Association of the United States; and

H. R. 20290. An act to amend the river and harbor act of March 3, 1905.

The message also announced that the Senate had passed the following resolution without amendment:

House concurrent resolution 30.

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 on Printing, 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 message also announced that the Senate had passed without amendments House concurrent resolutions of the following titles:

House concurrent resolution 15.

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 ended June 30, 1905.

House concurrent resolution —.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House H. R. 18901, granting a pension to John E. English.

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

H. R. 20403. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1476) granting certain lands to the town of Tincup, Colo., for cemetery purposes.

GENERAL DEFICIENCY BILL.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent to call up the general deficiency bill, and I move that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to call up the general deficiency bill with Senate amendments, nonconcur in the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The Chair appointed as conferees Mr. LITTAUER, Mr. TAWNEY, and Mr. BRUNDIDGE.

COLLECTION OF REVENUES.

The committee resumed its session.

Mr. PAYNE. In reply to the gentleman's last statement about the pulling of the wool, the gentleman's constituent had an easy way out of it. The law provides that anyone can file a protest, and it doesn't cost anything for filing. He does not lose anything by it, and of course if the wool turns out to be only 50 per cent instead of 70 per cent of the whole importation, he gains by filing a protest. He does not have to swear to it or assert any facts in it.

Mr. GARDNER of Massachusetts. I take issue with the gentleman from New York in regard to that being an easy way out of it. I am informed that the custom-house brokers do make a charge for doing just such things and for attending to the filing of protests.

Mr. PAYNE. I did not say that a man would not have to pay his lawyer or attorney; but he could do it himself.

Mr. GARDNER of Massachusetts. It is not a fair thing to require the importer always to file a protest every time he imports a lot of sheepskins, because it is an unnecessary annoyance and an unnecessary expense. The law ought, in some way or other, be so arranged that a man has a reasonable opportunity to file an appeal. He ought to have time to find out the waste in time to protest against an appraisement as high as 70 per cent. As it is, it was not humanly possible for my constituent to get the consignment to his factory and have the wool pulled and weighed within two days. I admit he could have filed his protest, but that means that every man who imports such skins shall file a protest the moment they arrive, and that is absurd.

The Clerk read as follows:

SEC. 15. That if the owner, importer, consignee, or agent of any imported merchandise, or the collector, or the Secretary of the Treasury, shall be dissatisfied with the decision of the board of general appraisers, as provided for in section 14 of this act, as to the construction of the law and the facts respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, they, or either of them, may within thirty days next after such decision, and not afterwards, apply to the circuit court of appeals of the United States within the circuit in which the matter arises for a review of the questions of law and fact involved in such decision. Such application shall be made by filing in the office of the clerk of said circuit court of appeals a concise statement of the errors of law and fact complained of, and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be. Thereupon the court shall order the board of appraisers to return to said circuit court of appeals the record and the evidence taken by them, together with the certified statement of the facts involved in the case, and their decisions thereon; and all the evidence taken by and before said appraisers shall be competent evidence before said circuit court of appeals. The said circuit court of appeals is further vested with the power, on the hearing of any appeal taken from the decision of a board of three general appraisers, to order said board to take additional testimony as to any particular fact or issue in dispute, and return the same to said court as soon as convenient, whenever the said court shall be of opinion that the ends of justice will be best subserved by this course of procedure. In other respects the parties litigant shall be required to introduce all of their evidence before the said board of general appraisers prior to its decision of the case. Such further evidence, with the aforesaid returns, shall constitute the record upon which said circuit court of appeals shall give priority to and proceed to hear and determine the questions of law and fact involved in such decision, respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, and the decision of such court shall be final, and the proper collector, or person acting as such, shall liquidate the entry accordingly, unless said decision is reviewed by the Supreme Court of the United States in any of the ways provided by the act approved March 3, 1891, entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes." Said Supreme Court shall have jurisdiction and power to review such decision, and shall give priority to such cases, and may affirm, modify, or reverse such decision of such circuit court of appeals, and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly. All final judgments, when in favor of the importer, shall be satisfied and paid by the Secretary of the Treasury from the permanent indefinite appropriation provided for in section 23 of this act. For the purposes of this section the circuit courts of appeals of the United States shall be deemed always open, and said circuit courts of appeals, respectively, may establish, and from time to time alter, rules and regulations not inconsistent herewith for the procedure in such cases as they shall deem proper.

Mr. PAYNE. Mr. Chairman, I have several amendments I wish to offer to that section, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 15, lines 7 and 8, strike out the words "of appeals."
Page 15, line 8, strike out the word "circuit" and insert "district."
Page 15, line 12, strike out the words "of appeals."
Page 15, line 16, strike out the words "of appeals."
Page 15, line 21, strike out twice the words "of appeals."
Page 16, line 7, strike out the words "of appeals."
Page 17, line 4, strike out the words "of appeals."
Lines 5 and 6, page 17, strike out the words "of appeals."

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York.

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

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

The Clerk read as follows:

Line 13, page 16, after the word "accordingly," insert: "Unless either party shall, within thirty days after the rendition of such decision, appeal to the circuit court of appeals. Said circuit court of appeals shall give priority to and proceed to hear and determine the questions involved in said decision, and the decision of said circuit court of appeals shall be final, and the proper collector or other person acting as such shall liquidate the entry accordingly."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

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

The Clerk concluded the reading of the bill.

Mr. PAYNE. Mr. Chairman, something was said about further debate at this time. I am perfectly willing that it should go on now. I ask unanimous consent that the gentleman from Alabama [Mr. HEFLIN] may be recognized for twenty-five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Alabama [Mr. HEFLIN] may be recognized for twenty-five minutes. Is there objection?

There was no objection.

Mr. HEFLIN. Mr. Chairman, during this session of Congress we have been treated to some remarkable speeches upon the tariff question. The Republican side of this House has indulged in the delusion that all of the good things that have come to us came through the instrumentality of the Republican party and are the beneficent fruits of the Dingley tariff law. If Providence smiles upon us kindly and the seasons are good and the land yields abundantly, these clarion-voiced tariff orators of the Republican side cry aloud to the people to fall down and give thanks to the Dingley tariff law. Mr. Chairman, if you should wander out with them into the forest, where the broad branches unite in cathedral arches and the winds make music down the long leafy aisles, where every bough is quivering with the song and flight of birds, and the rose-tinted atmosphere is perfumed with the fragrance of wild flowers, and ask the gentleman from Pennsylvania [Mr. DALZELL], the gentleman from Iowa [Mr. HEPBURN], the gentleman from Illinois [Mr. BOUTELL], the gentleman from Indiana [Mr. CHARLES B. LANDIS], and the tall sycamore from Washington [Mr. CUSHMAN] whom should we praise for all these things, out of the fullness of their hearts they would say, "to the Dingley tariff law." [Applause on the Democratic side.]

Mr. Chairman, I would do violence to an amusing emotion if I should overlook the funny remarks of the gentleman from Washington [Mr. CUSHMAN]. For the clams that old ocean used to pour at his feet when his stomach rose and fell in perfect harmony with the ebb and flow of the tide he did, sir,

appear to be thankful. He, too, made a pass at the tariff question. He chased it across the continent and back again, and finally overtook it where the clam-laden shore of his own State made farther retreat impossible. When finally he touched the remotest hem of its garment the pleased expression on his face and the accents of his soft voice reminded me of a story that I once heard of a fellow who played "tag" so much when a boy that he lost his mind temporarily. He was confined for a while at an asylum for the insane. Late one afternoon, when wandering in the grove near the asylum, he discovered a man walking around amusing himself by looking at the buildings and surroundings. The young man whose mind was temporarily deranged gave one or two shrieks and made a bold dash toward the strange man. The man, thinking that he was in great danger of being brutally assaulted, turned quickly facing his assailant; but, nothing daunting, his fierce antagonist rushed upon him, touched him on the shoulder, crossed his fingers, and with a curious smile on his face said softly: "I got your tag." [Applause on the Democratic side.]

Mr. Chairman, when the gentleman from Washington had almost frightened the Democrats into believing that he was really about to assail our position on the tariff question, just when we thought he would touch the subject before he closed, he paused—and great was the pause—smiled curiously, crossed his fingers, and softly said: "I got your tag." [Applause on the Democratic side.] Amidst tremendous applause on the Republican side the tall sycamore from the State of Washington sank into his seat.

Now, Mr. Chairman, having fully and completely answered the tariff speech of the gentleman from Washington [laughter], I move on to the gentleman from Illinois [Mr. BOUTELL]. In his labored effort to answer the tariff speech of Mr. RAINEY he reminded me of what once occurred in the supreme court of Alabama. Col. John A. Elmore, a distinguished lawyer, was undertaking to reply to a powerful and unanswerable argument made by Hon. William L. Yancey. He made an eloquent and attractive speech, but he could not get around the facts in the case and the able argument of Mr. Yancey. He amused the court and his hearers by his wit and humor and his artistic dodging proclivities. When summing up the case, Colonel Elmore paused, looked at the judges, and smiled. The chief justice of the court, who was very much amused, saw the predicament that Colonel Elmore was in, said to him, "Well, what now, Colonel?" "If your honor please," said Colonel Elmore, "candor compels me to admit that in my effort to reply to the position taken by my distinguished opponent, Colonel Yancey, I have literally argued myself out of court." [Applause.]

Mr. BOUTELL, at the conclusion of his speech, should have been recognized for the purpose of making a like confession. He failed utterly to answer Mr. RAINEY's speech. [Applause.]

The gentleman from Indiana [Mr. CHARLES B. LANDIS], while trying to defend the present tariff system, referred to the prosperity of Birmingham, Ala. There the Almighty has stored away untold wealth in the treasury of the hills, and the industry and the enterprise of a brave people have united in producing a marvelous prosperity; and this disciple of Dingleyism gives the credit not to the lavish hand of nature or the pluck and industry of the people, but with eloquent words lays it all at the door of the tariff system. And the gentleman from Indiana [Mr. CHARLES B. LANDIS], who boasts that he is a "stand-patter," rather enjoyed reminding us that the great father of the present obnoxious tariff system [Mr. Dingley] sleeps in an unmarked grave. Ah, Mr. Chairman, this neglect of him by the heartless "protected few" that he served so well is but evidence of the fact that the tariff barons have no regard for the living save for the opportunity that such regard offers for robbery and plunder; and they care so little for the dead that they will not so much as toss a penny toward a fund to erect a monument to his memory whose tariff system did and does their cursed coffers fill. [Applause on the Democratic side.]

Freeze, freeze, oh, bitter sky
That dost not bite so nigh
As benefits forgot;
Though thou the waters warp,
The sting is not so sharp
As friends remembered not.

[Applause on the Democratic side.]

Knowing that they have failed utterly to carry out their pledges to the people, and trembling with fear before the approaching election, the Republicans in this House saw the old tariff ship tossed upon the bosom of a restless sea. Then they cried loud and long for one skilled in the art of commanding a vessel on a stormy sea. For a moment silence reigned, and, lo! Uncle PETE HEPBURN, the old tariff sea captain of Iowa, appeared. But, Mr. Chairman, in spite of his Republican skill and tariff genius, the old vessel—

Heaved and sot, and sot and heaved,
And high her rudder flung,
And every time she heaved and sot
A mighty leak she sprung.

[Laughter and applause.]

The Republican party claims credit for the existence of every good thing, even regarding those things over which they have absolutely no control. Now that money of final redemption is plentiful, they say that it is the result of Republican policies and legislation. The fact is that the Democratic party in 1896 contended for more money of final redemption. The Republican party refused to open the mints and God Almighty opened the mines. And the large increase in the volume of money of final redemption establishes the correctness of the Democratic contention at that time. Mr. Chairman, if you should ask one of the protective tariff advocates to whom we should be grateful for sunshine and shower, he would out of the fullness of his heart exclaim the Dingley tariff system.

When the people demanded tariff revision, you promised to revise. When they demanded that trusts be destroyed, you promised to destroy them. You have not kept these pledges. Under the reign of the Republican party trusts have multiplied, and they flourish to-day as never before in the history of the country. Private fortunes are springing up in the wake of the robber tariff, and graft, the latest offspring of Republican conditions, is rampant in the Republic. The consumer here sees American products sold to the foreigner at a price lower than he enjoys in his home land. Tribute money is demanded of the American by the American Government and under Republican tariff system, while favoritism is enjoyed by the foreigner to the detriment of our own people. [Applause on the Democratic side.]

Now, when the land yields abundantly, responds liberally to the pulse beats of the enterprising plowman and the demands of the people are increasing and the people themselves becoming more and more industrious and enterprising, and because in spite of special privileges and Republican favoritism we enjoy in a large measure material prosperity, the Republican party is ready to proclaim from every house top that the credit for all this is due the Republican party. The gall of the Republican party is marvelous. The comforts and conveniences of life that the American people in a measure enjoy to-day are not the products of the Republican party; but through the skill, the industry and enterprise of our people they have been achieved over Republican difficulties and in spite of the Republican party. [Applause on the Democratic side.]

You boast before election times about what you will do when you get in office.

Bees on flowers lighting cease their hum,
And Republicans in office soon grow dumb.

To-day the Democratic party has asked you to lay the hand of destruction upon the trusts that corrupt the electorate of the country and rob the people. We have asked you not to allow the ballot to become a matter of commodity for sale and traffic to the highest bidder. You refuse to do that. You do not want to cut off this hand of contribution that comes in and aids you so materially in election time. Like Jove of old—

You have turned your thunder into showers of gold, whose silent courtship wins securer joys.
Taints by degrees and ruins without noise.

[Applause on the Democratic side.]

Mr. Chairman, I have not the time to discuss this subject as I would like to discuss it. There are many other things to which I would like to call attention. Day by day, under your control, State rights are being crucified. The right of trial by jury in Federal courts is nearly a thing of the past.

The Republican party is a time server. When one in your own ranks, like the gentleman from Wisconsin [Mr. COOPER] stands up and advocates what he believes is right, and fights to protect the life of this nation from the dangers that threaten it, he has a lecture delivered to him by some of your party leaders to whip him into line. The greed of monopoly has marked her for its own. You have broken your pledges to the people. You have failed utterly to give them relief from the burdens of class legislation; and we propose to put upon the breast of your party the "scarlet letter" of deceit and unfaithfulness to the American people. [Loud applause on the Democratic side.]

The CHAIRMAN. The gentleman from New York is recognized for thirty minutes.

Mr. WALDO. Mr. Chairman, all during this session I have been in hopes that the ship-subsidy bill might come before us

for passage. It is, to my mind, one of the most important, if not the most important, measure that is now pending before Congress. Our shipping has decreased until we have barely any upon the sea. Only about 10 per cent of our great foreign commerce is carried in American ships. There has been a clamor all over the country ever since the civil war for some measure that would restore the American merchant marine. We have spent enormous sums to build up a navy. We have this year given great appropriations to keep our Navy in repair and to construct new vessels; but the most serious objection has been made, upon the other side of the House, at least, to the expenditure of any money whatever for the rehabilitation of the American merchant marine.

We of New York have a special commission here to do whatever we can to bring about the passage of the ship subsidy bill. A concurrent resolution in favor of the merchant marine bill was passed by the New York State legislature in February, 1906. This resolution is as follows:

STATE OF NEW YORK, IN SENATE,
Albany, February 8, 1906.

Introduced by Mr. Henry W. Hill.

A concurrent resolution of the legislature of the State of New York, addressed to the United States Senators and Representatives in the Congress of the United States from the State of New York, in relation to American shipping in the foreign trade by sea.

Whereas our merchant marine engaged in the foreign trade, which in 1810 carried 90 per cent of our foreign commerce and to-day carries but 10 per cent thereof, is now only one-third as large as it was in the zenith of its development in 1860; and

Whereas an American merchant marine, with trained and experienced shipmasters, officers, and seamen, sailing under the flag of the United States, is essential to our national defense as an auxiliary to the Navy in time of need; and

Whereas upon the recommendation of President Roosevelt a commission consisting of five Senators and five Representatives in Congress was appointed to investigate this subject, and public hearings were held in most of the leading Atlantic, Gulf, Lake, and Pacific ports of the United States, resulting in a report, accompanied by a bill to carry into effect the recommendation of the Commission, which measure is now pending in the Congress of the United States and is designed to upbuild and rehabilitate our shipping in the foreign trade: Therefore, be it

Resolved (if the assembly concur), That the legislature of the State of New York commends the work, the report, and the bill of the Congressional Merchant Marine Commission as worthy of the support of the Senators and Representatives in the Congress of the United States from the State of New York. Be it further

Resolved (if the assembly concur), That a copy of these resolutions be forwarded to the Senators and Representatives in Congress from the State of New York.

By order of the senate.

LAFAYETTE B. GLEASON, *Clerk.*

IN ASSEMBLY, *February 12, 1906.*

Concurred in without amendment.

By order of the assembly.

A. E. BAXTER, *Clerk.*

It is not a new thing in this country that aid should be given to American shipping. One of the first things that was done when the American Congress met, after the adoption of the Constitution, was to pass a bill to aid not only American manufactures, but also American shipping. This bill was introduced by James Madison, and gave to American shipping 10 per cent discriminating duties on all imports over those brought in in foreign ships. This bill was supported by the President, General Washington, by Hamilton, by Jefferson, and it was largely through Jefferson's efforts that the bill was finally passed and the opposition of the South overcome. The immediate result of this bill was an enormous increase in American shipping. The bill was the result of a memorial that came from the citizens of Baltimore to the first session of the Congress of 1789. This petition reads:

Your petitioners, on whichever side they may turn their eyes, see reason to believe that the United States may soon become as powerful in shipping as any nation in the world. * * * Permit us to add that for want of national protection and encouragement that great source of strength and riches has fallen into decay and involved thousands in the utmost distress.

Jefferson in 1791, when he was Secretary of State, issued a paper in favor of the protection of our merchant marine and fisheries that did more than anything else to secure the continued support of the South for that measure. As a result of the adoption of these discriminating duties our shipping increased almost immediately. In 1789 we had only 123,893 tons of American shipping. In 1800 it had increased to 667,107 tons. In 1791 the total amount of our foreign commerce was $48,212,041. Of that only about 30 per cent was carried in American ships. In 1800, although our foreign commerce had increased to $162,224,548, the amount then carried by American ships was 89 per cent. To-day, although its proportions have become enormous, the amount of our foreign commerce carried by American ships is only about 10 per cent.

President McKinley repeatedly sent in messages to Congress in favor of this measure. In the Republican platform of 1904 we declared:

While every other industry has prospered under the fostering aid of Republican legislation, American shipping engaged in foreign trade, in competition with the low cost of construction, low wages, and heavy subsidies of foreign governments, has not for many years received from the Government of the United States adequate encouragement of any kind. We therefore favor legislation which will encourage and build up the American merchant marine, and we cordially approve the legislation of the last Congress which created the Merchant Marine Commission to investigate and report upon this subject.

At the convening of this Congress President Roosevelt sent a message which included this paragraph, directly following the platform of 1904, and following other declarations of President Roosevelt before that time:

To the spread of our trade in peace and the defense of our flag in war a great and prosperous merchant marine is indispensable. We should have ships of our own and seamen of our own to convey our goods to neutral markets, and in case of need to reenforce our battle line. It can not but be a source of regret and uneasiness to us that the lines of communication with our sister republics of South America should be chiefly under foreign control. It is not a good thing that American merchants and manufacturers should have to send their goods and letters to South America via Europe if they wish security and dispatch. Even on the Pacific, where our ships have held their own better than on the Atlantic, our merchant flag is now threatened through the liberal aid bestowed by other governments on their own steam lines. I ask your earnest consideration of the report with which the Merchant Marine Commission has followed its long and careful inquiry.

We have, then, here the policy of this country in its earliest years and the recommendation of Presidents Harrison, McKinley, and Roosevelt to grant aid to American shipping. In the time of President Polk subventions were granted to our ships of sufficient amount to aid in the growth of the merchant marine. To-day we are about the only one of the seafaring nations that has not given efficient aid to its merchant marine. In 1905 foreign nations granted subventions amounting to over $27,000,000 in aid of their steamship lines. Our aid has been so trifling that the only American lines that we now have left are about to abandon the seas unless they receive additional aid at once.

Next year Great Britain will grant subventions in aid of her merchant marine amounting to between $6,000,000 and $7,000,000; France, over $8,000,000; Italy, $3,000,000; Japan, $4,000,000, and other nations in less amounts. The present merchant-marine bill, if it is passed, will in the next ten years cause an average yearly expense to this Government of about $4,600,000.

While Congress has done nothing with regard to any aid, even this small aid to American shipping, it gives a hundred million dollars in aid of its Navy and enormous aid for the improving of the harbors of the country. It will expend $135,000,000 in the construction of a great waterway across the Isthmus of Panama. We have scarcely any deep-sea going American ships to use the harbors for which we are expending so much money. We have no American ships to go through the Panama Canal, and the moneys that we are now expending for American harbors are almost entirely in the interest of and aid to foreign ships. There are few of our larger harbors that are not ample in their waterways for any American ships that use them, and the increase in the depth of these harbors is intended almost entirely for foreign shipping. The great city of New York has spent millions of dollars in the improvement of its dock system, little of it to be used by American shipping, but nearly all for the benefit of foreign shipowners. The American people are spending between $150,000,000 and $200,000,000 a year in freights to foreign countries, mostly to Great Britain, Germany, and France.

Mr. GAINES of Tennessee. Will the gentleman allow me an interruption?

Mr. WALDO. Certainly.

Mr. GAINES of Tennessee. Will the gentleman tell us why so much capital has gone out of American ships?

Mr. WALDO. There are two reasons for that. At one time it was because there was such an enormous transportation development on land in this country that it required the investment of practically all the money offered, and at that time there was much greater profit in that investment than there was in ships. The other reason is because the repeal of discriminatory duties permitted foreign ships to carry goods abroad and bring them from abroad on exactly the same terms as we permitted them carried in American ships, instead of giving, as in the time of Washington and Jefferson, a 10 per cent discriminatory duty in favor of all imports in American ships.

Mr. GAINES of Tennessee. What is the difference between existing laws and those under the act of 1846, when we hauled 75 per cent or 80 per cent of our tonnage in American ships?

Mr. WALDO. I understand the ship subvention at that time was ample to meet the special subventions of other parts of

the world. To-day they are not, and the subventions of foreign countries are in many instances very large. The discriminatory duties have all been repealed, and to-day we have practically no protection for and no American ships engaged in foreign commerce.

Mr. GAINES of Tennessee. Does the gentleman think that this may retard it, that the foreign ship does not want to come with an empty hull to haul off freight, and the reason why it comes practically empty is because the importer can not pay the high tariff to compete with the home manufacturer?

Mr. WALDO. I think not; I think that would be met at once. If we allowed a discriminatory duty of 10 per cent, as was done in the original act, gave a discount of 10 per cent to all importers whose goods were brought here in ships built in America, I have no question but that the merchant marine would be doubled within two or three years if that was done.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. WALDO. Certainly.

Mr. HUMPHREY of Washington. How does the gentleman figure that discriminating duties would build up the merchant marine, when 47 per cent of our imports are now on the free list?

Mr. WALDO. Because they would secure from those that are not on the free list enough under the 10 per cent reduction to make it profitable to build ships here and run them. I think also we ought to have subventions that would meet the subventions granted by the great seafaring countries abroad.

Mr. GOULDEN. Will the gentleman, my colleague, yield?

Mr. WALDO. Yes.

Mr. GOULDEN. Does the gentleman think that the same conditions exist to-day that prevailed in times gone by, spoken of by him, when money sought manufacturing and mercantile pursuits because it pays better than money invested in shipping?

Mr. WALDO. No; I think there is surplus capital to-day that could be had at reasonable rates for investment in shipping, providing that American ships brought in a reasonable return.

Mr. HUMPHREY of Washington. I would like to ask if that question is not answered by this fact: If our shippers had the same advantages as foreign shippers American capital could be found to engage in it from the fact that millions of American capital is invested in ships under a foreign flag. Does not that demonstrate that if they had an equal chance they would invest in American ships?

Mr. WALDO. I do not know what the gentleman means by "an equal chance."

Mr. HUMPHREY of Washington. I mean to equalize the conditions by subsidies sufficient to equalize the undertaking. To take a concrete illustration, take the case that happened at Puget Sound. We have an American steamship line consisting of five vessels running to the Orient. Running directly from the same wharf is a Japanese line of three vessels, and they are subsidized at $35,000 a year. There are three English vessels that are subsidized for $300,000 a year. These five large ships of the Boston Steamship Company do not get anything. Does not the gentleman think that American capital would invest in it if they could have the subsidy?

Mr. WALDO. Undoubtedly; there is no question about that. My further contention is that we ought to give in favor of American ships a discriminatory duty, which would be a great incentive that would work automatically, and it would have the same effect that it did in 1789 and would more than double our merchant marine in a few years. In 1789 our merchant marine doubled in one year on account of such a discriminatory duty, and I see no reason why this result would not follow the adoption of discriminating duties to-day. I believe it would, and it would work injury to no one and would be for the benefit and protection of American shipping, which is the only American industry that to-day has no effective protection.

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

Mr. WALDO. Certainly.

Mr. JAMES. I understand the gentleman's argument to be that because the shipping business is not profitable, a subvention, as he calls it, or a subsidy, in other words, ought to be given by the Government out of the Public Treasury to that industry.

Mr. WALDO. Yes; that is correct.

Mr. JAMES. Now, the tobacco-raising business in my district is not profitable by reason of the combination of tobacco buyers into a trust and the fact that the Government places a tax on tobacco that denies the raiser of tobacco the right to sell the tobacco to the general consumer. Would the gentleman be in favor of giving to the tobacco growers a subvention or subsidy to make the tobacco-raising business profitable in Kentucky?

Mr. WALDO. I would not. I would be in favor of passing such laws as would prevent any trust from bringing about that result which the gentleman says obtains in his district.

Mr. JAMES. Then the gentleman would be willing to give the subsidy to the rich and those who have plenty of money to buy ships, but a man who has a little farm and can raise nothing but tobacco he would deny it to?

Mr. WALDO. Not at all. It is a different matter altogether, and there are other inducements that call for it. We may say in the first instance, I think, that tobacco raising is of no particular benefit to the people of this country. It may be a pleasure to some gentlemen, but it is no particular benefit to the country at large. It is a luxury, and it ought to pay; but, aside from that, the main objection, as I understand, to the profitable result from the tobacco industry in this country is the tobacco trust that controls the prices. We should control the trust, just as we do in our other local industries.

Mr. JAMES. A bill was introduced in this Congress for that purpose, but you can not even get the chairman of the Finance Committee, who is the leader of the gentleman's party, to call a meeting of the committee to consider it.

Mr. WALDO. Unfortunately, I would say to the gentleman from Kentucky [Mr. JAMES], that I do not control the leader of this party or the chairman of the Committee on Finance, and that if I did this ship-subsidy bill would have been on this floor and passed before this time.

Mr. JAMES. Well, there was no trouble about the ship subsidy in the Senate, I imagine.

Mr. WALDO. It does not seem to be able to pass here.

Mr. GOULDEN. I would like to ask my colleague for his position on this question—being interested with my friend from Washington [Mr. HUMPHREY] as members of the Merchant Marine and Fisheries Committee—I would like to know just what his position is? He speaks of being favorable to a subvention, to a subsidy, and to discriminatory duties.

Mr. WALDO. I am.

Mr. GOULDEN. That seems to be rather a complex system, and I would be delighted if the gentleman will tell us just exactly how he would work out that scheme, and also about how much of a subvention would be necessary in order to enable the merchant marine of this country to be placed upon what I think he would call a sound and safe footing.

Mr. WALDO. It is my opinion, as far as I have been able to ascertain, that the subventions proposed by the bill now pending here in this present Congress would give that result. There is no difficulty whatever about discriminatory duties. That can be fixed in one of two ways. It has been done in both ways in this country in the past—either by a reduction, a discount of 10 per cent from the general duty upon all goods that are imported in American ships run by American owners, or by adding 10 per cent to the general schedule on all goods that are brought in in foreign ships.

Mr. GOULDEN. May I be permitted to say to the gentleman that those who oppose the Senate bill now before the House committee were rather favorably disposed toward discriminatory duties, but the distinguished chairman of that committee came out in a report, which was published and put in the RECORD of this House, showing that discriminatory duties were simply impossible and impracticable?

Mr. WALDO. They are not impracticable. Of course it would require this thing to be done: There are certain treaties that would have to be abrogated or modified sufficiently to allow a discrimination in favor of our own ships, but there is no reason why that can not be done.

Mr. WM. ALDEN SMITH. Treaties with certain favored nations?

Mr. WALDO. Yes. There is no reason why that can not be done whenever we are ready to do it.

Mr. GOULDEN. I am in favor of discriminatory duties, under proper restrictions, to build up the merchant marine of the country.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman speaks of the discriminatory duty to restore our ships to the sea. Did we have a discriminatory duty such as the gentleman speaks of between 1846 and 1860, when we hauled from 75 to 80 per cent of our commerce in American ships?

Mr. WALDO. At that time we were giving national aid to our merchant marine, and the contest was not so severe between our own and foreign shipping as now. It may be that if we had not had our deep-sea shipping almost entirely driven from the seas during the civil war we should not be in as bad condition as we are to-day, but our shipping was entirely swept from the seas at that time, and nothing has been done to restore it.

Mr. GAINES of Tennessee. Now, if the gentleman will indulge me—and I do not want to interrupt him further, for he is making a very interesting speech—from 1846 to 1857 we had an ad valorem tariff of about 30 per cent, and under the tariff of 1857, when all parties, Republicans, Democrats, Whigs, Know-Nothings, got together in Congress and reduced that tariff and made it the lowest tariff we have had since 1812, that existed down to 1861, we hauled from 75 to 80 per cent of our tonnage in our ships. We controlled the seas. Now, it seems to me that we ought to get the tariff reduced a little bit, and then we would not need to go into the Treasury and pay some man to carry on his business better than he is already carrying it on, and then the ships would not come here with their hulls empty and go back with their hulls filled with our commerce.

Mr. WALDO. I fail to see——

Mr. GROSVENOR. If the gentleman from New York will allow me, there was never a time when the American merchant marine was nearly 50 per cent of the merchant marine of the world, nor was it ever 25 per cent. Now, a word in regard to discriminating duties. They are impossible under forty-odd commercial treaties with the great nations of the world, because we have stipulated distinctly against any discrimination in favor of the merchant marine of our country or in favor of the merchant marine of any other country. Now, again, under our free list, which carries more than 48 per cent of the imports into this country, there can not be any discriminating duties, because, to illustrate: Two merchant vessels are lying at Brazil loading with coffee, one of American registry and another of British registry. How can you have a discriminating duty, how can you pay the American more than you do the British, when there is no tariff on the commodity of coffee? And so it is all along the line. It is an ancient and long-ago obsolete proposition.

Mr. WALDO. I will say, in reply to what the gentleman from Ohio has stated, I am perfectly well aware of these treaties of which he speaks, but there is no reason why they should continue forever to the detriment of our shipping. I am opposed to it. So far as the free list is concerned, it always has been that way. There has never been any time when we could make discriminating duties on those articles coming in free. Discrimination can only apply to articles taxed, and never did apply to anything else. I did not say the American merchant marine was 50 per cent, or even 25 per cent, of the merchant marine of the world. What I did say was that 23.6 per cent of our commerce, both exports and imports, was carried in American ships in 1789. Under the discriminating duties act 89 per cent of all our foreign commerce was in 1800 carried in our own ships. The remarkable growth of the American merchant marine as well as commerce during the first twelve years of the protective law of 1789 is shown by the following table:

American tonnage and foreign trade, 1789–1800.

Year.	Shipping tonnage.	Total foreign commerce.	Proportion carried in American ships.		
			Imports.	Exports.	Combined imports and exports.
			Per ct.	*Per ct.*	*Per cent.*
1789	123,893		17.5	30.0	23.6
1790	346,254		41.0	40.0	40.5
1791	363,110	$48,212,041	58.0	52.0	55.9
1792	411,438	52,253,098	67.0	61.0	64.0
1793	367,734	57,209,572	82.0	77.0	79.5
1794	438,863	67,643,725	91.0	86.0	88.5
1795	529,471	117,746,140	92.0	88.0	90.0
1796	576,733	140,010,789	94.0	90.0	92.0
1797	597,777	126,674,116	92.0	88.0	90.0
1798	603,376	129,879,111	91.0	87.0	89.0
1799	657,142	157,734,670	90.0	87.0	88.5
1800	667,107	162,224,548	91.0	87.0	89.0

This table shows a remarkable and constant growth in the tonnage of our merchant ships, with no falling off in any year except 1793. This was occasioned largely, if not wholly, by the depredations of Barbary pirates.

Neither is a law for discriminating duties on goods brought in American ships "an ancient or obsolete proposition," as the gentleman from Ohio states.

A measure for this purpose was advocated most strenuously in the Senate in 1897. In the report of the Senate Committee on Commerce (Report No. 10, 59th Cong., 1st sess.) favoring the passage of the ship-subsidy bill, at page 96 in the appendix, remarks on "discriminating duties," will be found the following statement:

It is probable that when the Commission was appointed a majority of those Senators and Representatives composing it who had positive views favored another trial of the discriminating-duty policy and believed that that course would be recommended to Congress. Moreover, from the very beginning of the inquiry, powerful arguments for the discriminating-duty plan were advanced, especially by the Maritime Association of the Port of New York, the largest shipping-trade organization in America. This "policy of the fathers of the Republic," as it was well described, was ably advocated not only by many practical shipowners and shipbuilders, but by many manufacturers and merchants—usually, however, in connection with the policy of mail subventions to regular lines, which may be said to have met with almost unanimous support in every section of the country.

The Merchant Marine Commission and the present committees of the House and Senate failed to recommend discriminating duties, mainly because of the difficulty met in some thirty reciprocity treaties with foreign nations and the danger of retaliations of foreign governments.

It is for these reasons and for the reason that our merchant marine must have efficient and prompt aid and protection or disappear from the seas that I favor the measure now before the House for that purpose, although it does not include discriminating duties.

Senate bill 529, framed by the President's Merchant Marine Commission and passed February 14 by the Senate, provides for:

1. A volunteer naval reserve of 10,000 officers and men of the merchant marine and fisheries, trained in gunnery, etc., subject to the call of the President in war, and receiving retainer bounties as 33,500 British naval-reserve men do.

2. Subventions at the rate of $5 a gross ton a year to all cargo vessels in the foreign trade of the United States and to craft of the deep-sea fisheries, and $6.50 a ton to vessels engaged in our Philippine commerce, the Philippine coastwise law being postponed till 1909. But these cargo vessels, in order to receive subventions, must be held at the disposal of the Government in war, must convey the mails free of charge, be seaworthy and efficient, carry a certain proportion of Americans and naval-reserve men in their crews, and make all ordinary repairs in the United States. Ships lose their subventions if they leave our trade for that of foreign countries, or if, like the Standard Oil craft, they are not engaged exclusively as common carriers.

3. Subventions to new mail lines from the Atlantic coast to Brazil, Argentina, and South Africa; from the South Atlantic coast to Cuba; from the Gulf coast to Cuba, Brazil, Mexico, Central America, and the Isthmus of Panama; from the Pacific coast, via Hawaii, to Japan, China, and the Philippines, and to Mexico, Central America, and the Isthmus of Panama, and from the North Pacific coast direct to Japan, China, and the Philippines, with increased compensation to one existing contract line from the Pacific coast, via Hawaii and Samoa, to Australasia.

All ships receiving subventions must be already American by register or American built, thus excluding the foreign-built fleet of the Atlantic steamship combination. Not one dollar is given to fast passenger and mail lines to Europe. Ships constructed for foreign commerce to receive these subventions can, under the Dingley tariff, be built, equipped, and repaired of materials imported free of duty.

The maximum annual cost of the proposed mail subventions will be about $3,000,000; of the other subventions and retainers to the naval reserve, from $1,550,000, in 1907, to $5,750,000 in 1916. If tonnage taxes are increased, as originally proposed, the legislation will cost nothing the first year, but turn $616,000 into the Treasury, and the annual average net cost for ten years, with the building of new ships, will be $4,625,000.

Against this modest proposition of aid to its foreign-going shipping by the richest country in the world let us set the subventions now given by our foreign competitors to their own shipping:

Great Britain, $6,000,000 per year, not including the new grant to the Cunard Line of $1,100,000.

France pays her steamships $5,000,000 per year in mail subsidies, and in construction and navigation bounties $3,500,000 additional, making a total of $8,500,000 per year.

Germany is now paying about $2,000,000 per year to its two great steamship companies and gives them, besides, very large additional aid in special rates upon the Government railroads to emigrants and freight going by the German steamships. Under this form of assistance the German merchant tonnage has increased from 1,243,000 in 1881 to 3,393,000 in 1905.

Italy pays mail sudsidies and bounties to her steamship companies of about $3,000,000 per year.

Austria-Hungary, with hardly any seacoast, expends on mail and other subsidies about $2,000,000 per year, or nearly twice the amount of ocean-mail payments by the United States.

The little island of Japan, now competing for the commerce of the Pacific and Indian oceans, is giving subventions and bounties to her merchant marine of about $4,000,000 a year, and has thereby increased her merchant shipping from 200,000 tons in 1896 to 830,000 tons in 1904—a more rapid increase in that period than has been made by any other nation in the world.

While these nations have protected, aided, and forced the building of great merchant marines, we have done practically nothing since the civil war to aid, protect, and increase our merchant shipping, until now it has almost disappeared.

We pay over $200,000,000 a year—all but 10 per cent—to foreigners for transporting our foreign commerce, and yet we do nothing to secure for ourselves this great source of national wealth and strength, rightfully ours. Great Britain since 1840 has expended over $250,000,000 in subsidies and bounties to her merchant steamships, and has so held the mastery of the seas.

In the meantime we have protected and aided every other large enterprise for the welfare of our country. We have excluded all others from our coasting and lake trade. We have in a hundred acts of Congress in aid of internal transportation by rail given away over 200,000,000 acres of land, worth now more than $2,000,000,000, and have given in money and local bonds more than $100,000,000. We have spent vast sums and made immense grants in aid of irrigation systems, and we have protected our manufacturers and labor upon shore. Our merchant ships and sailors are alone unaided and unprotected.

We have at this session voted to expend $135,000,000 in constructing a great canal to carry merchant ships from the Atlantic to the Pacific. We will next year, without doubt, vote many millions for the improvement of our rivers and harbors, and this year have already given $100,000,000 to the support and increase of our Navy.

This shipping bill is a measure that partisan politics should not delay.

The necessity of restoring our merchant marine is the most pressing, the most urgent, of those now or lately before the Congress.

When we almost unanimously vote to our Navy $100,000,000, to the construction of a lock canal $135,000,000, while many of us believe in a tide-level canal, and this for the accommodation of the merchant marine, when we have none, let us not hesitate to pass this bill and make the comparatively small appropriation of four and one-half millions per year for our merchant ships and sailors.

It is the only means to give immediate relief and protection to the little remnant of our merchant fleet now about to be crowded from the Atlantic by England, Germany, and France, and from the Pacific by Japan.

May our patriotism overcome our partisanship, as it has at this session in the regulation of interstate commerce, and permit us to join as American citizens in this effort to restore to our great ocean commerce a great fleet of American ships to carry it to and from every port of the seas.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from New York has expired.

[Mr. GRIGGS addressed the committee. See Appendix.]

Mr. PAYNE. Mr. Chairman, I move that the committee rise and report the bill with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, 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—the general adminstrative customs act—and had directed him to report the same with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. PAYNE. Mr. Speaker, I move the adoption of the amendments.

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

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

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. GALLINGER, and Mr. BERRY as the conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On June 27:

H. R. 18536. An act providing for the subdivision of lands entered under the reclamation act, and for other purposes;

H. R. 19682. An act authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes; and

H. R. 17411. An act for the resurvey of certain townships in the State of Nebraska.

On June 28:

H. J. Res. 21. Joint resolution authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays;

H. J. Res. 160. Joint resolution authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.;

H. R. 9528. An act to reimburse Fred Dickson for loss of his tools through the fire which destroyed the engine house at Fort Duchesne, on September 19, 1902;

H. R. 12086. An act to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company;"

H. R. 13106. An act granting to the Batesville Power Company right to erect and construct canal and power stations at Lock and Dam No. 1, upper White River, Arkansas;

H. R. 13190. An act to protect birds and their eggs in game and bird preserves;

H. R. 19431. An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota;

H. R. 19566. An act to authorize the Coraopolis and Osborne Bridge Company to construct a bridge over the Ohio River;

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

H. R. 19756. An act to amend section 2844 of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands;

H. R. 19850. An act to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania;

H. R. 19854. An act to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River;

H. R. 15506. An act authorizing the patenting of certain lands to School District No. 57, Nez Perces County, Idaho;

H. R. 19916. An act withdrawing from entry certain public lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts;

H. R. 18030. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes;

H. J. Res. 158. Joint resolution amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1890, and for other purposes;

H. R. 7. An act to provide a seal for United States commissioners;

H. R. 5681. An act for the relief of John Lewis Young;

H. R. 9721. An act to amend section 5481 of the Revised Statutes of the United States;

H. R. 10074. An act in relation to contracts with the District of Columbia;

H. R. 11029. An act to authorize the holding of a regular term

of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va.;

H. R. 11501. An act to amend an act to provide for circuit and district courts of the United States at Albany, Ga.;

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

H. R. 18443. An act to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900;

H. R. 19379. An act providing for the manner of selecting and impaneling juries in the United States courts in the Territory of New Mexico;

H. R. 19607. An act for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories;

H. R. 15333. An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes;

H. R. 15078. An act granting to the Ocean Shore Railway Company a right of way for railroad purposes across Pigeon Point Light-House Reservation, in San Mateo County, Cal.;

H. R. 19374. An act to prohibit shanghaiing in the United States;

H. R. 16785. An act giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.; and

H. R. 12252. An act for the relief of the heirs at law of Massalon Whitten, deceased.

On June 29:

H. R. 18750. An act making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes;

H. J. Res. 92. Joint resolution authorizing the Secretary of War to deliver to the Southern Historical Society certain unidentified battle flags;

H. R. 17945. An act authorizing the Borderland Coal Company to construct a bridge across Tug Branch of Big Sandy River;

H. R. 16013. An act providing medals for certain persons;

H. R. 14975. An act amending chapter 863, volume 31, of the Statutes at Large;

H. R. 19519. An act to extend the privilege of the seventh section of the act approved June 10, 1880, to the subport of Superior, Wis.; and

H. R. 15140. An act to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

H. R. 12323. An act 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, and for other purposes;

H. R. 6495. An act granting an increase of pension to Phineas Hyde;

H. R. 17740. An act granting an increase of pension to Charles M. Sexton;

H. R. 20461. An act to reinstate Kenneth C. Castleman as a lieutenant in the Navy;

H. J. Res. 153. Joint resolution directing the Interstate Commerce Commission to investigate and report on block-signal systems and appliances for the automatic control of railway trains;

H. J. Res. 43. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans.;

H. R. 20173. An act to authorize Henry T. Henderson and his associates to divert the waters of Little River, in the State of Alabama, from the lands of the United States for use of electric light and power plant;

H. R. 11932. An act to grant American registry to the bark *Homeward Bound;*

H. R. 20175. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri;

H. R. 10501. An act to incorporate the National Education Association of the United States;

H. R. 16670. An act to indemnify Edgar P. Swett;

H. R. 20176. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri;

H. R. 4279. An act to correct the military record of Wilbur C. Stephens;

H. R. 13142. An act for the relief of Daniel B. Murphy;

H. R. 20290. An act to amend the river and harbor act of March 3, 1905;

H. R. 20451. An act to authorize the construction of a bridge across the Wabash River;

H. R. 17345. An act creating a United States court for China and prescribing the jurisdiction thereof;

H. R. 6963. An act granting a pension to William P. Knowlton;

H. R. 9238. An act for the relief of William Saphar;

H. R. 5509. An act for the relief of Russell Savage;

H. R. 19364. An act granting an increase of pension to Anna Ring;

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

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

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. 7099. An act to amend section 2871 of the Revised Statutes;

H. R. 717. An act granting an increase of pension to Oscar B. Morrison;

H. R. 19659. An act granting an increase of pension to Margaret S. Miller;

H. R. 14930. An act granting a pension to Mary Whisler;

H. R. 13193. An act to prohibit the killing of wild birds and wild animals in the District of Columbia;

H. R. 10610. An act for the relief of James N. Robinson and Sallie B. McComb;

H. R. 13836. An act for the relief of Taylor Ware;

H. R. 12892. An act granting an honorable discharge to Seth Davis;

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; and

H. R. 4599. An act to remove the charge of desertion from the military record of Wakeland Heryford.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6443. An act granting to the city of Los Angeles, Cal., rights of way over and through certain public lands, and over and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, in the State of California, and for other purposes;

S. 6471. An act granting an increase of pension to Ella E. Kenney;

S. 6522. An act 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 Alasaka;

S. 4880. An act granting an increase of pension to Emma K. Tourgée;

S. 6422. An act granting an increase of pension to John L. Wells;

S. 369. An act to authorize the appointment of Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy;

S. 952. An act to authorize a patent to be issued to Stephen Teichner for certain lands therein described;

S. 6492. An act to correct the military record of James Devlin;

S. R. 17. Joint resolution to print the Fourth Annual Report of the United States Reclamation Service;

S. 1166. An act to correct the military record of Peleg T. Griffith;

S. 1291. An act for the relief of James W. Watson;

S. 1862. An act for the relief Joshua T. Reynolds;

S. 1864. An act for the relief James H. Oliver, a commander on the retired list of the United States Navy;

S. 1725. An act granting certain land to the Missionary Baptist Church, of Rock Sink, Fla.;

S. 4185. An act granting an increase of pension to George B. Barnes;

S. 4197. An act 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;

S. 4593. An act for the relief of Francis J. Cleary, a midshipman in the United States Navy;

S. 4899. An act granting an increase of pension to Ann Thompson;

S. 6256. An act to authorize the Lake Schutte Cemetery Corporation to convey lands heretofore granted it;

S. 5028. An act to remove the charge of desertion from the military record of Thomas F. Callan, alias Thomas Cowan;

S. 6004. An act to provide an American register for the steam yacht *Waturus;*

S. 5769. An act to declare the true intent and meaning of parts of 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;

S. 6301. An act granting an increase of pension to William C. Long;

S. 6268. An act granting a pension to Helen G. Hibbard;

S. 6381. An act granting an increase of pension to John McDonough; and

S. 6359. An act granting an increase of pension to Francis D. Garrisey.

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. 1532. An act for the relief of the legal representatives of the late firm of Lèpene & Ferré—to the Committee on War Claims.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. KENNEDY of Nebraska. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 17972.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17972) to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. JOHNSON. Mr. Speaker, reserving the right to object, I would like to know something about this bill.

Mr. KENNEDY of Nebraska. This, Mr. Speaker, is a bill to extend the time within which the South Omaha Railroad and Bridge Company may build a bridge across the Missouri River at South Omaha.

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

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

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, 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 bills of the following titles:

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

S. 88. An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6523. An act to authorize the Alaska Pacific Railway and Terminal Company to construct a bridge across the Copper River, in the Territory of Alaska;

S. 6209. An act authorizing certain changes in the permanent system of highways in the District of Columbia;

S. 5446. An act for the relief of John Hudgins;

S. 553. An act for the relief of James W. Patterson;

S. 3842. An act for the relief of Mary C. Mayers; and

S. Res. 45. Joint resolution authorizing a commission to examine the battlefields around Petersburg, Va., and report whether it is advisable to establish a battlefield park.

RESOLUTION IN RELATION TO THE BILL H. R. 18891.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolved, That immediately after the adoption hereof it shall be in order to consider in the House as in Committee of the Whole H. R. 18891, "A bill to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska," and forty minutes shall be allowed for debate thereon, the time to be divided equally between those supporting and those opposing the bill, at the end of which time the previous question shall be considered as ordered and a vote taken on all amendments and the bill to its final passage without delay, intervening motion, or appeal.

Mr. DALZELL. The bill referred to is a bill incorporating a company to build a railroad in Alaska from the Gulf of Alaska, at the head of Cordova Bay, to a point on the Yukon River. It is a bill with which the House is familiar, reported by the Committee on Territories and recommended by the President in his message. Unless some gentleman wants to address the House on the rule, I will ask for the previous question. Does the gentleman from Mississippi [Mr. WILLIAMS] want any time?

Mr. WILLIAMS. Which one of the two bills is that?

Mr. DALZELL. It is the bill H. R. 18891.

Mr. WILLIAMS. The one bearing the name of Mr. Higgins?

Mr. DALZELL. Yes.

Mr. WILLIAMS. Yes; we want some time. I want to yield some time to the gentleman from Missouri [Mr. LLOYD].

Mr. DALZELL. How much time does the gentleman want? Does the gentleman want time on the rule or on the bill? I will give the gentleman as much time as he wants.

Mr. WILLIAMS. I would rather have it on the bill.

Mr. DALZELL. Then let us adopt the rule and go to the bill.

Mr. HAMILTON. As I understand, the rule permits twenty minutes on a side?

Mr. DALZELL. Yes.

Mr. LLOYD. Can not you make that, by unanimous agreement, forty minutes on a side?

Mr. WILLIAMS. Either take twenty minutes now or forty minutes later on. I do not expect to speak at all.

Mr. LLOYD. Let us have forty minutes on a side. If we do not use it, all right.

Mr. HAMILTON. We do not want more than twenty minutes on our side.

Mr. WILLIAMS. And perhaps not on this side.

Mr. DALZELL. I yield to the gentleman twenty minutes.

Mr. LLOYD. Mr. Speaker, I would rather have the twenty minutes, if it is to be only twenty minutes, on the bill, because my purpose is to speak on the bill.

Mr. HAMILTON. I understand that the rule provides for forty minutes' debate on the bill.

Mr. LLOYD. I appreciate the fact that the rule provides for forty minutes' debate, twenty minutes on a side, as I understand it. Under the rule there may be forty minutes' debate, and on the rule twenty minutes on a side.

Mr. DALZELL. I yield the gentleman twenty minutes, and then we will not consume any time on this side.

Mr. WILLIAMS. Mr. Speaker, I think I can save twenty minutes, if the gentleman will listen, by asking unanimous consent that the debate on the rule be waived, but that thirty minutes on a side be allowed on the bill itself.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent to change the time in the rule from forty minutes to an hour.

The SPEAKER. Is there objection?

There was no objection.

Mr. DALZELL. Now, I ask the previous question on the rule.

The question was taken; and the previous question was ordered.

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

The question was taken; and the resolution was adopted.

The SPEAKER. There is sixty minutes of debate under the special order. The Clerk will first report the bill.

The Clerk read as follows:

The bill (H. R. 18891) to aid in the construction of a railroad and telegraph and telephone lines in the district of Alaska.

The SPEAKER. The Chair desires to ask the gentleman from Michigan [Mr. HAMILTON] as to whether this bill has heretofore been read in the House?

Mr. HAMILTON. I think not.

The SPEAKER. The Clerk will read the bill.

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

Mr. PAYNE. Has it ever been read?

Mr. HAMILTON. Perhaps the bill has not been read. I withdraw the request.

The SPEAKER. The bill not having been read to the House, the Clerk will read it:

The Clerk read as follows:

A bill (H. R. 18891) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska.

Be it enacted, etc., That William L. Bull, Grant B. Schley, Winthrop Smith, William S. McLean, Sabin W. Colton, jr., W. Frederick Snyder, Irving A. Stearns, William M. Barnum, William B. Kurtz, Charles P. Hunt, Ernest Thalmann, James H. Wilson, Samuel M. Felton, John H. McGraw, Andrew F. Burleigh, and all such other persons who shall or may be associated with them, and their successors, are hereby created and erected into a body corporate and politic in deed and in law by the name, style, and title of the "Alaska Railroad Company," and by that name shall have perpetual succession and shall be able to sue and to be sued in all courts of law and equity within the United States and its Territories, and to make and have a common seal. And said corporation is hereby authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad, telegraph, and telephone line and branches, with the appurtenances, namely: Beginning at a point on the Gulf of Alaska, at or near the head of Cordova Bay, in the district of Alaska; thence by the most eligible route, as shall be determined by said company, within the territory of the United States, to a point on the Yukon River at or within 2 miles of Eagle; and is hereby vested with all the powers, privileges, and immunities necessary to carry into effect the purposes of this act as herein set forth. The capital stock of said company may consist of 200,000 shares of $100 each, all of the same class and grade, or of such lesser amount as the board of directors of said company may by by-laws determine, which said stock shall in all respects be deemed personal property and shall be transferable in such manner as the by-laws of said corporation shall provide. The persons hereinbefore named are hereby appointed and constituted the first directors of said corporation, to hold their said offices until their successors are duly elected, at the first stockholders' meeting, to be held as hereinafter provided, and qualify, of whom seven shall be a quorum for the transaction of business, which said stockholders' meeting shall be held within six months after the passage of this act. The board of directors of said corporation, after the board hereinbefore constituted as the first board of directors, shall consist of nine persons, five of whom shall constitute a quorum, and said board of directors shall be invested with all the corporate powers of said company. The first meeting of said first board of directors shall be held at such time and place in the city of New York, in the State of New York, as may be designated by a notice delivered to each of said persons hereinbefore named and signed by not less than three of the said persons hereinbefore named, said first meeting to be held not later than ninety days after the passage of this act. Said first board shall organize by the choice from its number of a president, vice-president, secretary, and treasurer, and they shall require from said treasurer such bonds as may be deemed proper, and may, from time to time, change the amount thereof at their discretion. The secretary shall be sworn to the faithful performance of his duties, and such oath shall be entered upon the records of the company, signed by him, with the oath verified thereon. The president and secretary of said board shall in like manner call all other meetings, naming the time and place thereof. It shall be the duty of said first board of directors to open books, or cause books to be opened, at such time and place as they, or a quorum of them, shall determine, within four months after the passage of this act, to receive subscriptions to the capital stock of said corporation. So soon as 5,000 shares shall in good faith be subscribed for, the said president and secretary of said first board of directors shall appoint a time and place for the first meeting of the subscribers to the stock of said company and shall give notice thereof, either personally to each subscriber by mailing to his address, as shown by the books, or in a newspaper published in the city of New York, at least ten days previous to the day of meeting. Such subscribers as shall attend the meeting so called, either in person or by lawful proxy, then and there shall elect by ballot nine directors for said corporation, and in such election each share of said capital stock shall entitle the owner thereof to one vote. The president and secretary of said first board of directors, and in case of their absence or inability any two of the officers of said board, shall act as inspectors of said election and shall certify under their hands the names of the directors elected at said meeting. The said first directors, treasurer, and secretary shall then deliver over to said directors all the property, subscription books, and other books in their possession, and thereupon the duties of said first directors and the officers previously appointed by them shall cease and determine forever. Thereafter the stockholders shall constitute said body politic and corporate. Annual meetings of the stockholders of said corporation for the choice of officers and for the transaction of business shall be holden at such time and place and upon such notice as may be prescribed by the by-laws.

SEC. 2. That the right of way through the lands of the United States in the district of Alaska for a standard-gauge railroad, telegraph, and telephone line is hereby granted to the said Alaska Railroad Company, upon filing due proof of its organization under this act with the Secretary of the Interior, from some point on the Gulf of Alaska at or near the head of Cordova Bay, to be determined by said company, to a point on the Yukon River at or within 2 miles of Eagle, by the most eligible route, the same to be built wholly within American territory, to the extent of 100 feet on each side of the center line of its railroad; also the right to take from the lands of the United States adjacent to the lines of said road materials—earth, stone, and timber—necessary for the construction of said railroad, telegraph, and telephone line; also the right to take for railroad uses, subject to the reservation of all minerals and coal therein, public lands adjacent to said right of way for station buildings, depots, machine shops, side tracks, turnouts, water stations, and terminals, and other legitimate railroad purposes, not to exceed in amount 20 acres for each station, to the extent of one station for each 10 miles of its road, excepting at terminals and junction points, which may include an additional 40 acres, to be limited on navigable waters to 80 rods on the shore line, and with the right to use such additional ground as in the opinion of the Secretary of the Interior may be necessary where there are heavy cuts and fills: *Provided*, That at the ocean terminal of said road, on the Gulf of Alaska, on the Pacific, said terminal lands hereby granted shall include 160 acres of uplands, limited to 160 rods on the shore line, and also the mud flats or tidelands in front thereof: *Provided further*, That nothing herein contained shall be construed to give to such railroad company, its lessees, grantees, or assigns, the ownership or use of minerals, including coal, within the limits of its right of way or of the lands hereby granted: *And provided further*, That all mining operations prosecuted or undertaken within the limits of such right of way or of the lands hereby granted shall, under rules and regulations to be prescribed by the Secretary of the Interior, be so conducted as not to injure or interfere with the property or operation of said railroad over its said lands and right of way. And when said railroad shall connect with any navigable stream or tide water, such company shall have power to construct, maintain, and operate such piers, wharves, docks, bunkers, and terminals as may be necessary and convenient for connection with water transportation, and for that purpose may take, possess, and use the shores in front of said terminals and extend said piers, wharves, docks, bunkers, and terminals to deep water, subject to the approval and supervision of the Secretary of War. The term "navigable waters" as herein used shall be held to include all tidal waters up to the line of ordinary high-water mark. That all charges for the transportation of freight and passengers on said railroad shall be just, fair, and reasonable, and shall be subject to all the provisions of an act entitled "An act to regulate commerce," approved February 4, 1887, and all other acts which now are or may hereafter be amendatory or supplemental thereof.

SEC. 3. That said company, where its right of way, or where its tracks upon such right of way, passes through any canyon, pass, or defile, shall not prevent any other railroad company from the use and occupancy of said canyon, pass, or defile for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade; and the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any tramway, wagon road, or other public highway now located therein, nor prevent the location through the same of any such tramway, wagon road, or highway, where such tramway, wagon road, or highway may be necessary for the public accommodation; and where any change in the location of such tramway, wagon road, or highway is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall, before entering upon the ground occupied by such tramway, wagon road, or highway, cause the same to be reconstructed at its own expense, in the most favorable location, and in as perfect a manner as the original road or tramway: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile, and that where the space is limited the United States district court shall require the road first constructed to allow any other railroad or tramway to pass over its track or tracks through such canyon, pass, or defile on such equitable basis as the said court may prescribe; and all shippers shall be entitled to equal accommodations as to the movement of their freight and without discrimination in favor of any person or corporation: *Provided*, That nothing herein shall be construed as depriving Congress of the right to regulate the charges for freight, passengers, and wharfage, or telegraph and telephone tolls, either directly or otherwise, as provided by law.

SEC. 4. That where said company shall, in the construction of said railroad, telegraph, and telephone lines, find it necessary to pass over private lands and possessory claims on lands of the United States, in case it can not agree with the owners or claimants for right of way, it may condemn the same in accordance with section 3 of the act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

SEC. 5. That said company, by filing with the Secretary of the Interior a preliminary actual survey and plat of its proposed route, shall have the right, at any time within one year thereafter, to file the map and profile of definite location provided for in this act, and such preliminary survey and plat shall, during the said period of one year from the time of filing the same, have the effect to render all the lands on which said preliminary survey and plat shall pass subject to such right of way.

SEC. 6. That said company shall, within one year from the date of filing said preliminary map of location of its road, as hereinbefore prescribed, whether upon surveyed or unsurveyed lands, file with the register of the land office for the district where such land is located a map and profile of at least a 20-mile section of its road as definitely fixed, and shall therafter each year definitely locate and file a map and profile of such location as aforesaid, but not less than 20 miles additional of its line of road, until the entire road has been thus definitely located, and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the records of said office, and thereafter all such lands over which such right of way shall pass shall be disposed of subject to to such right of way: *Provided*, That if any 20-mile section of said road shall not be completed within one year after the approval of said map of definite location by the Secretary of the Interior, or if the map of definite location shall not be filed within one year, as herein required, or if the entire road shall not be completed within eight years from the filing of the said preliminary plat of location, the rights herein granted may be forfeited as to any uncompleted portion of said railroad by the President of the United States: *And provided further*, That if said Alaska Railroad Company shall not complete and put in operation at least 250 miles of its said railroad within five years from the passage of this act, all the lands granted by or purchased under this act shall revert to the United States, except the terminal and station grounds and right of way mentioned in section 2 of this act.

SEC. 7. That said Alaska Railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turn-outs, stations, and watering places, and all other appurtenances, including furniture and rolling stock, equal in all respects to railroads of the first class when prepared for business, with rails of the best quality, and there shall be constructed a telegraph and telephone line of the most substantial and improved description to be operated along the entire line: *Provided*, That the said company shall not charge the Government of the United States higher rates than they do individuals for like transportation and telegraph and telephone service. And it shall be the duty of the said Alaska Railroad Company to permit any other railroad which shall be authorized to be built in Alaska to form running and track connections with it on fair and equitable terms.

SEC. 8. That the provisions of this act, except the limit of time for completing the main line, shall extend to such branch lines of railroad

as said company may desire to construct, maintain, and operate within eight years from the passage of this act.

SEC. 9. That the company shall have the power to borrow money and secure the same by mortgage or otherwise.

SEC. 10. That in addition to the terminal lands hereinbefore granted for railroad purposes there be, and is hereby, granted to said Alaska Railroad Company 2,560 acres of the public lands which are not coal lands or mineral in character, to be selected by said company by legal subdivisions, together with the mud flats or tidelands in front thereof at its terminus or near the head of Cordova Bay, for which said 2,560 acres of public lands said company shall pay to the United States $2.50 per acre. Said lands shall be selected in a compact body with a water front on Cordova Bay not exceeding 2 miles. Said Alaska Railroad Company shall pay the cost of surveying the same, as now provided by law in Alaska. Said company shall have the right to select lands claimed or occupied, provided it shall obtain from the claimant or occupant an assignment or relinquishment of his rights, if such lands were claimed or occupied prior to the passage of this act, which assignment or relinquishment in writing shall be filed with the survey and selection of such lands in the office of the register of the United States land office in the district where such lands are situate. Said company shall have the right to improve the said mud flats or tidelands hereby granted for purposes of trade, commerce, and manufacture, in accordance with plans submitted to and approved by the Secretary of War: *Provided,* That ample streets and ways of access to the water front and the harbor area hereinafter provided for shall be reserved to the public by said plans and improvements: *Provided further,* That the public shall have the right to use all wharves, docks, slips, and waterways erected upon the said harbor area, in front of the lands granted by this section, upon payment of reasonable charges therefor, to be regulated by the Secretary of the Interior: *Provided further,* That the Secretary of War shall, as soon as may be after the passage of this act, cause a harbor area to be established along the water front in front of the lands granted by this section at said terminus, at or near the head of Cordova Bay, not exceeding 800 feet in width, which said harbor area shall be reserved in perpetuity for the public, and beyond the outer line of which it shall be unlawful to erect any pier, wharf, dock, or other structure, and said harbor area is hereby reserved from the mud flats or tidelands in this section granted: *Provided further,* That suitable reservations shall be made for public buildings, schools, and parks when said lands are platted, to be approved by the Secretary of War: *And provided further,* That any other railroad company that may desire to make its terminus at Cordova Bay shall have the right to condemn for rights of way and terminal purposes, in the manner provided by law, any of the lands granted by this section and not reserved as a harbor area. Said Alaska Railroad Company is hereby given the right to confine the waters of Cordova Creek to one channel, and to straighten and deepen the same.

SEC. 11. That there be, and is hereby, granted to said Alaska Railroad Company one section of coal lands in Alaska, to be selected by said company, for which coal lands said company shall pay to the United States $10 per acre. If the lands selected are claimed or occupied, they may, nevertheless, be entered by said company, provided said company shall procure and file in the local land office, when such entry is made, an assignment or relinquishment by the claimant or occupant.

SEC. 12. That said Alaska Railroad and any and all branches it may construct, or any part thereof, shall be a post route and military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation: *Provided,* That said company shall be exempt from license or other tax during the construction of the road: *Provided,* That the granting of this charter by Congress shall not be construed so as to prevent the taxation of the franchise and property of said company by any State or Territory constructed out of the district of Alaska or any part thereof.

SEC. 13. That the directors of said company shall make to the Secretary of Commerce and Labor an annual report of their receipts and expenditures, verified by the affidavits of the President and at least five of the directors, and shall also include the name and post-office address of its stockholders and the number of shares owned by each.

SEC. 14. That the directors chosen by the stockholders in pursuance of the first section of this act shall, so soon as may be after their election, elect from their own number a president and vice-president, and said board of directors shall, from time to time and so soon as may be after their election, choose a treasurer and secretary, wh shall hold their offices at the will and pleasure of the board of directors. The treasurer and secretary shall give such bonds with such security as the board may from time to time require. The secretary shall, before entering upon his duties, be sworn to the faithful discharge thereof, and said oath shall be made a matter of record upon the books of the corporation. No person shall be a director of said company unless he shall be a stockholder and qualified to vote for directors at the election at which he shall be chosen.

SEC. 15. That the president, vice-president, and directors shall hold their offices for the period indicated in the by-laws of said company, not exceeding three years, respectively, and until others are chosen in their place and qualify. In case it shall so happen that an election of directors shall not be made on any day appointed by the by-laws of said company, the corporation shall not for that reason be deemed to be dissolved, but such election may be held on any day within three months thereafter, which shall be appointed by the directors. The directors, of whom five, including the president, shall be a quorum for the transaction of business, shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, the transfer of shares, the duties and conduct of their officers and servants touching the election and meeting of directors, and all matters whatsoever which may appertain to the concerns of said company. And the said board of directors may have full power to fill any vacancy or vacancies that may occur from any cause or causes from time to time in their said board; and the said board of directors shall have power to appoint such engineers, agents, and subordinates as may from time to time be necessary to carry into effect the objects of the company, and to do all acts and things touching the location and construction of said road.

SEC. 16. That it shall be lawful for the directors of said company to receive payment in cash, or in property at its cash value, upon all subscriptions received of all subscribers at such times and in such proportions and on such conditions as they shall deem to be necessary to completely carry out the objects of this act. Sixty days' previous notice shall be given of the payments required and of the time and place of payment by publishing a notice once a week in one daily newspaper in the city of New York, and by mailing a notice thereof to each subscriber from whom such payment is due, addressed to him at the address given upon the books of the company. And in case any stockholder shall neglect or refuse to pay, in pursuance of such notice, the stock held by such person may be sold at public auction to the highest bidder, and the company may bid therefor to the amount due it upon such subscription, subject to the condition that the board of directors may allow any stockholder to redeem his stock when so sold on such terms as they may prescribe.

SEC. 17. That all lawful claims of laborers, contractors, subcontractors, or material men for labor performed or material furnished in the construction of the railroad, telegraph, and telephone lines shall be a first lien thereon and take precedence of any mortgage or other lien.

SEC. 18. That the right of way herein and hereby authorized shall not be assigned or transferred, in any form whatever, prior to the construction and completion of at least one-fourth of the proposed mileage of said railroad, telephone, and telegraph, as indicated by the map of definite location, except by mortgages or other liens that may be given or secured thereon to aid the construction thereof.

SEC 19. Congress may at any time add to, alter, amend, or repeal this act.

The SPEAKER. The gentleman from Michigan has thirty minutes, and the Chair understands the gentleman from Missouri [Mr. LLOYD] to have thirty minutes.

Mr. HAMILTON. Mr. Speaker, this bill proposes to incorporate a railroad company for the construction of a railroad from Cordova Bay to Eagle, on the Yukon, in Alaska.

Now, Mr. Speaker, this Government is not justified in aiding a private enterprise except where great public benefit will result. In his message at the opening of the Fifty-eighth Congress the President made this recommendation:

> In my judgment it is especially important to aid in such a manner as is just and feasible in the construction of a trunk line of railway to connect the Gulf of Alaska and the Yukon River through American territory. This would be most beneficial to the development of the resources of the Territory and of the comfort and welfare of its people.

In his annual message of December 5, 1905, the President repeated his former recommendation in the following language:

> The Government should aid in the construction of a railroad from the Gulf of Alaska to the Yukon River in American territory.

Mr. Speaker, when this question first came before the Committee on Territories, the idea of Government aid took shape in the suggestion that a guarantee of construction bonds should be given by the Government. To this the Committee on Territories did not feel they could accede, and after several weeks of hearings we finally determined on a plan to aid in the construction of a great trunk line as provided for in this bill and as shown on the map before the House. As a part of the general plan of Government aid, the committee proposes also aid in the construction of a railroad now partly constructed, known as the "Alaska Central Railroad," which is projected from the town of Seward, on Resurrection Bay, northward to Fairbanks, on the Tanana River. The distance from Seward to Fairbanks is 463 miles. The Alaska Central Railroad Company, notwithstanding the fact that they have expended two and a half million dollars, have only been able to construct up to about mile 45. It is estimated that the railroad will cost upward of $20,000,000. As, of course, is known to Members of the House, this country proposed to be traversed by this railroad is utterly wild and uninhabited except that there are occasional mining camps. The line proposed in the bill that is before the House, which extends from Cordova Bay——

Mr. GILBERT of Kentucky. Before you get away from the first line, has the Government heretofore made any contribution of land or aid in any way?

Mr. HAMILTON. There are very few roads constructed in Alaska. There are 45 miles of the Alaska Central constructed, and there is a little road between Fairbanks and Chena, 26 miles long, and there are three short lines up in the Seward Peninsula, the shortest of which is 8 miles long and the longest of which is 20 miles long.

Mr. GILBERT of Kentucky. A charter authorizes the construction of a line up in here [indicating].

Mr. HAMILTON. Yes.

Mr. GILBERT of Kentucky. They have a charter. Now, is there any provision in that charter authorizing the acquisition or acquirement of public lands?

Mr. HAMILTON. There is a provision in a bill which will be brought before the House to give them certain tracts of 160 acres each at certain points mentioned in the bill.

Mr. LACEY. It was increased to 160 at division points.

Mr. HAMILTON. And 160 acres at the northern terminus of this road.

Necessarily, gentlemen of the House have been much occupied with other matters, and very few Members, I take it, have had an opportunity to make any special study of conditions in Alaska. Now, there are practically no railroads in Alaska. I

think I can remember them all, and will try to give them to the House.

The White Pass and Yukon road is a Canadian enterprise, and is a road 112 miles long, running from the head of the Lynn Canal up to White Horse. Twenty miles of that road only are in American territory. Another road, the one I have been endeavoring to describe, the Alaska Central, has constructed only 45 miles of its road, and is having great difficulty to get farther, owing to difficulty in the sale of its bonds, and it has been before the Committee on the Territories and before the Public Lands Committee asking for aid. There is another short road up here from Nome. I think that road is 20 miles long. There is another short road called the "Solomon River Railroad," which, I think, is 17 miles long.

Mr. LACEY. Thirteen miles.

Mr. HAMILTON. Thirteen miles long, the gentleman from Iowa [Mr. LACEY] suggests. And there is another little narrow-gauge road, 26 miles long, running out from Fairbanks to Chena.

Now, here is a vast territory. Alaska is nearly as large as the whole of the United States east of the Mississippi River. It has wonderful possibilities in a mineral way, and it is contended by those who have made a study of the conditions that it has all of the possibilities, from an agricultural standpoint, that Finland has realized. Finland, if I remember correctly, has about one-fourth the area of Alaska, and about one-third of that area is marsh and lake. Another third is forest, and the other third supports a population of 3,000,000 people. Now, it is contended that Alaska has all of the agricultural possibilities of Finland, and it is contended that we ought to aid in the opening up of the internal resources of Alaska, both mineral and agricultural.

Mr. HINSHAW. Along the line of the proposed railroad what agricultural possibilities are there?

Mr. HAMILTON. There are agricultural possibilities in the Copper River Valley. I might as well take that up now. The Copper River Valley is a rich valley. They say there are deposits of copper there rich enough to make another crop of millionaires, and to the east of the Copper River Valley are extensive coal fields.

Another thing I want to call the attention of the House to: We are paying for coal used on our warships on the Pacific Ocean, according to the hearings before our committee, over one million dollars per year, and the coal so purchased is Welsh coal. We are buying Welsh coal because it is said to be cheaper by reason of water transportation than Pocahontas coal, which has to be transported across the continent. Now, here are these coal deposits east of the Copper River Valley, and here are the coal deposits in the Matanuska Valley, and it is said that coal from these fields can be sold at $7 a ton delivered at the seaboard if railroads are constructed, whereas our Government is now paying $12 and $14 a ton for this Welch coal. There would be a material saving to the Government.

Now, another thing: How do we get into Alaska? The only ways of getting into Alaska to-day are, first, by way of this White Pass and Yukon Railroad to White Horse, then down the Lewes River, thence down the Yukon River, and the distance from Skagway, the southern terminus of the White Pass and Yukon Railroad, to Fairbanks, is 1,500 miles. The Yukon River is over 3,000 miles long. The other way to get into this country is around by sea up to Norton Sound. There the large ships have to unload, and their freight is taken into smaller boats and carried up the Yukon. From St. Michael, near the mouth of the Yukon River, to Fairbanks is a distance of 1,000 miles. It takes a month to transport mail to interior points of Alaska. A third route is by trail northward from Valdez.

Another proposition, gentlemen: The average cost of transporting freight to water points in the interior of Alaska is $100 per ton, and off from waterways the freight rates are prohibitive. They are all the way from $2 to $10 per ton per mile. As an illustration, at Tanana Crossing, 300 miles north of the Gulf of Alaska and 200 miles south of the Yukon River, sugar, flour, and salt are each 75 cents per pound, regardless of the real value of the commodity. The price of the commodity is fixed by the cost of transportation. One other illustration: A gentleman appeared before our committee from the town of Fairbanks, and he was intending to take into Fairbanks some motors to be used in connection with an electric lighting plant. Fairbanks is a town of something like 9,000 inhabitants. He said that the cost of the freight on these motors would be 50 cents per pound, or $1,000 per ton.

Now, it is said to be impossible for the miners to work a placer mine which does not pay upward of $10 or $20 a day because of the cost of living. A great deal of the mineral wealth of Alaska is not being utilized or developed because of lack of transportation. It is said to be absolutely impossible to work quartz mines which are not near navigable waters, because they can not get machinery to them. Of course, so far as water transportation is concerned, they can get around the coast of Alaska and up the Yukon River, but in these valleys south of the Yukon there is great mineral wealth and there are great agricultural possibilities.

I will, if I am permitted to extend my remarks in the RECORD, put in some details as to these valleys.

Mr. GILBERT of Kentucky. What about the necessity for snow sheds?

Mr. HAMILTON. I judge others by myself. I had a misapprehension of Alaska. Most people think that it is nothing but a large iceberg with a polar bear on top of it, some bare ground showing here and there. Along south of the Coast Range here the snow is deep at times. North of this Coast Range the snow is seldom more than 3 feet deep. Indeed, the testimony before the committee is that in the Sushitna Valley the blue grass grows. I don't know whether it is the same kind that grows in the State of the gentleman from Kentucky, but it is said that it grows there in its natural state 5 feet in height; and a gentleman testified before us that where the moose had run the grass was so high that a man sitting on horseback could not reach the top of it. Horses turned out in the winter there do well and come out in the spring in good condition.

Now, gentlemen, I can only touch briefly on these different points. I only want to show, or try to show, the absolute necessity of providing some kind of transportation. In regard to this railroad, I want to state that the committee has given very careful consideration to it. I admit that when I went into the consideration of it I was prejudiced against the idea of Government aid. It was quoted to us that we had given aid in the Philippines, and I insisted that that ought not to be treated as a precedent, because the railroad aid given in the Philippines was not directly given by the Federal Government, but was authorized by the Federal Government to be given by the Philippine government. But, gentlemen, we did give Government aid to railroad construction in the Philippines; that is, we put the moral strength of this Government behind a guaranty by the Philippine government of construction bonds of railroads in the Philippine Islands. After long consideration, a majority of the committee finally determined that if we could aid in railroad construction in the Philippine Islands, 7,000 miles away, we could do some little thing for our own American enterprise in our own country.

Now, what have we proposed to do? We discussed it day after day, and finally we said, "Gentlemen, we will incorporate you, and we will give you some aid; we will allow you to buy; we will not give you any land, except that we will increase the terminal grant which the law gives you from 60 to 160 acres, but we will allow you to buy some land." Gentlemen will remember that the railroad law of Alaska makes provision for the construction of railroads in Alaska. It gives 100 feet on each side of the center of the right of way and 20 acres for stations and 60 acres for terminals. Now, they want to build a town at the south end of this railroad. We said, "We will let you buy four sections of land at $2.50 an acre, the Government price. We will not give it to you, and you can not take that land so as to control the water front; you can have only 2 miles of that water front." It was determined further to leave open to the public forever 800 feet along the water front of the proposed town. They said they would like to be permitted to buy the land now, because if they had to take it under the homestead law they could not acquire title for five years, and if we gave them a chance to do this they could acquire title at once and build a city up there. At present this land has practically no value. These gentlemen are optimists. It is an inhospitable country; but they say that they will build a city there. Now, what do we do further? They go along up this right of way and there are coal fields. We say that for the purpose of running your road, and for no other purpose, you can buy at $10 an acre a section of this land. We do not give the land. Let no gentleman here get the idea that we are giving away this land. We say, You can buy a section of land at $10 an acre, the Government price.

Mr. WM. ALDEN SMITH. Mr. Speaker, I would like to ask my colleague whether any of the roads now under construction or already built in this country have been specially chartered by the Government?

Mr. HAMILTON. No.

Mr. WM. ALDEN SMITH. None of them.

Mr. HAMILTON. Perhaps I ought to say, by way of preliminary explanation—and I am hurrying a little—that under the law a preliminary survey has to be filed with the Secretary of the Interior, together with articles of association. Some

roads have filed these preliminary surveys and articles of association, but they have seldom gone beyond that. I believe one road has done some little work out of Valdez—that is to say, it is said that they have done some digging. But they have gone no further. Another thing I want to say is that the Secretary of the Interior complained of the general provision for forfeiture which was originally incorporated in the bill following existing law, and I went to the Secretary of the Interior, and I said that we wanted to be careful about this question, and he suggested that we place the right of forfeiture in the President of the United States, so that if the railroad company does not do as it is required the President can exercise that right.

Mr. GILBERT of Kentucky. The gentleman hurried away from the coal proposition. How many acres of land at $10 an acre are they limited to?

Mr. HAMILTON. One section.

Mr. GILBERT of Kentucky. On the whole road?

Mr. HAMILTON. Yes. They say that the coal is owned by other people, and they might not be able to buy it, or that the other people might not open up the coal fields, and they would have no right to do it. We give them the right to buy, but if others are in possession they must buy from them also. That is a double burden that we put upon them.

I desire to say another thing. The general law says that they shall complete their surveys and shall finish their road in four years. Obviously, gentlemen, it is utterly impossible to construct that road, 525 miles long, in four years. Everybody can see that. So we say that we will give them eight years to construct this road; but if they do not construct 250 miles of that road in five years, they shall forfeit all the lands that we have given them the right to purchase.

Mr. HINSHAW. Does this bill provide for any contribution of money from the Government?

Mr. HAMILTON. Not a cent.

Mr. HINSHAW. Or for a guaranty of any bonds?

Mr. HAMILTON. Not a bond.

Mr. HINSHAW. Then there is nothing whatever in the way of construction except the sale of these lands at a specified price?

Mr. HAMILTON. That is all; and I desire to say that those lands are not worth 2½ cents an acre to-day, and never will be worth anything until transportation companies go in there. I say that it is patriotic for us to help the construction of these railroads. I have gone over it day after day, and I believe in it, and I believe we ought to do it. The President wanted us to aid the construction of railroads, and we said if we could put a trunk line up from Cordova Bay to Eagle, on the Yukon, and put another trunk line from Resurrection Bay to Fairbanks, it would be a great help to Alaska. All of the Members can see for themselves, on the map, that when you do that you have constructed two great trunk lines which open up the internal resources of Alaska. Then, in the course of time—I may be visionary about this—we shall see another great railroad constructed across here, from Fairbanks northwesterly into the Nome country, about 1,000 miles; and we did authorize a preliminary survey or a trail survey this year looking to the ultimate construction of such a railroad.

Mr. BEALL of Texas. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. Yes.

Mr. BEALL of Texas. Under the forfeiture clause of this bill, I believe this railroad is given eight years within which to construct the road.

Mr. HAMILTON. Yes; the 525 miles of it.

Mr. BEALL of Texas. Under the general law they would have only four years.

Mr. HAMILTON. Yes.

Mr. BEALL of Texas. Is it not a fact that this bill will, to that extent, give this railroad an advantage over every other road that is proposed to be constructed into Alaska under the general law?

Mr. HAMILTON. I will try to answer the gentleman. I do not think so, for this reason: Alaska, as I said, is a vast territory and certainly there is room for all railroads who want to construct through there. The great difficulty is that the people can not get capital to go in there to construct these railroads, but whenever any other railroad wants to go through any canyon, pass, or defile occupied by this road, as the gentleman knows, we have provided that that railroad may cross this road, and that that canyon, pass, or defile shall be open to all other roads. Outside of this, there is all this vast territory open to all other railroads.

Mr. LACEY rose.

Mr. HAMILTON. I must yield to some other gentleman. If you will permit me later, I may take the floor.

Mr. BEALL of Texas. I understand about the defiles, etc., but if this road is given four years in which to complete the line, and under the general law all others will be given four years, does not that give a very decided advantage over every other one?

Mr. HAMILTON. Does the gentleman remember we have extended the time of filing definite surveys to three or four of the other roads here?

Mr. BEALL of Texas. But they have to come up by special act of Congress to get an extension of time.

Mr. HAMILTON. We always grant that, and this does not give any special advantage, in my judgment, and I think when my friend goes over it carefully he will agree it does not give any special advantage.

Alaska was acquired from Russia, the transfer being made October 18, 1867. Appropriation for the purchase price, $7,200,000, was made in 1868.

The award of the Commission appointed pursuant to the treaty signed January 24, 1903, to define the boundary between Alaska and Canada, established a line as follows:

Beginning at Cape Muzon at the South point of Dall Island; thence east to Wales Island at the entrance of Portland canal; thence north around Wales Island and northward up the center of Portland Canal to the head thereof; thence north to the fifty-sixth parallel; thence following the crest of the mountains parallel to the coast, or following a line parallel with the sinuosities of the coast and 10 marine leagues therefrom where the mountains exceed that distance from the coast, to the one hundred and forty-first degree of west longitude; thence north on the one hundred and forty-first degree to the Arctic Ocean.

The area of Alaska is about 580,000 square miles, or 37,120,000 acres. It cost the Government in 1867 about 19 cents an acre.

The permanent white population of the Territory was estimated by the subcommittee of the Senate Committee on Territories who visited there in 1903 to be 20,000. The governor of Alaska in his report in 1903 estimated the white population at 26,550, and in his report for 1905 states that it has not materially increased in the last year.

Witnesses before the Committee on the Territories this year, having intimate knowledge of conditions in Alaska, estimate the permanent white population at from 35,000 to 50,000.

Alaska is a partially organized Territory, having a governor and secretary, but no legislature. It is divided into three Federal judicial districts. It is a customs district and there are local land offices.

With reference to the larger towns in the Territory, ex-Gov. A. P. Swineford said before the Committee on the Territories February 23, 1906:

Fairbanks has, I think, the largest population at the present time. I think that in the winter season the population of that place is probably about 5,000, and, including the mining camps and surrounding district, I should say that the population is approximately 15,000. Nome is probably the next largest, having a permanent winter population in the neighborhood of 3,000, and, in addition, 10,000 persons in the surrounding camps. Then comes Juneau, with a population of 2,500. I can estimate that town's population pretty accurately, because the census is taken there nearly every year, though the effort is to make the count less than 1,500, because of the graded liquor license. Next comes Douglas, with a population of, say, 2,000; then Treadwell, with 1,500; then Skagway, with 1,500; Ketchikan, about 1,500; Haines and Fort Seward, 1,000; Wrangell, about 1,200, and Sitka, with about 1,000. Seward probably has a population of 1,500. I would not like to have any Valdez man hear me estimating the population of that place at less than 1,500 or even 2,000.

Since its acquisition, the total receipts from Alaska to and including 1903, exceeded by $999,041.63 the total expenditures of all descriptions, including such exceptional items as expense of revenue vessels, relief of people in mining regions, and Bering Sea awards and commissions.

The commerce of Alaska as compared with that of other possessions of the United States is indicated in a table submitted by ex-Governor Swineford as follows:

Total value of domestic merchandise shipped from the States to Alaska during the year ending June 30, 1905	$11,227,619
Total value of domestic merchandise shipped from Alaska to States during the year ending June 30, 1905	10,698,694
Gold shipments, same period	9,067,325
Total	30,993,638
Gold production for calendar year ending December 31, 1905	15,000,000
Shipments to Hawaii, same period	11,643,519
Shipments to Porto Rico, same period	13,387,457
Shipments to Philippines, same period	6,198,384
From Hawaii to States	36,069,109
From Porto Rico to States	15,527,265
From Philippines to States	12,657,904

MINING.

The largest part of the wealth of Alaska is in its minerals, chief among which now is gold.

The production of gold has increased from $2,000,000 in 1895

to $15,000,000 in 1905, and the total production for that period has been $70,898,000.

About four-fifths of the gold produced is from placer mining, the balance being taken from lode deposits.

Necessarily quartz mining is greatly restricted, in fact prohibited except on navigable water, by the lack of transportation facilities capable of handling heavy mining machinery.

Placer mining is limited to regions where the deposits are sufficiently rich to make return for expensive hand work.

When railroads bring in hydraulic machinery, claims can be profitably worked which can not be worked at all now by reason of physical conditions or are neglected for richer fields.

Under present conditions and by present methods, only gravels carrying at least $2 or $3 per cubic yard can be profitably mined. When means of transportation permit the bringing in of hydraulic machinery, dirt carrying 50 cents and even less per cubic yard can be very profitably worked.

The productive gold districts of Alaska may be divided into three general belts.

The first is parallel with the coast of the Gulf of Alaska, starting at the extreme southeastern point of Alaska on Portland Channel and following the coast to where it bends to the southwest.

This region contains practically all of the producing quartz mines of the Territory, including the Treadwell, at Douglas, which has been in operation for many years and now runs about 900 stamps.

Quartz properties have been located farther west in the coast belt, and Mr. John E. Ballaine, of Seward, Alaska, stated before the Committee on the Territories that last summer a ledge of quartz was discovered in the Kenai Peninsula, east of Cook Inlet, near the line of the Alaska Central Railroad, ore from which assayed as high as $1,600 a ton, and which, it was believed, would average $100 a ton.

Mr. Ballaine further refers to the statement of Mr. Purinton, a mining engineer, who asserted that, in his opinion, Crow Creek Valley, on the north side of Turnagain Arm, Cook Inlet, contains not less than $125,000,000 in gold, which, however, will have to be mined by heavy hydraulic machinery, which can not now, for lack of transportation facilities, be taken into that country.

Some of the smaller placer districts are contained within this coast belt.

The second gold belt extends westward from the international boundary near the Klondike region, and includes the rich camps in the Fortymile and Tanana districts, among them Fairbanks. This belt has an area of approximately 20,000 square miles.

Although the Fairbanks camps alone sent out more than $6,000,000 in gold in 1905, placer mining is limited and quartz mining practically prohibited by lack of transportation.

The third gold-bearing belt extends westward from the Upper Koyukuk, near Coldfoot, above the Arctic Circle, to the Seward Peninsula. For much of the distance between these extremities, it is said, the gold-bearing gravel is covered by "younger" rock.

The placer mines of the Seward Peninsula have produced gold to the amount of $30,000,000.

One quartz mine near Solomon in the Seward Peninsula has been in successful operation for some years, and the development of the field generally has been more rapid because of proximity to tide water.

It has been stated that South Africa is producing $100,000,000 a year in gold, and it is at the same time asserted that the fields in that country are not so rich as those of Alaska.

There is no room for doubt that the extension of placer mining and the inauguration of quartz mining throughout Alaska are dependent almost wholly upon improved transportation.

COPPER.

Copper ores are known to exist in four distinct districts in Alaska.

Two of these districts, one at the southern end of Prince of Wales Island and the other on the east shore of Prince William Sound, being on tide water and having ready access to ocean transportation, are on a profitable commercial basis and produced copper last year to the value of $600,000.

The third copper district is in the Chitina Valley on the southern slope of the Wrangell Mountains.

The deposits are chiefly sulphide ores, found along a contact of greenstone and limestone.

Tests by drilling and surface investigations indicate the existence of extensive bodies of rich ore.

The transportation conditions which restrict gold operations absolutely prohibit copper mining away from the seaboard.

The Chitina field is now reached only by a horse trail 150 or 200 miles long.

The fourth copper district is located in the region of the headwaters of the Tanana, Copper, and White rivers.

It has not been extensively explored, but it is believed that copper exists in commercial quantities.

This district, even more than the Chitina, is dependent upon railroad transportation for development.

COAL.

Coal fields are distributed throughout Alaska. The fields now known in Alaska are equal in area to the fields of Pennsylvania, and only about one-fifth of the Territory has been explored.

While there are some coals of very high grade, probably the greater part are of low grade, lignitic in character, and with a small percentage of fixed carbon.

The total coal production for 1905 was about 2,000 tons.

Lack of transportation is of course more severely felt than in the case of gold or copper, coal away from the seacoast or not reached by a railroad, being of no immediate commercial interest and only valuable as a possible future fuel supply.

Anthracite and semianthracite coal is found in two localities principally, on Bering River, east of the mouth of the Copper River and about 25 miles from Controller Bay. This is sometimes known as "Kayak coal."

This field covers an area of about 70 square miles, of which 25 square miles is anthracite and 45 square miles is semianthracite and semibituminous coking coal.

Doctor Martin, of the Geological Survey, says the quantity is great and the quality high.

The serious obstacle to the development of this field is the fact that although a railroad could easily be built from tide water to it, an artificial harbor would have to be constructed at great cost. Otherwise a railroad must be built from some harbor on Prince William Sound, a distance of practically 100 miles. The Alaska Railroad Company, which the pending bill proposes to assist, intends to reach the coal field by this route.

The second valuable field lies in the valley of the Matanuska River, which flows southwest into Knik Arm, at the head of Cook Inlet. Doctor Martin estimates that this field has an area of from seventy to several hundred square miles. The coals are anthracite, semibituminous, coking, and low-grade bituminous. Both quantity and quality indicate a promising future for the field.

The coal is about 50 miles from tide water, in Cook Inlet.

This field will doubtless be reached by a branch of the Alaska Central Railroad, the main line of which runs north from Seward, and when finished will extend around the head of Knik Arm and up the Sushitna Valley to the vicinity of Fairbanks, a distance of 463 miles.

Next in quality to the coal of the Bering and Matanuska fields appears to be a semibituminous coal found in the vicinity of Cape Lisburne, north of Bering Strait, in about latitude 69°.

This coal is of fair quality, but because the coast is ice locked all but two or three months in the year and because there is no harbor, the coal is not now of commercial value.

There is a small mine on Chicago Creek, on the north side of Seward Peninsula, the output of which, although a low-grade lignite, has sold readily at $40 a ton.

Explorers and prospectors have reported large coal fields on the Arctic slope of northern Alaska, but these fields are too remote to be of present commercial interest.

Bituminous and lignite coals are found in the valleys of the Yukon, Tanana, and Koyukuk rivers, in the Alaska Peninsula, at Kachemak Bay, on the east shore of Cook Inlet; in southeastern Alaska, and in small quantities in various other places.

The two coal fields of immediate commercial and national interest are those on the Bering and Matanuska rivers.

The quantity of coal in each is apparently great and of high quality.

The officers of the Geological Survey say that in quality this coal ranks with Pocahontas coal of West Virginia, and the Welsh coal used by the Navy, and which is necessarily of high quality.

It should be understood that practically no coal, except bituminous coal unfit for use by the Navy, is found on the Pacific coast outside of Alaska.

The Government can buy Welsh coal cheaper at Puget Sound than it can buy coal from the Pennsylvania fields because of cheap water transportation and the advantage of return cargoes.

The Navy uses on the Pacific stations about 100,000 tons of coal a year, which costs an average price of from $12 to $14 a ton, or considerably over $1,000,000.

Gentlemen representing railroad companies seeking to reach the coal fields in question say that when railroads are completed

coal of a grade fully equal to that required by the Navy can be delivered at tide water for from $6 to $7 per ton.

Aside from the interest which the Government should take in the opening of Alaska, it has, so far at least as coal is concerned, a direct financial interest in the deveolpment of railroad transportation, without which coal is inaccessible.

OIL.

The Geological Survey, in a bulletin issued in 1905, reports indications of petroleum in three districts in Alaska—at Controller Bay, just east of the mouth of the Copper River; at Dry Bay and Oil Bay, on the west shore of Cook Inlet, and at Cold Bay, on the east coast of the Alaska Peninsula, opposite the lower end of Kodiak Island.

There are seepages and other surface indications of oil in all these districts, and wells have been drilled, but results have not yet demonstrated that the fields have commercial value.

TIN.

Extensive placer and quartz deposits of tin have been discovered in Seward Peninsula, in the vicinity of Cape Prince of Wales. At least one mine, the Bartels, is in operation at Twin City, Cape Prince of Wales. Assays show values of from $12 to $800 a ton of ore.

Numerous other ledges of tin ore have been located, and assays show high commercial value.

It is estimated by experts that the tin fields cover an area of at least 1,200 square miles, with at least $25,000,000 in ore in sight.

FISHERIES.

The coast line of Alaska is equal to the circumference of the globe at the equator, and it has been stated that there is good fishing for every mile. However, there has been little fishing for commercial purposes north of Bristol Bay.

While the fisheries of Alaska are almost entirely salmon fisheries, still halibut, cod, and herring are caught in large numbers. The red salmon is the principal commercial variety.

That part of the coast where fishing is carried on has been divided for convenience into three general districts—the Bering Sea district (Bristol Bay), the central Alaska district, and the southeastern Alaska district.

Some knowledge of the peculiar habits of the salmon is necessary to an understanding of the methods pursued in fishing.

Salmon eggs are laid in the upper waters of streams flowing into the ocean. It is stated that a female red salmon, the most common variety, lays about 3,000 eggs, a very small proportion of which are hatched, and that only a small proportion of fish hatched reach maturity.

Hon. C. W. Dorr, of the Alaska Packers' Association, states, and his statements are confirmed by Dr. B. W. Evermann, scientific expert of the Bureau of Fisheries, that in his opinion a young salmon remains in the waters in which it is hatched for about a year, and then, being what is known as a "fingerling," it goes down the stream to the ocean, and there utterly disappears for a period varying, in the opinion of experts, from four to seven years. It is believed that it goes into deep ocean water. Experts are not able to tell what becomes of it, but at the end of the period stated, having reached maturity, it returns, by unerring instinct, to the stream where it was hatched, to propagate.

From the time it enters fresh water it practically ceases to eat, and as it passes up the stream over rocks and falls and through rapids it becomes weaker and weaker. It may die before it reaches the spawning grounds in the headwaters and float back downstream, but, at best, it reaches the grounds exhausted and nearly dead. The females deposit the eggs, which are fertilized by the males, whereupon, within a few days, both male and female die and float downstream. The Pacific salmon never goes to the ocean a second time alive.

The salmon deteriorates in commercial value as it advances up the stream, and inasmuch as it never returns from the headwaters alive it must be taken for food purposes at or near the mouths of the streams, and it is there that the fishermen pursue their occupation. The run of salmon up the streams in Alaska lasts usually about a month, and that month ordinarily is July, although seasons vary.

There are about 100 streams which are fished in Alaska. Canneries are located at convenient points on or near them. The fishing fleets come up from the States, cans are made, the fish are canned, and the cans are cased—48 in a case—at the canneries.

The fish are taken almost entirely by three methods—seines, traps, and gill nets.

The great number of salmon in northern waters is indicated by the statement of Mr. Dorr before the Committee on the Territories, that he had on one occasion visited the Fraser River, in British Columbia, during the salmon run, when there were set in the river no less than 525 miles of netting, and it was incomprehensible how a fish going up the stream could escape the obstructions; yet Mr. Dorr asserts that above the nets the fish were so thick in the river as to interfere with each other in their progress upstream.

Numerous similar instances are of record.

Inasmuch as salmon never return to the ocean after going to the spawning grounds, such as are caught are caught on their way to their natural death, and the future supply of fish is only reduced to the extent that captured fish are prevented from spawning. Some streams in Alaska show failure; others which have been fished for twenty-five years show no perceptible decrease of supply.

Admitting, however, that reproduction must be limited by the capture of numerous fish, it is agreed by fishing companies and by officials of the Bureau of Fisheries that the supply of salmon can best be maintained by hatcheries. Already there are several such hatcheries in Alaska, and it is stated by Howard M. Kutchin, special agent of the Bureau of Fisheries for Alaska salmon fisheries, in his report for 1905, that in the last year 109,500,000 young salmon were released from hatcheries maintained by certain of the fishing companies.

According to the same report of Special Agent Kutchin, 45 corporations, firms, and individuals were engaged in salmon fishing in Alaska in 1905. The capital stock of these concerns was $11,371,150, the value of their plants was $5,728,978, and the value of the salmon pack for 1905 was $6,563,655.

Ten thousand six hundred and forty-five men were employed at wages amounting to $2,231,119.

Sixty-eight traps, 211 seines, and 1,154 gill nets were in operation.

FURS.

Furs and fur skins were shipped from Alaska during the year ending June 30, 1905, to the value of $494,764.

The skins taken are mainly polar, black, and brown bear; black wolf; white, red, blue, and silver-gray foxes; badger, beaver, sable, and seal.

AGRICULTURE.

Agriculture in Alaska is at present confined to vegetable gardens scattered throughout the Territory as far north as Coldfoot, above the Arctic Circle; to small patches of hardy cereals, grown mainly at United States experiment stations; to the pasturing of wild grass and the harvesting of it for winter feed.

Practically all the hardy vegetables are grown, success varying with the length and character of the summer seasons. Potatoes have done well as far north as the Arctic Circle.

While vegetables are grown largely for private use, small market gardens are found in various places.

The Department of Agriculture has experiment stations at Sitka, Kenai, on the east shore of Cook Inlet, Copper Center, on the Copper River, 105 miles from Valdez, and at Rampart, on the Yukon.

That part of Alaska possessing agricultural possibilities may be divided into two general regions:

1. The southern coast region, lying between the ocean and the coast ranges of mountains, and including numerous islands; and

2. The river valleys between the coast ranges of mountains on the south and the Yukon Valley on the north.

To these regions may be added the Seward Peninsula, separated from Siberia by Bering Strait, and the great plateau extending north from the Arctic Circle to the Arctic Ocean. Both these regions are barren and covered with tundra, and propably neither need be considered from an agricultural standpoint, although, as stated, vegetables are raised in gardens as far north as Coldfoot, considerably above the Arctic Circle.

The coast region may be subdivided into southeastern and southwestern divisions.

Throughout the entire coast region experiments with grain have been almost wholly unsuccessful because of heavy rainfall and lack of dryness and sun heat necessary for maturing grains.

The coast region is rough and in nearly all places broken into small valleys. There are no extensive plains or valleys, unless a possible exception be the Yakutat Plains, near Yakutat Bay, about midway between Sitka and Valdez. Blue top, sedge, and beach rye are found here, but the area is limited and the soil boggy, requiring drainage for successful cultivation.

In the southeastern division of the coast region much of the land which might be arable is covered by timber, mainly spruce. Even where the timber has been cut the stumps remain a great length of time, and can only be removed and the ground otherwise prepared at great labor and cost.

Vegetables do well in this region. Experiments are being

made with hardy fruits. Professor Georgeson expects that some hardy varieties, including apples, may succeed.

Wild currants and berries of high quality grow profusely throughout Alaska.

The soil, where it is at all arable, throughout the coast region is reported by Professor Georgeson to be somewhat sour, because, by reason of lack of heat, decomposition has been too slow and acids have formed. This difficulty is in some measure overcome by the use of lime as fertilizer.

The southwestern division of the coast region, known as the "treeless region" and extending westward from Prince William Sound, will be mainly valuable for grazing. Wild grass of good quality is found along the coast and on the larger islands, principal among them Kodiak, lying just below Cook Inlet.

The most common grasses are blue top, beach rye, and sedge.

Sedge is found in a zone next the coast. Beyond this is a belt of beach rye, while blue top is most abundant on the hillsides.

Blue top, owing to its slender stems and thin leaves, cures readily, beach rye with more difficulty, and sedge very slowly.

In the coast region at least it seems practically impossible to preserve large amounts of winter feed by curing, and it is believed resort must be had to silos.

In the southwestern division of the coast region vegetables are easily raised. Grains do not ripen for the reasons stated.

The climate of the southern coast region is mild and moist, both conditions resulting from the Japan current. The average winter climate of Sitka, Juneau, and Seward, on the southern coast, has frequently been said to be milder and more equable than that of Washington. The snowfall is heavy.

INTERIOR ALASKA.

Interior Alaska, north of the coast range of mountains, available for agricultural purposes comprises five river valleys—the Sushitna, Copper, Tanana, Yukon, and Kuskokwim. The climate of interior Alaska is dry and cold. The summer temperature in the interior valleys is said to range from 70° to 80°. In winter the mercury has been known to fall as low as 70° below zero, but the average winter temperature is said to be from 10° to 35° below zero. The general climate has been compared to that of Montana. Rain and snow fall is not heavy. The lack of moisture is complained of in connection with agricultural experiments, but lack of rain and snow is supplied in some degree by the moisture rising from the frozen earth always found underneath the surface.

The Sushitna River rises near Mount McKinley and flows almost directly south for something over 200 miles into the head of Cook Inlet.

The valley proper is said to have an altitude of from 100 to 700 feet above sea level.

The Coast Range shuts off the moist atmosphere of the coast, and the climate is dry and cool.

The winters are long and cold, and the summers, with long arctic days, are short and hot.

Vegetation matures rapidly in many hours of hot sun.

Seeding begins in May, and frosts may be expected in late August or early September.

Wild grass is abundant, growing to the height of 6 feet in some cases. Where it can be cut it yields commonly 2 or 3 tons to the acre, and frequently more.

Owing to the dry, clear atmosphere, grass is cured with comparative ease.

Except in unusually short seasons hardy grains mature easily and produce well. Oats, wheat, rye, and barley have been subjects of successful experiment. Mr. Ballaine, of Seward, believes Russian Club wheat to be particularly adapted to the climate of interior Alaska.

Vegetables are easily grown.

It has been estimated that the possible agricultural area of the Sushitna Valley is 10,000 square miles.

The Copper River Valley lies perhaps 150 miles east of the Sushitna Valley. Its altitude is somewhat greater than the Sushitna, and its climate is somewhat colder. Otherwise conditions are much the same as in the Sushitna Valley.

Grains have frequently been matured at the experiment station at Copper Center. Vegetables are regularly raised.

In this valley the land rises in broad terraces from the river bottom.

Professor Georgeson estimates the possible agricultural area at 15,000 square miles.

The Tanana Valley follows the river of the same name, which flows in a northwesterly direction from near the headwaters of the Copper River into the Yukon at the one hundred and fifty-seventh meridian, and is estimated to have a possible agricultural area of 15,000 square miles.

Climatic conditions are similar to those in interior valleys heretofore named.

Portions of the Yukon Valley are available for agricultural and grazing purposes practically throughout its entire length in American territory.

The possible agricultural area of the Yukon Valley is estimated at 30,000 square miles. Conditions are much the same as in the Sushitna, Copper, and Tanana valleys.

The Kuskokwim Valley, less explored than the other valleys, follows the river of that name, which rises near Mount McKinley and flows in a general southwesterly direction into Bering Sea north of Bristol Bay.

Climatic conditions are similar to those in other inland valleys. The possible agricultural area of the valley is estimated to be 15,000 square miles.

Professor Georgeson has estimated that about 85,000 square miles in interior Alaska may be devoted to agriculture and grazing.

SUMMARY.

On February 27, 1906, Professor Georgeson appeared before the Committee on Territories, and in the course of his remarks, in reply to a question as to how the land and climate of Alaska compared with the land and climate of nations of Europe in about the same latitude as that of Alaska, made a comparison between Alaska and Finland.

Finland lies between the sixtieth and seventieth parallels, as does the main body of Alaska, with southeastern and southwestern Alaska lying south of the sixtieth parallel.

Climatic conditions are practically the same.

Finland has an area of about 148,000 square miles, or about one-fourth that of Alaska.

One-third of the area of Finland is forest, one-third lakes and marshes, and the remaining third, about 50,000 square miles, supports a population of about 3,000,000, only about one-tenth of whom live in towns and engage in occupations other than agriculture.

From Professor Georgeson's estimate of the possible agricultural area of Alaska it will be seen that there is no reason why Alaska should not support an agricultural population at least equal to that of Finland, which is maintained on barely more than half the agricultural area of Alaska.

It is not contended that agricultural developments will be rapid, but that the high prices paid for agricultural products in Alaska and liberal homestead laws will gradually attract a population of hardy settlers.

At present the population furnishing a market for agricultural products is limited to those engaged in placer mining.

The construction of railroads will not only result in the extension of placer mining, but permit the bringing in of machinery for quartz mining, stamping and smelting of gold, and will open extensive copper and gold properties, which for lack of adequate transportation can not be developed.

The development of these enterprises, which can only come with trunk lines of railroad, will necessarily result in greatly increased population, affording a proportionately larger home market for agricultural products, and the gradual establishment of stable agricultural communities.

COMMUNICATION AND TRANSPORTATION.

MAIL SERVICE.

Eighty-seven mail routes are reported to be in operation in Alaska, covering 26,247 miles.

Mail is carried by contract, in some cases at a certain rate per pound, in others for a fixed amount per round trip, and in others at a fixed amount for a given period.

Trips vary in frequency, with the geography of the Territory, from seven trips a week to two round trips during the winter in each year.

TELEGRAPH.

The only telegraph system in Alaska consists of the Government cables and land lines.

The cable system extends from Seattle to Sitka, Valdez, and Seward, with a branch line from Sitka to Juneau, Haines Mission, and Skagway, a total distance of 2,333 miles. The estimated cost of the cables is $1,121,900, or $481 a mile.

The land lines, 1,405 miles in extent, connect with the cable system at Valdez, run to Eagle, thence across through Fairbanks, and down the Yukon to St. Michael.

The estimated cost of the land lines is $867,500, or $617 a mile, the comparative high cost of land lines being largely due to the cost of transportation.

St. Michael and Safety Bay, near Nome, are connected through a distance of 107 miles by wireless service, the two stations for which cost $32,000. Safety Bay and Nome are connected by a short land line.

TELEPHONE.

Short telephone lines are reported in various parts of Alaska. It was stated before the Committee on Territories that one company was operating about 700 miles of telephone line in Seward Peninsula.

TRANSPORTATION.

In a general way it may be said that there are three routes of travel and transportation into Alaska.

First, by sea to Skagway; thence by the White Pass and Yukon Railroad to the head of navigation on the Lewes River, a tributary of the Yukon, and thence down the Lewes and Yukon Rivers to such points as can be reached on the latter and its tributaries. By this route the distance from Skagway to Fairbanks is about 1,500 miles.

The second route is by the Pacific Ocean, Bering Sea, and the Yukon River. The distance from St. Michael at the mouth of the Yukon River to Fairbanks is something over 1,000 miles.

These two routes are available during the summer months only. The ice goes out of the Yukon so that boats can go down the river about June 1, and navigation on the river closes about October 1.

The ice in St. Michael's Bay prevents entrance to the mouth of the Yukon River until about July 1, and navigation continues until about the middle of September.

The third route is inland by trail from Valdez. The trail runs northwest to Copper Center; above that point one branch follows the military telegraph line to Eagle City, and the other branch strikes north across country to the Tanana and Fairbanks.

Freight can only be taken over this route in winter. Travel in summer must be by horse or on foot.

Maj. W. P. Richardson, of the Army, states that even with good wagon roads it is "hardly possible to bring the cost (of transportation) below $2 per ton mile, and it ranges from that to $8 or $10 per ton mile, a price prohibitive except for short distances."

Freight rates by water into such points in the interior as are on navigable water are said to average about $100 a ton.

One witness before the Committee on the Territories, Mr. A. Spring, of Fairbanks, president of the Tanana Electric Company, stated that on his return to Fairbanks he would take with him certain electric motors to be used in connection with the pumping operations of his plant, and that he would have to pay freight charges of 50 cents a pound, or $1,000 per ton.

At Tanana Crossing, 300 miles from the Pacific Ocean and 200 miles from the Yukon, flour, salt, and sugar were quoted at 75 cents a pound, and in the winter horse feed ranges from 7½ to 25 cents a pound, or from $150 to $500 a ton. This cost is fixed wholly by high transportation charges.

WAGON ROADS AND TRAILS.

Under existing law all money collected from licenses, which are in the nature of occupation taxes, outside of incorporated towns, is set apart for what is known as the "Alaska fund."

Seventy per cent of this fund is expended by the board of road commissioners for the improvement of roads and trails, but the fund has been too small to permit extensive improvements.

The Senate added to the military appropriation bill an item of $150,000 to be applied to this work.

The Secretary of War proposed to recommend and urge an appropriation of $1,000,000 for road and trail improvement in Alaska, but stated that in case Congress concluded to extend aid in the construction of railroads this appropriation for road and trail work might properly be withheld.

The work of the Government in surveying and establishing roads and trails not only confers immediate benefit in improved shipping facilities, but is of large indirect benefit in possible railroad construction by determining at Government expense the most feasible routes for railroads, and in ascertaining and reporting the conditions to be encountered along various routes.

RAILROADS.

The primary interest of the Federal Government in connection with railroads in Alaska should be to extend such aid as will secure the construction of certain trunk lines connecting the Yukon River and intermediate interior points with ports on the Pacific Ocean, which are open to navigation throughout the year.

Two natural routes from points on the Gulf of Alaska commend themselves both because of the excellence of the harbors at their ocean termini, and because of the physical advantages along the line of the routes.

One of these routes is by the valley of the Sushitna River, which extends northward from the head of Cook Inlet and furnishes comparatively easy grades through the mountain ranges and for the greater part of the distance from the ocean to Fairbanks on the Tanana and to the Yukon River. As heretofore indicated, a liberal coal supply of high quality is conveniently at hand in the Matanuska Valley.

The other of these routes is from some point on Prince William Sound or adjacent waters up the valley of the Copper River, thence northeast to the Yukon River near Eagle City, or northwest up the Tanana Valley to Fairbanks and the Yukon.

Railroads extending from the Gulf of Alaska by these routes, supplemented by a line from the vicinity of Fairbanks westward to Seward Peninsula and Nome, would solve the problem of transportation in Alaska. Branch lines would quickly meet local needs, and in time the whole of Alaska would be given quick and ample transportation during the entire year.

Progress in railroad construction in Alaska is indicated in a memorandum submitted to the Secretary of War by Maj. W. P. Richardson, of the Ninth Infantry, and president of the board of road commissioners of Alaska.

The memorandum is as follows:

The railroad mileage in Alaska at present embraces the following:

1. A section 20 miles in length of the White Pass and Yukon route, from Skagway to the summit of White Pass, which is continued in Canadian territory to White Horse, and there connects with river navigation in summer and stage in winter for Dawson. No extensions of this road have been made since the summer of 1901.

2. At Valdez, preliminary work only, upon a proposed road from that point to the copper properties south of the Wrangell group of mountains, with possible extension to similar deposits reported on the Nebesna branch of the upper Tanana.

3. At Seward, Resurrection Bay, the Alaska Central Railroad (building), which reported late last season a probable completion of 50 miles by the end of 1905. This road, I understand, is heading for some point on the Tanana.

4. Tanana Mines Railway, 26 miles, constructed last season, connecting Fairbanks with Chena, on the Tanana River, and creeks in the vicinity.

5. On the Seward Peninsula (Nome district) the Nome-Arctic Railway, extending from the town of Nome something over 20 miles into the peninsula northward toward the head of Nome River and the Kongorok district.

6. The Solomon River road, from the mouth of Solomon River (35 miles east of Nome) up the said river and toward Council City, the proposed terminus, 17 miles of which are now completed.

7. The Council City and Ophir Creek road, from Council to mining claim No. 15, Ophir, about 8 miles.

Of these various roads, the Alaska Central and the Solomon River roads are standard, the others narrow gauge. The roads in the Nome district operate at present only during the summer season. The White Pass and Yukon is operated continuously, and is in excellent condition for all kinds of traffic.

These different sections of roads are enumerated to show the progress of railroad construction up to date in Alaska. It has been demonstrated that the cost of construction is not abnormally large and that roads can be operated the year round.

With the exception of the White Pass and Yukon route, which serves mostly Canadian territory, the railroads so far constructed have been of little, or only local, benefit in the development of the region, partly through lack of information and absence of defined plan in the minds of promoters, and in some cases through a conflict of effort to secure concessions or aid from the Government, by which investors would be assured a return upon their capital stock.

Of such of these roads as are in operation or actual construction, only the Alaska Central gives promise of being such a trunk line as would warrant Government aid on the theory of the general good of Alaska and of the United States.

Reference is made to a proposed road from Valdez. This road is doubtless one of a group of roads proposing, or stating that they propose, to construct trunk lines from the vicinity of Valdez, Orca, or Martin Island up the Copper River Valley to the Yukon.

Up to this time five companies, seeking to utilize the Copper River Valley route, have been organized under the laws of various States of the Union, and are availing themselves of the meager advantages offered by the general law relating to the construction of railroads in Alaska, approved May 14, 1898.

The following analysis indicates what grants are made to railroads under this law and what steps railroad companies must take to secure the benefits offered by the act.

By the general law, act of May 14, 1898, companies building railroads in Alaska are granted:

1. Right of way 100 feet each side of center of road.

2. Right to take from adjacent public lands earth, stone, and timber for construction purposes.

3. Right to take 60 acres for terminals and 20 acres each 10 miles for stations, side tracks, etc.

4. Right to use such additional ground as in opinion of the Secretary of the Interior may be necessary in case of heavy cuts or fills.

5. Minerals in right of way and other lands are reserved from grant.

To take advantage of the act companies must—

1. File copy of articles of incorporation and proofs of organization with Secretary of the Interior.

2. File "preliminary actual survey" with Secretary of the Interior. (Such preliminary survey gives right to file "map and profile of definite location" within one year, and during

that year the lands covered by preliminary survey are subject to the right of way.)

3. File, within one year of date of filing preliminary survey, map and profile of definite location of at least one 20-mile section.

4. File thereafter each year map of definite location of at least one additional 20-mile section.

5. Uncompleted sections of road will be forfeited—

(*a*) If any section be not completed within one year after filing map of definite location.

(*b*) If map of definite location be not filed within one year as above required.

(*c*) If the entire road is not completed within four years after filing map of definite location.

The extent to which these companies, which for convenience may be called the Copper River companies, have proceeded under the general law is indicated by the following statement, based on information furnished by the Secretary of the Interior:

STATUS OF COPPER RIVER VALLEY ROADS.

1. Valdez, Marshall Pass and Northern:

Proposed from Valdez to Eagle City, 413 miles.

Incorporated under laws of New Jersey.

Articles of incorporation accepted by Interior Department June 9, 1905.

Preliminary survey for 25.78 miles from Valdez to Marshall Pass filed May 6, 1905.

Stated that map of definite location filed in land office at Juneau.

2. Copper River Railway Company:

Proposed from mouth of Copper River to Fairbanks, with privilege of continuing to the Yukon.

Incorporated under laws of Washington.

Articles of incorporation accepted March 14, 1906.

Preliminary survey from point on Copper River at mouth of Kotsina River south to Eyak Point, Orca Inlet, accepted for filing April 11, 1906.

3. Copper River and Northwestern Railway Company:

Proposed from Valdez to Eagle City, with privilege of continuing to the Koyukuk.

Incorporated under laws of Nevada.

Articles of incorporation accepted July 18, 1905.

Map of definite location for 20 miles from Valdez through Keystone Canyon accepted for filing January 17, 1906.

Preliminary survey from Keystone Canyon to Ptarmigan Drop accepted April 9, 1906.

Preliminary survey from Hayden Canyon to Copper River accepted January 31, 1906.

Three plats for station and terminal grounds filed and approved.

4. Alaska Pacific Railway and Terminal Company:

Proposed from Martin Island, in Controller Bay, to Eagle City, 450 miles.

Incorporated under laws of Washington.

Articles of incorporation accepted April 6, 1906.

Preliminary surveys covering 117 miles north from Martin Island have been filed, but no action has yet been taken upon maps.

Three plats of definite location of station and junction grounds have been filed, but no action has been taken.

5. Akron, Sterling and Northern Railroad Company:

Proposed from Valdez to Eagle City.

Articles of incorporation and preliminary survey from Valdez to Eagle City and map of definite location 20 miles northward from Valdez, filed in 1903, but rights so obtained have been relinquished.

Probably the only railroad now on a profitable commercial basis in Alaska is the White Pass and Yukon road, extending from Skagway, at the head of Lynn Canal, 20 miles in American and 92 miles in Canadian territory to White Horse, at the head of navigation on the Lewes River, a large tributary of the Yukon.

This road, owned by English capital, of course controls traffic seeking entrance to Alaska by the upper Yukon route and serves the Yukon River country often as far west as Rampart and Fairbanks.

The Canadian government has always given liberal aid to railroad construction.

At present a road being built from Dawson, 84 miles, to Stewart River, in British Yukon territory, is receiving a cash subsidy of $6,400 a mile. Gentlemen connected with the road state that the company has been assured that if it would extend its line southward to connect with the Canadian Pacific, or with the proposed Grand Trunk Pacific, the Canadian government would guarantee the interest on its construction bonds to the extent of $30,000 per mile.

Aside from aid from the Dominion government, the province of British Columbia is offering liberal land grants in aid of railroad construction.

The evident policy of the Canadian government is to secure an "all Canadian" route to the Yukon, and in pursuance of this policy Canada is assisting the Grand Trunk Pacific Company in the construction of 3,600 miles of road from the Atlantic to the Pacific. Approximately the eastern half of the road is being guilt by the government, to be leased to the company on the basis of 3 per cent of the cost of construction. In the prairie section of the western half of the road the government will guarantee the company's bonds to the extent of $12,000 per mile, and in the mountain section of the western half the government will guarantee the company's bonds to the extent of three-fourths of the cost of construction.

The western terminus of this line is Port Simpson, just below the southern end of Alaska and nearer Alaska by almost 500 miles than any port in the United States.

THE ALASKA RAILROAD COMPANY.

It is intended that the road, the building of which the pending bill seeks to encourage, shall start at the head of Cordova Bay, on Prince William Sound, run south and east to the Copper River, which it is to cross at the head of the delta just below Childs Glacier. From this point a branch is to run southeast about 50 miles to the Bering River coal fields. The main line again crosses the Copper River about 3 miles above the first bridge and follows the river on its west bank to a point above Copper Center, where it leaves the river and in a general way follows the line of the military telegraph to Eagle City; in all, a distance of about 525 miles.

No surveys have been officially filed with the Interior Department, because there is no corporate entity to make the filing, the incorporation of certain persons being one of the objects of the pending bill.

However, a reconnoissance has been made covering practically the entire route. Its feasibility has been determined, and its cost estimated at from $30,000 to $40,000 per mile, or about $20,000,000 for the entire road.

The financial standing of the proposed incorporators is sufficient guaranty of their ability to finance the road.

Such objections as are publicly made to the pending bill may all be reduced to the complaint that it conflicts with the rights of other companies which have gone ahead in good faith under existing law.

First, it can not be claimed that the proposed charter conflicts with other companies in their rights of way. The exact provisions of the general law as to the location of rights of way are followed. This charter confers no special privilege in that respect.

Even if the bill sought, which it does not, to deprive any other company of rights which it has acquired under existing law, it could not legally do so.

Mr. C. Z. Gordon, representing the Alaska Pacific Railway and Terminal Company, stated before the Committee on Territories that, in his opinion as a lawyer, the bill could not deprive his company of any legal rights.

Dr. M. W. Bruner, agent and promoter of the same company, referring to the bill, stated that he "would be glad to see these gentlemen get any aid they are asking. The pending bill will not reach our own case, and we do not expect to avail ourselves of its beneficence."

On the question of any possible advantage which the road seeking incorporation by this bill might acquire over any other road, ex-Senator George Turner, representing the Alaska Central Railroad Company, said:

> I can see no advantage that would accrue to a company incorporated by Congress over that of a company incorporated by one of the States.

The representatives of the gentlemen seeking incorporation by this bill state frankly that they hope to raise money more readily under a Federal charter, which is evidence of the interest of the Government in railroads in Alaska.

Objection is made on the ground that this bill grants a right to obtain land which is not granted to other roads proceeding under the general law.

If it is wrong to grant a charter and if it is wrong to grant land and if it is inadvisable to extend the Government credit, then there is no proper aid for railroads in Alaska, and they may as well be allowed to shift for themselves under the provisions of the general law which grants no encouragement which has been sufficient so far to cause to be built any railroad of commercial value in Alaska.

Land grants in aid of railroads have seldom, if ever, been made otherwise than by special act. They can not well be made by general law, because until the request for the grant is

made and its location indicated neither the necessity for it nor the wisdom of it can be determined.

The Committee on the Territories did not feel justified in reporting a bill to extend the credit of the Government by guaranty of interest on railroad bonds.

The gentlemen interested in the pending bill expressed the belief that with the small grant of terminal lands, the right to purchase town-site land, and the Federal charter they could build a trunk line of railroad, and the lands purchased are forfeited if they do not build such a line.

The bill grants to the company a right of way 200 feet wide, with 20 acres each 10 miles for stations. The provision of the general law is the same. The bill grants 160 acres for terminals, instead of 60 granted by the general law.

The bill gives to the company the right to buy 2,560 acres of land on Cordova Bay for a town site, which tract shall be in compact form with a water frontage not exceeding 2 miles. A harbor area 800 feet wide across the entire water front is reserved to the public forever.

The bill grants the proposed company the right to buy 640 acres of coal land at the Government price of $10 per acre.

This is giving the company no special privilege as to coal land, compared with a bill which recently passed the House proposing to give any individual the right to enter upon 1,280 acres at that price. This bill merely enables the company to obtain full title at once.

Representatives of some companies have urged that the people seeking this charter and land grant should be content with the advantages offered by the general law in respect to the construction of railroads in Alaska.

The inefficiency of the general law in the securing of trunk lines of road in Alaska is shown by the fact that of at least seven companies, organized under the laws of various States and proceeding under the general law which has been in operation for eight years, only two have built any road, and both of these asserted before the Committee on the Territories that they were sorely in need of aid and doubted their ability to proceed without it. Both are now curtailing their operations.

The other five companies have done no more than file surveys, with the possible exception of one which is said to have done some grading out of Valdez.

The pending bill is the result of long and careful investigation and work upon the provisions of the bill by a subcommittee of the Committee on the Territories.

The bill as at first introduced was objected to by the Interior Department.

It was again amended, but in some particulars still met objection in the Department. It was again amended and has the approval of that Department. [Applause.]

Mr. LLOYD. Mr. Speaker, I fully concur in everything that has been said about the possibilities of Alaska and the necessity for railroad construction. I fully agree in all that is said with reference to the coal lands and copper industry and the necessity of having some means of transportation by which those products may reach a market. But I can not agree in the judgment of the committee as expressed by its chairman that because Alaska needs railroads that this particular railroad is to be favored by the United States Government. If you will carefully investigate this matter you will ascertain that there are now two roads projected practically over the same route that this proposes to travel. There are two roads now chartered under the laws of the States and each of them have done some work looking toward construction of their roads. I may be mistaken, but my judgment is that the only effect the passage of this bill is to make a choice amongst three roads and give an opportunity to one that is not afforded to the other two. The proposed road seeks through this bill to obtain a charter. The several roads that are now doing business in Alaska are not chartered by the United States. Their incorporation is effected under State law.

Mr. YOUNG. Will the gentleman tell me what the three roads are to which he refers?

Mr. LLOYD. The Alaska Central, which has been graphically described by my friend [Mr. HAMILTON], the Copper River road, and I do not know the name of the other road, but it is represented by some Pennsylvania people. I guess there is no question about the fact that there are two roads.

Mr. HAMILTON. You mean the Bruner road?

Mr. LLOYD. The Bruner road.

Mr. HAMILTON. I did not understand what the statement of the gentleman was in that connection. Will you kindly repeat it? I was listening to something else.

Mr. LLOYD. The gentleman from Michigan [Mr. YOUNG] asked me to state what were the three roads to which I referred. I said the Alaska Central was a chartered road, and I said there are two others that practically go over the same route that is proposed by this one, and one of those is the Copper River route and the other is the Bruner road.

Mr. HAMILTON. I do not agree with the gentleman in that they go over the same route.

Mr. LLOYD. I said practically. Of course, it is not exactly the same. In going through the difficult part of it, which is the defiles in the mountains, I suppose they will travel necessarily over the same route.

Mr. HAMILTON. I believe that is true.

Mr. HUMPHREY of Washington. That is provided for in the bill.

Mr. LLOYD. That is provided for in the bill. But up to the present time, if the House will permit me to say, no railroad has been chartered by the Government to do business in Alaska, and what is sought to be done by this bill is to give this particular road a Government charter.

Mr. HAMILTON. Will the gentleman yield?

Mr. LLOYD. Yes.

Mr. HAMILTON. Does not the gentleman think we might as well give a charter to these people, or that it would be as proper, at least, to give a charter to these people, as to give a Government guaranty of interest on construction bonds on railroads in the Philippine Islands?

Mr. LLOYD. Mr. Speaker, I will not reveal any secrets of the committee room when I say that the gentleman from Michigan and myself fully agree, or have thus far, on the question of Government aid to a railroad. Both of us are opposed to guaranteeing any interest on bonds.

Mr. HAMILTON. That is true.

Mr. LLOYD. And as far as the Philippine Islands are concerned, we both agree on the question of guaranteeing interest on bonds there; and I think we further agree that if the legislation that guaranteed interest on Philippine bonds had come from the Committee on Territories, we would have had considerable trouble in getting the bill out.

Mr. HAMILTON. I think you are right. The point I was making is this: We are seeking here in this bill to give a Government charter to a railroad, when we have a law that is applicable to Alaska that gives the right of way and terminal facilities, and gives every facility for the construction of a railroad. A company can be organized anywhere in the United States just as these other companies have been and transact a railroad business and build their railroad in Alaska.

Mr. HUMPHREY of Washington. Have any roads been built under companies that have organized under State incorporations?

Mr. LLOYD. Yes; the Alaska Central is incorporated and doing business under State laws.

Mr. HUMPHREY of Washington. How much have they built?

Mr. LLOYD. They have built about 50 miles of road.

Mr. HUMPHREY of Washington. That is practically all in Alaska, except the White Pass and Yukon?

Mr. LLOYD. There are five little roads, as I remember it, in Alaska. This road is the longest. That has been constructed a distance of between 40 and 50 miles, and there is the Solomon City road, and a little road out of Nome, and a little road out of Fairbanks.

Mr. HUMPHREY of Washington. But none of them practically, except these you have mentioned, have done any constructing work.

Mr. LLOYD. I beg your pardon. The Solomon City road has 17 miles of road constructed and in operation. There is a little road of about 8 miles in length, if I remember, out of Nome.

Mr. HAMILTON. That is the Council City road.

Mr. LLOYD. There is also a little road out of Fairbanks to the coal banks, narrow-gauge road that is now doing business, about 18 miles in length.

Mr. HAMILTON. All of these roads are narrow-gauge roads, except the Alaska Central and the Solomon City road.

Mr. LLOYD. The Alaska Central road, the one that is intended to go from the Pacific Ocean to the Yukon, a distance of some 400 miles, is a standard-gauge road.

Mr. HAMILTON. I have figured up, and including the 20 miles of the White Pass and Yukon there are only 136 miles of railroad, all told, in Alaska, including that little short line out of Fairbanks.

Mr. LLOYD. I think that is true; yes, sir. Now——

Mr. YOUNG. Can the gentleman tell me how long it has been since we began building roads in Alaska?

Mr. LLOYD. Not very long—some five or six years, I think. The greater part of these roads have been constructed in that time. The White Pass has been completed and in operation a longer time than that, but I do not know exactly the date at

which construction began. Of course, most of them are not yet completed.

Mr. YOUNG. So the total result of five or six or seven years of work has been 137 miles?

Mr. LLOYD. Yes.

Mr. YOUNG. And none of them have reached the interior of the country?

Mr. LLOYD. No, sir. Now, at the present time there are three roads already incorporated under the laws of the States that are engaged in preliminary and permanent survey or in the construction of roads from the Pacific Ocean to the interior of that country. There are two general roads—one the Alaska Central, about which nobody complains, and so far as this bill is concerned is not before the House in any particular.

The Alaska Central has already spent over $2,500,000, according to the testimony, in its construction, and has 45 miles of standard-gauge road ready for use. There are two other roads projected, and have their preliminary surveys filed, up the Copper River, not running exactly as this proposed one does, but practically in effect over the same route, because these go from the Gulf of Alaska to the interior. The difference is this: The proposed road has done nothing; no survey, no expenditures, no nothing, except they come to Congress and ask at the hands of Congress a charter. [Applause on the Democratic side.]

Mr. HAMILTON. Will the gentleman yield?

Mr. LLOYD. Yes, sir.

Mr. HAMILTON. The gentleman, I know, wants to be accurate.

Mr. LLOYD. I want to say in this connection that for the chairman of this committee I have the highest personal regard.

Mr. HAMILTON. It is entirely reciprocated.

Mr. LLOYD. And I know he would make no statement that he did not believe was absolutely true.

PURE-FOOD BILL.

Mr. MANN. Mr. Speaker, a privileged report. I desire to present a conference report on the bill S. 88—the pure-food bill—and ask unanimous consent that the statement be read in lieu of the report.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 88) entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment.

Strike out all of said amendment and insert in lieu thereof the following:

"That it shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food or drug which is adulterated or misbranded, within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed $500 or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than $1,000 or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

"SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court; *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or direction of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

"SEC. 3. That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

"SEC. 4. That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

"SEC. 5. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

"SEC. 6. That the term 'drug,' as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term 'food,' as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

"SEC. 7. That for the purposes of this act an article shall be deemed to be adulterated—

"In case of drugs:

"First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

"Second. If its strength or purity fall below the professed standard or quality under which it is sold.

"In the case of confectionery:

"If it contains terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

"In the case of food:

"First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

"Second. If any substance has been substituted wholly or in part for the article.

"Third. If any valuable constituent of the article has been wholly or in part abstracted.

"Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

"Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this act shall be contrued as applying only when said products are ready for consumption.

"Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

"SEC. 8. That the term 'misbranded,' as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

"That for the purposes of this act an article shall also be deemed to be misbranded:

"In case of drugs:

"First. If it be an imitation of or offered for sale under the name of another article.

"Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

"In the case of food:

"First. If it be an imitation of or offered for sale under the distinctive name of another article.

"Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any of such substances contained therein.

"Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

"Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

"First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

"Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word 'compound,' 'limitation,' or 'blend,' as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term 'blend' as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

"SEC. 9. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

"SEC. 10. That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this act or the laws of that jurisdiction: *Provided, however*, That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

"SEC. 11. The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

"SEC. 12. That the term 'territory' as used in this act shall include the insular possessions of the United States. The word 'person' as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

"SEC. 13. That this act shall be in force and effect from and after the first day of January, nineteen hundred and seven."

That the House recede from its amendment to the title and agree to the title as passed in the Senate.

W. P. HEPBURN,
JAMES R. MANN,
W. H. RYAN,
Managers on the part of the House.

W. B. HEYBURN,
P. J. MCCUMBER,
A. C. LATIMER,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT OF MANAGERS ON PART OF THE HOUSE.

The conferees on the part of the House on the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, submit the following statement:

The House struck out all of the Senate bill after the enacting clause and inserted in lieu thereof, as one amendment, an act complete in itself. There was, therefore, but one amendment as a whole to be considered by the conferees. The conferees accepted the House amendment as a basis and modified the same as herein explained by striking out all of the House amendment and inserting in lieu thereof the same matter as amended in conference.

The following statement is in explanation of the bill as reported by the conferees:

Section 1 is substantially section 1 of the Senate bill and prohibits manufacture of adulterated and misbranded foods and drugs within the Territories or District of Columbia.

Section 2 is substantially section 2 of the Senate bill and section 1 of the House amendment.

Section 3 is substantially section 3 of the Senate bill and section 2 of the House amendment.

Section 4 is substantially section 4 of the Senate bill and section 3 of the House amendment.

Section 5 is substantially section 5 of the Senate bill and section 4 of the House amendment.

Section 6 is substantially sections 6, 7, and 8 of the Senate bill combined and section 5 of the House amendment.

Section 7 is the one defining adulterations and contains the provisions of the House amendment and the Senate bill on the same matter in somewhat different arrangement. This section deals with adulterations. The conferees struck out the provision in the House amendment giving the definitions of adulterations of drugs and adopted the definitions in section 9 of the Senate bill. The remainder of the section is the same as the remainder of section 6 of the House amendment, which is substantially the same as provisions in the Senate bill in section 9, except that in the fifth subdivision in section 6 of the House amendment there is inserted after the word "otherwise," line 14, page 6, the following: "and directions for the removal of said preservative shall be printed on the covering or the package," so that said subdivision will read as follows:

"Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption."

Section 8 is substantially the same as section 7 of the House amendment, with the following amendments:

Strike out of the first paragraph of the section numbered "Second" the following words at the end of the paragraph, to wit:

"*Provided, however*, That it may be proven as a complete defense to any accusation or prosecution for failure to state the quantity or proportion of alcohol as above required that the quantity or proportion of alcohol contained in any package does not exceed the quantity or proportion prescribed by the United States Pharmacopœia or the National Formulary as a solvent or preservative of the active necessary constituents of the medicine or preparation in such package."

And by amending the third paragraph, marked "Second," by inserting after the word "blends" the words "and the word 'compound,' 'imitation,' or 'blend,' as the case may be, is plainly stated on the package in which it is offered for sale," and inserting after the word "ingredient" the words "used for the purpose of coloring and flavoring only," so that said paragraph will read as follows:

"Second. In the case of articles labeled, branded, or tagged, so as to plainly indicate that they are compounds, imitations, or blends, and the word 'compound,' 'imitation,' or 'blend,' as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding."

This section includes the provision requiring the labeling of habit-forming drugs by declaring any drug to be misbranded "if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances contained therein."

And the same requirement is made as to foods containing any of such narcotics.

Section 9 is the same as section 10 of the Senate bill and section 8 of the House amendment, and relates to the giving of a guaranty by the seller to the purchaser.

Section 10 is the same as section 13 of the Senate bill and section 13 of the House amendment.

Section 11 is the same as section 14 of the House amendment, for which there is no corresponding section in the Senate bill.

Section 12 is section 15 of the House amendment.

Section 13 declares that the act shall be in force and effect from and after the 1st day of January, 1907.

Omitted from the bill, as reported by the conferees, is section 9 of the House amendment relating to the fixing of standards of food. Also omitted is section 10 of the House amendment. Section 10 of the House amendment required any person to sell to a Government agent an article of food or drug which might be used against him in prosecution. Omitted is also section 11 of the House amendment providing for penalty for violation of the preceding section omitted, and providing for additional costs and expenses to be put against a defendant as part of the penalty. Omitted is also section 12 of the House amendment, providing that the articles complying with the provisions of the act shall not be interfered with by the several States so long as they remain in original unbroken packages.

W. P. HEPBURN,
JAMES R. MANN,
W. H. RYAN,
Managers on part of the House.

Mr. MANN. Mr. Speaker, in presenting the conference report on the pure-food bill I ask the indulgence of the House for a few moments in reference to the bill as agreed upon in conference.

I may say to the House that the bill as reported by the conferees is substantially the bill as passed by the House, with a few exceptions. We struck out in conference the section requiring the Secretary of Agriculture to determine the standards of food. We struck out in conference the section which required a man to sell articles of food which might be used against him in evidence, or made it a misdemeanor if he refused to sell—a provision which, in my judgment and in the judgment of most members both of the House and Senate, ought never to have been in any bill, and which was unconstitutional and might have made the whole bill unconstitutional. This provision was in both the Senate and House bills in identically the same language. The conferees thought that so far as the parliamentary situation was concerned they had authority to strike it out, it being part of the House amendment, and

that upon its merits the provision ought to go out; and I think nobody here desires it to remain in.

We struck out the provision which affected the question of States' rights and the control of the Federal Government over original packages, leaving the law as it stands without regard to this bill.

We made a slight change in the amendment which affected the case of whisky, by specifically providing what we thought we had already covered—and still think we had covered—in the House bill—by specifically providing that in the case of compounded, imitation, and blended articles the package label shall bear the word "compound," "imitation," or "blend." And on the drug provision, while we accepted one definition of drugs that was in the Senate bill—which is not quite so strong as the House definition—we retained the important provision in regard to labeling on the package all the habit-forming drugs, as set forth in the House bill, and struck out the proviso excepting alcohol used as a solvent or preservative; so that as the bill is reported from the conferees it requires on all medicines the labeling of the quantity or proportion of alcohol, opium, morphine, and other habit-forming drugs which are named in the bill.

Mr. Speaker, I would think that I was somewhat derelict in my duty in reference to this bill if I did not say a word or two in regard to the services of the man in this House who is principally entitled to the credit for the enactment of a pure-food law at all. The chairman of the Committee on Interstate and Foreign Commerce—and these words will come as a surprise and embarrassment to him—the gentleman from Iowa, Colonel HEPBURN, for eight years and more has been a determined, constant, steady advocate of pure-food legislation. Three times at least the House, under his lead, has passed a pure-food bill. And when it shall become enacted into law, as I believe this shortly will be when this conference report is agreed upon, to him the most credit for the law will be due. [Loud general applause.]

And I wish also to express my appreciation of the great services rendered in connection with the work on this bill by one of the ablest, most industrious, and most efficient Members of the House, the distinguished gentleman from Minnesota [Mr. STEVENS]. [Loud applause.]

Mr. Speaker, I propose to take the House a little further into my confidence in reference to this matter before the final vote is had. For some weeks past we have been bombarded from all parts of the country with newspaper requests that the House cease urging the passage of its bill and agree upon the Senate pure-food bill. The source and inspiration of these demands is not known to many Members of the House.

Mr. WILLIAMS. Will the gentleman permit an interruption?

Mr. MANN. I yield to the gentleman.

Mr. WILLIAMS. I understand that in the conference report section 12 of the original bill is stricken out. Is that true?

Mr. MANN. It is stricken out.

Mr. WILLIAMS. Just a word. I am glad to hear that, for I was very anxious to vote for the bill, and now I am able to do so.

Mr. BURLESON. Coupled with that statement, I desire to say that there were others who voted against the bill because of section 12.

Mr. MANN. Mr. Speaker, it was because we desired the vote of the distinguished gentleman from Mississippi that we struck it out, so that it may be unanimous in the House. [Laughter and applause.]

Mr. POLLARD. Will the gentleman yield to a question?

Mr. MANN. I yield to the gentleman.

Mr. POLLARD. I would like to ask the gentleman whether there was any change made in the amendment of the Committee of the Whole in regard to the labeling of food products?

Mr. MANN. Does the gentleman refer to the labeling of the quantity of the contents?

Mr. POLLARD. Yes.

Mr. MANN. There was no change made in the conference from the amendment as adopted by the House.

Mr. POLLARD. I should like to ask another question.

Mr. MANN. Certainly.

Mr. POLLARD. I believe the gentleman made the statement that the conference struck out the House provision that the Secretary of Agriculture should determine what the standards should be?

Mr. MANN. That section goes out entirely in the conference report.

Mr. POLLARD. Was there any change made in the provision of the House, wherein we provided that a board of five inspectors should be selected to pass upon the wholesomeness or deleteriousness of the foods?

Mr. MANN. That provision was in section 9, directing the Secretary of Agriculture to determine standards, and the entire section goes out.

Mr. POLLARD. If that is the case, who determines whether a preservative that is used is poisonous or deleterious to health?

Mr. MANN. Mr. Speaker, as I stated to the House when the bill was before the House, it is the courts which must determine in the end as to the question of the wholesomeness or the deleteriousness of preservatives or of any article of food. The only object in having that provision in the bill, requiring the Secretary of Agriculture to determine standards, was for the purpose of governing prosecutions and provide uniformity and give to producers in advance of prosecution knowledge of the requirements insisted upon by the officials in charge; but the Senate conferees were unalterably opposed to that provision, and as it was not an essential provision of the law we gave way on that provision in order to save the rest of the bill practically intact as the House had enacted it.

Mr. COOPER of Wisconsin. From such study as I have been able to give the bill it seems to me a good measure; but I should like to put to the gentleman one question in line with the question that was asked by the gentleman from Nebraska [Mr. POLLARD], and that is on the matter of the standards. In the report submitted by the Committee on Interstate Commerce on this bill I find this clause on page 4:

> It is, however, essential to the success and operation of any pure-food measure that standards of food products shall be arrived at, for the guidance of the officials charged with the administration of the law and often for the information of the courts.

And a little later it says:

> It is therefore provided in the bill that the Secretary of Agriculture—

And so forth. That report states that it is essential for the success and operation of any pure-food law to have standards established by the Secretary. Now, I presume that the conferees have reached a conclusion, in view of some provisions of the bill, that will justify a reversal of that opinion, and I should like to hear from the gentleman from Illinois on that subject.

Mr. MANN. Mr. Speaker, when the report on this bill in the House was written, I did say in the report that it was essential to the success of a pure-food bill. It is essential to the best success of a pure-food bill that the Secretary of Agriculture or some other official shall determine the standards; but the gentleman from Wisconsin certainly has enough understanding of language to know that nothing in the world is *absolutely* "essential" in legislation. We do not have the bill exactly as we wanted it, but, so far as the vital features of the bill are concerned, we have them contained in the bill as it comes back to the House. I may say to the House further that, under the law as it now stands in the agricultural appropriation bill, the Secretary of Agriculture is authorized to fix standards of foods; and while I do not believe that is sufficient legislation, and while for one I never would be willing to consent that the Secretary of Agriculture should have the arbitrary power to determine what is adulterated or misbranded food, I do think that the provision that the House committee brought into the House as section 9, as amended in the House at my suggestion, was, on the whole, the most perfect provision upon the subject of fixing standards which has ever been before the House, and the committee owe quite largely the perfection of that section to the gentleman from Wisconsin [Mr. ESCH] and the gentleman from Michigan [Mr. TOWNSEND]; and I regret exceedingly that we met a stone wall on that section of the bill in the determined opposition of the Senate conferees. The existing law, however, is entirely sufficient for the operation of the pure-food law.

Mr. LACEY. Can I ask the gentleman a question?

Mr. MANN. I yield to the gentleman.

Mr. LACEY. I would like to ask the gentleman this question: The gentleman will recall that we accepted an amendment providing that this should not modify the Wilson law. Is that retained?

Mr. MANN. It is not retained. We struck out the whole of section 12. The amendment offered by the gentleman from Iowa [Mr. LACEY] was to section 12, and was a modification of it, and the entire section went out, so that the law remains as it now is.

Now, Mr. Speaker, I was about to say that we have been bombarded with requests to accept the Senate pure-food bill. I want to state to the House the reason why and to tell the House a confidence on my part, which it ought to know before it passes finally on the conference report.

When the Senate bill first came before the House it contained

a provision that on packages containing *food* there should be placed on the label the quantity of alcohol and opium in them. That provision as it came to the House in the Senate bill only applied to *food*. While it may be well to require, as we now have, that any foods that have opium or narcotics in them shall state the quantity of opium and other narcotics, it was ridiculous to say that we should require the statement on food packages of the amount of liquor and opium and not require it on medicinal articles. When the bill came before the House committee I prepared a provision in the bill requiring that as to medicinal articles there should be placed on the package the amount of alcohol and of opium and other poisonous substances, and we ran at once against the powerful influence of the Proprietary Medicine Association, which has a greater control of the newspapers of the land than any other institution in our country, as far as affecting the financial end of the papers is concerned.

I did not care to have the House bombarded with requests at the instance of the patent-medicine advertisers asking that that provision might be stricken out, and I resorted to what might almost be called strategy.

The pure-food bill as it passed the Senate did not contain any provision requiring a statement of the amount of alcohol, opium, or other narcotic or habit-forming drugs. The Senate bill contained no restriction whatever. The House substitute for the Senate bill as reported back to the House contained a provision, which I had drawn without suggestion from anyone else and which was adopted by our committee, providing that any article of drug or medicine should be deemed misbranded "if it fail to bear a statement on the label of the quantity or proportion of any alcohol therein, or of any opium, cocaine, or other poisonous substance which may be contained therein." Immediately after the bill was reported back to the House containing this provision, the manufacturers of proprietary medicines containing habit-forming drugs got busy. The officers of the proprietary association started at once for Washington. They insisted that the provision was absolutely new, had been adopted without any hearings, and would be ruinous to their business if enacted into law. Our subcommittee gave them courteous, full, and patient hearing. They presented to us an amendment to be substituted for the provision on the subject, which I have quoted. This substitute amendment was practically a copy of the Massachusetts statute upon the subject, and was as follows:

Or if it fail to bear a statement on the label of the quantity or proportion of alcohol therein, where such quantity is in excess of the amount shown to be necessary by the United States Pharmacopœia or the National Formulary, as a solvent or preservative of the active constituents thereof and to prevent freezing and fermentation; or if it fail to bear a statement on the label of the quantity or proportion of any opium, morphine, heroin, alpha or beta eucaine, or chloral hydrate contained therein, provided that the package contains more than 2 grains of opium or more than one-quarter grain of morphine or more than one-sixteenth grain of heroin or more than one-sixteenth grain of alpha or beta eucaine or more than 8 grains of chloral hydrate in 1 fluid ounce or, if a solid preparation, in 1 avoirdupois ounce, or if it fail to bear a statement on the label of the quantity of cocaine therein; but such statement shall not be required upon preparations made from coca leaves, where not over 2 ounces of such leaves are used to make each fluid pint of such preparation, and to which no alkaloid cocaine has been added.

We were also informed that if the provision which I had drawn remained in the bill it would result in the local druggists preparing practically all of the medicinal preparations now prepared and sold as proprietary or patent medicines. They said the proposition in the bill was distinctly in the interest of the local druggist as against the proprietary-medicine manufacturers. At the same time, through some kind of representations which they made to the druggists throughout the country, they were enabled to flood the committee with telegrams and letters from local druggists insisting that the provision in the bill would be a great detriment to the local druggists. The proprietary-medicine people informed us that the provision in the bill would benefit the local druggists, and they caused the local druggists to inform us that the same provision would ruin the local druggists. At the same time they gave out to the public and through various newspaper sources the statement that an amendment had been proposed to the House bill which would legalize the use of opium and other habit-forming drugs in patent medicines and urging that the Senate bill be adopted in the House.

Patent-medicine people, therefore, for the purpose of knocking the House bill, which contained my provision, and for the purpose of insisting upon the adoption of the Senate bill, which contained no provision relating to habit-forming drugs, caused to be circulated the statement that their own amendment had been proposed and was pending in the House.

Mr. Speaker, I could see looming up in front of me, as an almost insurmountable obstacle to the passage of the pure-food bill, the activity of the proprietary medicine people and their tremendous influence through their enormous newspaper advertising. I was unwilling to sacrifice the pure-food bill, even if it became necessary to yield somewhat to that influence. I prepared an amendment as a temporary palliative for the purpose of weakening and overcoming, if possible, the activity and opposition of the proprietary medicine people. That amendment was as follows, and provided that a medicine should be deemed misbranded—

If, when the article contained be not described in the United States Pharmacopœia or National Formulary, and be not the prescription of a regularly licensed physician, the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, or chloral hydrate, or any preparation of any of such substances, contained therein: *Provided, however,* That the quantity or proportion of alcohol need not be stated when not more than the quantity or proportion prescribed by the United States Pharmacopœia or the National Formulary as a solvent or preservative of the active constituents of the medicine or preparation in such package is used: *And provided further,* That the quantity or proportion of opium or morphine need not be stated when the contents of the package contain not more than 2 grains of opium or one-quarter grain of morphine to the fluid ounce, or if a solid preparation, to the avoirdupoise ounce.

It was intended as a substitute for the provision already in the House bill on the subject. This amendment was agreed to by our committee, was given out to the public, was satisfactory to the larger proportion of the proprietary medicine people, though not satisfactory to those using cocaine and some other habit-forming drugs. But I had canvassed the eighteen members of our Committee on Interstate and Foreign Commerce, and knew how each one stood on the proposition. I knew that a considerable majority of that committee were in favor of absolutely requiring the statement of the amount of the habit-forming drugs on every medicine, without regard to the amount, and I knew that a majority of the committee were ready and willing at any time, at the request of Colonel HEPBURN and myself, the persons in charge of the bill, to agree to the amendment which was afterwards agreed to and is now in the bill.

Mr. Speaker, it so happens that my committee room is close to the press gallery in the House. It so happens that a number of the newspaper correspondents make frequent use of a typewriting machine in my room. This has been done with my free consent and invitation, and I am glad to extend to them that courtesy. It so happened during the progress of the fight over this drug amendment that one day I was in consultation in my committee room with Samuel Hopkins Adams, of Collier's Weekly, who has done so much good in the fight against these narcotic or habit-forming drugs, and that on that day the staff correspondent of the Chicago Daily News was in my room making use of my typewriting machine. I talked with Mr. Adams for some time in a general way, and then said to him that his interest in the matter was so great that if I might speak to him in absolute confidence I would be glad to do so. I have always considered that when the newspaper correspondents were in the room they might freely overhear anything I said, because unless I gave them permission otherwise I felt confident that what I said would be treated in confidence, and my courtesy has never been abused except on this one occasion. I stated to Mr. Adams what my programme was; that I felt it would be a losing fight if the proprietary medicine people should stir up the papers any further against the House provision; that they had already succeeded in making many people believe that it was the Senate bill and not the House bill which contained the drug-labeling provision; that it was my plan to call the Committee on Interstate and Foreign Commerce together just before the pure-food bill came up for actual consideration in the House and ask the committee to adopt a stringent amendment in place of the one which had been given out to the public; that I had canvassed the committee as to the attitude of each individual member upon it and felt absolutely confident of success, but that if this were known it would stir up the Proprietary Medicine Association, and we would again commence to receive urgent pleas from all parts of the country to take the Senate bill (containing nothing on the subject) in place of the House bill.

I talked freely and fully to Mr. Adams while the Daily News correspondent was sitting within hearing distance at the typewriting machine, but was not actually typewriting on the machine most of the time. That correspondent walked out of my room after listening to my confidential talk with Mr. Adams and published my proposition. Immediately the proprietary association got in its work, and we have been flooded for some time past by newspaper advice urging that the Senate bill should be adopted, claiming that the House leaders were trying to hold up the pure-food bill and that the only thing to do was to pass the Senate bill. I have no doubt that most of the newspaper articles were written in good faith, but they were based

upon information and statements furnished by gentlemen in the pay of the proprietary medicine association. The story has been spread wide and far that the Senate bill contained the provision requiring the labeling of the narcotics and that the House bill proposed to legalize the use of these narcotics. That story has been spread through the influence and the pay of the proprietary-medicine people. Newspaper men necessarily rely upon statements which are made to them from many sources. They have been woefully imposed upon in this case. Even the medical associations have sent resolutions to us urging that the House "accept the Senate bill requiring the labeling of narcotics in place of the House bill legalizing their use." But I am thankful to say that the Members of the House have exhibited a marked degree of confidence in the members of our committee urging the passage of this bill, and they have accepted, without question, our statement that the House bill did require the thing which the newspapers stated it did not.

The provision on this subject which is now in the bill requires that as to medicines the package shall bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein. This is the most stringent provision upon this subject which has ever been adopted by any legislative body. It will be one of the most popular provisions of the pure-food and drug bill. The origin of that provision was in the House of Representatives. It has been put into the bill by the House. The country owes to the House that portion of the pure-food law, as well as many other of the best and most stringent features in the law.

As we report the bill back from the conference committee now it does not omit one single provision of any importance which was in the bill as it passed the Senate. It has not been weakened any from the Senate bill, but it has been greatly strengthened by various provisions which have been inserted in the House.

Mr. Speaker, I do not desire to close without saying a word in regard to Dr. Harvey W. Wiley, Chief of the Bureau of Chemistry. While in some important respects I have been unable to fully agree with Doctor Wiley's opinions, yet he and I have formed a close friendship in connection with the consideration of pure-food legislation, and I have constantly sought his advice as well as his knowledge of facts. We owe much to him.

Mr. Speaker, in my opinion the pure-food bill, which will surely become a law, is a distinct step forward, and I believe it will prove itself to be one of the most valuable and most popular laws ever placed upon the statute books. [Loud applause.]

Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore (Mr. WATSON). The question is on agreeing to the conference report.

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

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

BLACKFEET INDIAN RESERVATION, MONT.

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

To the House of Representatives:

I return herewith without approval H. R. 19681, entitled "An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement," calling attention to the inclosed report of the Acting Commissioner of Indian Affairs, and especially to that portion of the report running as follows:

"Attention is invited to the fact that all of the waters of the reservation are at once subject to appropriation under the laws of the State of Montana, but such appropriation shall not be held to create a right adverse to any Indian allottee who actually appropriates water or for whom an actual appropriation is made to the extent that may be necessary for use on the allotment within two years from the date of the President's proclamation opening the surplus lands to settlement. While this language would seem to have been designed to protect the water rights of the Indian allottees, I am strongly of the belief that in practice it will fail to do so. In the first place, there will be a necessary delay of several days before the allotments can be made, owing to the fact that the reservation is not surveyed, and even after it is surveyed and allotments made thereafter no actual appropriation of waters can be made by the Indians or for them, as they have no means to construct the necessary irrigation ditches, and this bill makes no appropriation to aid them in so doing. They will derive no funds from their surplus lands for this purpose for several years at least after the issuance of the President's proclamation. If this bill becomes law, I think it will be found that a very large part of the waters of the reservation will at once, or within a very short time, be appropriated by white settlers living outside thereof and that irrigation works will be constructed for their use. When the time comes when the Indian allottee is ready to appropriate water it will in all probability have been completely appropriated and fully used by white settlers who have expended large sums on their irrigation works and other improvements in making homes for themselves. True, under the terms of this bill the Indians seem to have a right to take the water from the white settlers, but the practical difficulties against doing this, in the light of what has just been said, are, in my opinion, too obvious to require extended comment."

I am anxious to favor in every way the actual bona fide homesteaders of northern Montana, and I will gladly sign any bill which will thus favor them, provided that it explicitly and unequivocally guarantees to the Indians their water rights—that is, the right of each Indian to a sufficiency of water to make his allotment of real use to him. Subject to this guaranty, and also of course to the certainty that the action of the Government will redound not to the benefit of one individual or corporation who wishes to exploit the water rights, but to the benefit of the actual settlers, I will gladly approve any bill which may be drawn to achieve the purposes of this bill without containing its defects.

THEODORE ROOSEVELT.

WHITE HOUSE, *June 29, 1906.*

Mr. CURTIS. Mr. Speaker, I move to refer the message and the accompanying documents to the Committee on Indian Affairs.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kansas to refer the message and the accompanying documents to the Committee on Indian Affairs.

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

ANNUITIES OF THE SAC AND FOX INDIANS.

The SPEAKER pro tempore laid before the House the following message from the President:

The Clerk read as follows:

To the House of Representatives:

I return herewith without approval H. R. 10133, entitled "An act to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe, and to adjust the existing claims between the two branches as to said annuities," for the reasons enumerated in the accompanying extract from the report of the Commissioner of Indian Affairs of February 12, and the letters of the Acting Commissioner of Indian Affairs of June 25 and of June 28. I have directed the Acting Commissioner of Indian Affairs to have an immediate and thorough investigation made of the matter in accordance with the concluding paragraph of his letter of June 28, and after the report of this investigation has reached me I shall be prepared to give my assent to any bill which shall do justice both to the Indians in Iowa and the Indians in Oklahoma.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 29, 1906.*

Mr. CURTIS. Mr. Speaker, I move that the message be referred to the Committee on Indian Affairs.

The motion was agreed to.

ANCHORAGE OF VESSELS.

The SPEAKER pro tempore laid before the House the following bill with House amendment disagreed to:

The Clerk read as follows:

The bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News and adjacent waters, in the State of Virginia.

Mr. RYAN. Mr. Speaker, I move that the House insist upon its amendment and agree to a conference.

The motion was agreed to.

The SPEAKER pro tempore. If there be no objection, the Speaker pro tempore will appoint the following conferees. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

Mr. HEPBURN, Mr. MANN, and Mr. RYAN.

RAILROAD, ETC., IN ALASKA.

The SPEAKER pro tempore. The gentleman from Missouri has nineteen minutes remaining.

Mr. LLOYD. Did I understand the gentleman from Michigan wanted to ask a question?

Mr. HAMILTON. The gentleman made the statement, and I know he made it in very good faith, but I think under a misapprehension of the facts, that there had been no survey made by the people who were seeking to be incorporated here. As a matter of fact, as I understand it, the testimony does show that these gentlemen have made a survey, and I am not certain whether the testimony shows the amount, but I am informed that they have spent $15,000 on surveys already.

Mr. LLOYD. Mr. Speaker, that is in part true. It is not really a survey, as I understand the testimony. They have made an investigation of the Copper River district and the copper region, and on that investigation they have expended perhaps $15,000. It is an exploration rather than an investigation. There is no preliminary map filed and there is no preliminary survey. There is no question about that.

Mr. HAMILTON. It would not be possible for them, not being incorporated, to file a preliminary survey. The testimony, for instance, on page 61, shows, in the testimony of Mr. Hawkins, that an inquiry was made in relation to a survey, and he said: "Yes, sir; the ground was very carefully examined by Mr. Jamieson and his party, and he very carefully prepared an estimate of the construction expense." And in several places throughout the testimony this is shown.

Mr. BEALL of Texas. I will call the gentleman's attention

to page 14, where Mr. BURLEIGH says he has examined the route, and to page 61——

Mr. LLOYD. I think there can be no question of difference between us on this question. There has been nothing done by these gentlemen except an examination of the route. They have made no survey in any definite sense, and, as the chairman properly says, they would not have been expected to make a survey, because the company is not yet organized.

Mr. HAMILTON. I said they could not file a survey—that as a company they could not have filed a survey.

Mr. HUMPHREY of Washington. If the gentleman will permit me, as you know I have not attended any of your committee meetings, and I have not taken any particular interest in this matter; but upon the question of expenses I desire to state to the gentleman it was told me to-day by a gentleman, a man whom I have known for a great many years, and in whose truth and veracity I have every confidence—Mr. Burleigh—that he wrote checks to the amount of about $15,000 for the costs in examining this road and such preliminary surveys as were necessary.

Mr. LLOYD. That is not in dispute.

Mr. HUMPHREY of Washington. And I am constrained to think that is true.

Mr. LLOYD. It is an examination. He examined that road. And I will go further, and say that they are not ready to file a map of definite survey or preliminary survey.

Mr. HUMPHREY of Washington. The party went through there so as to make surveys to locate their road.

Mr. LLOYD. They have made an examination and expended as much as $15,000, perhaps. There is no question; there is no dispute about the facts.

Mr. HAMILTON. I understood the gentleman to say they had made no expenditure.

Mr. LLOYD. No; I never said that. You misunderstood me. I meant there had been no expenditure for survey of a regular character. They have made an examination and expended some money. They have been in the Copper River country exploring the mines, and have explored for coal fields to some extent, and made an examination in reaching them. Now, I want to call attention to another matter. You will doubtless infer from the statement made by my good friend from Michigan that the President had announced himself in favor of this particular road.

If you will read the message of the President on this subject you will find that he has not connected himself with this particular enterprise. And I want to call the attention of the House to another fact that there appeared before the committee at the instance of the committee, in order that it might get full information from the proper source, the Secretary of War, Mr. Taft. In this connection I want to call your attention to what I described a moment ago, which was the fact that there is another road that is attempting to be constructed in this same locality, known as the "Copper River Railroad Company," and that seeks to build a road from Resurrection Bay, Copper River, to Tanana, and from Tanana to Rampart. In the testimony of Mr. Taft, on page 169 of the printed testimony, you will find this statement:

> The plan, as I understand it from Major Richardson, is to construct a trunk line which shall go from the open water of the Gulf of Alaska up into the mining regions and around to the Nome Peninsula. There are two private interests—one which is constructing a railroad from Valdez to the copper mines—

And there is no question as to what that road is. It is the Alaska Central—

> and another which is constructing a railroad from Resurrection Bay up to the Tanana mining district. These two lines in a general way would be parallel, but at such a distance from each other that I should not think they could be called parallel. They would ultimately reach Fairbanks by different routes, and then the route is to continue down the Tanana Valley to Rampart, and then from Rampart over to Nome.

The road that is sought to be incorporated does not go within 300 or 400 miles of Fairbanks. It goes to Eagle City.

Mr. LACEY. I would like to ask the gentleman from Missouri a question.

Mr. LLOYD. If you will excuse me just a moment, until I read this:

> Whether those two lines—the Alaska Central and the Copper River lines—will be constructed by private capital or not is, of course, a question for the committee to decide. If they can be constructed by private capital, of course it is better that they should be.

Mr. LACEY. I would like to ask the gentleman why this company can not incorporate under the general law?

Mr. LLOYD. This company can incorporate under the general law, but they do not wish to do so.

Mr. LACEY. What disadvantage would it be to any other company if this company is singled out for the benefit of a Congressional charter?

Mr. LLOYD. There must be some benefit by reason of a charter, else they would not ask it. They are wanting some advantage that is not obtained under existing law, or they would not seek the charter.

Mr. LACEY. Let me ask if this proposed charter varies materially from the right-of-way act of 1898?

Mr. LLOYD. It varies in some respects. It varies especially in two respects. One is that it extends the time within which the road must be constructed from four to eight years, and it provides that 250 miles of road must be constructed within five years, and the most material difference in that particular is in reference to the forfeiture. Under the law which you framed, and for which you are responsible, as I understand it, the forfeiture is made as a matter of course if they fail to comply with the terms of their contract. But under this bill, if it becomes a law, there will not be a forfeiture of the terminal facilities under any circumstances.

Mr. HAMILTON. Oh, yes; there will be.

Mr. LACEY. Forfeiture only under the direction of the President—an Executive forfeiture?

Mr. HAMILTON. The forfeiture was advised by the Secretary of the Interior after many interviews with him.

Mr. LACEY. I would ask if it does not give 2,560 acres instead of 60?

Mr. LLOYD. I will read:

> *And provided further*, That if said Alaska Railroad Company shall not complete and put in operation at least 250 miles of its said railroad within five years from the passage of this act, all the lands granted by or purchased under this act shall revert to the United States, except the terminal and station grounds and right of way mentioned in section 2 of this act.

Mr. HAMILTON. The gentleman will concede that that is a matter we discussed a good deal. The gentleman will also concede they ought to have their right of way and 160 acres of terminal lands. I think the gentleman will concede they ought to have that much left. If they do not construct 250 miles, we could not confiscate that, and would not want to.

Mr. LLOYD. As to the question of the terminal itself, this 2,560 acres of land that is sought to be given to them rather than to any other road would probably be construed as part of the terminals of the road and would not be forfeited.

Mr. HAMILTON. The gentleman from Iowa asked whether this would operate injuriously upon any other railroad. The gentleman from Missouri will remember, I think, that from time to time gentlemen who appeared before the committee were interrogated as to the fact, and Senator Turner, for instance, who appeared before the committee, said that he could see no way in which a Federal charter for this company would affect injuriously the road which he represented and the one that Mr. Gordon represented—the so-called "Bruner road." Did not Mr. Gordon state that so far as he knew the corporation he represented would not be injuriously affected? And so on through. I think the gentleman will agree with me it was so.

Mr. LLOYD. I agree that the statements were made that the gentleman refers to. There are no other hearings in reference to this matter—that was months ago—since then. I think I am saying nothing that is improper. These parties, after careful examination of the bill—the Bruner people and the Copper River people—were led to oppose the passage of this bill because they feared it would seriously interfere with their scheme.

Mr. YOUNG. I suppose these roads would prefer this road should not be built at all, because it would be a competing line.

Mr. LLOYD. The truth is, I think—I may be mistaken—that if this road is built the Copper River road will not be, nor will the Bruner road.

Mr. HAMILTON. What would prevent?

Mr. LLOYD. Because there is not enough traffic in there for two trunk lines traveling over the same territory up the Yukon River.

Mr. HAMILTON. You mean by the Copper River road or the Bruner road?

Mr. LLOYD. No; if the Burleigh road should be built, probably neither of the others would.

Mr. HAMILTON. Who are the incorporators of the Copper River road?

Mr. LLOYD. I do not know who the incorporators are. I know this——

Mr. HAMILTON. They have not done anything.

Mr. LLOYD. Oh, yes; I know the Copper River Company is the one that is represented on the outside, as you are aware, by Mr. Shaffroth, of California.

Mr. HAMILTON. Have they filed any preliminary survey?

Mr. LLOYD. They have filed a preliminary survey.

Mr. HAMILTON. It is an English company, is it not?

Mr. LLOYD. It is not an English company; it is organized in Washington as an American company.

Mr. HAMILTON. The incorporators are largely English and Canadians, are they not?

Mr. LLOYD. They are all American stockholders, as far as I have known.

Mr. HAMILTON. The incorporators?

Mr. LLOYD. And if you will excuse me on this question, I will read a letter from the attorney of that road:

CHICAGO, *May 29, 1906.*

Hon. JAMES T. LLOYD,
Committee on Territories, Washington, D. C.

DEAR SIR: In response to your inquiry I will say that I am a member of the firm of Close Brothers & Co., composed partly of American and partly of English members, which financed the White Pass and Yukon route and is now aiding in the financing of the Copper River Railway Company, a corporation incorporated under the laws of the State of Washington, which is now building a railroad up Copper River solely on American territory, under the general act of May 14, 1898. The preliminary actual survey for 200 miles has been completed at a cost of above $50,000, and the map thereof filed in the office of the Secretary of the Interior and accepted. Three surveying parties are now in the field checking up the survey and fixing the definite location of the road. The contract for the construction of 200 miles of the road has been let to Mr. M. J. Heney, of Seattle, Wash., who is now at work grading the same, and we expect to have the contract completed by the close of the season of 1907. The Copper River Railway Company also has purchased and paid for its tidewater terminals at a cost of over $50,000.

The White Pass and Yukon route never received a dollar of subsidy or one foot of land or other aid from the Canadian or any other government. On the contrary, it was claimed in Canada by the promoters of rival companies that because its tide-water terminus was at Skagway, on American Territory, it was an American road. The White Pass and Yukon Railway Company is a corporation operating the White Pass and Yukon route by means of local companies, of which latter I act as president, but I do not consider that this is material, as the territory to be served by the Copper River Railway is entirely American, subject to American laws, and distinct from the territory served by the White Pass and Yukon route, which is many hundreds of miles away and in no wise competitive.

There is no foreign interest or foreign capital in the Copper River enterprise, unless my firm is to be considered foreign. The control and management of the Copper River Railway is as purely American as that of any railway in the United States.

Respectfully, yours, L. H. GRAVES.

Mr. HAMILTON. Is that company financed by some London brokers?

Mr. LLOYD. I have just explained by whom it is financed. And now, in this connection, Mr. Burleigh, who represents this proposed enterprise for which this bill seeks the incorporation, gave his testimony before the committee.

But let me first say my friend the chairman of this committee by this query would indicate that he is very anxious that this road, when constructed, shall be an American road, controlled by American citizens. Let us see about it.

Mr. Burleigh said:

Mr. BURLEIGH. I would not hesitate a minute to say that the combination there would represent and control $100,000,000; not that each man has got his proportion of that in his own right—I do not mean that. Of course when a man gets beyond a million dollars it is hard to tell what he is worth; but I would say that those gentlemen would easily represent or control $100,000,000, and I can say further that there are important financial interests, both in this country and abroad, that are likely to become interested in this matter, provided the investigations of the country bear out the statements I make in regard to the resources.

Mr. WANGER. Mr. Speaker, will the gentleman permit a question?

Mr. LLOYD. Yes.

Mr. WANGER. Are the grants of coal and other lands in this bill contingent, or are they absolute and may they be availed of by this company, whether it ever builds any railroad or not?

Mr. LLOYD. My impression is that they can hold the lands they buy, whether they construct the road or not.

Mr. WANGER. Is the price fixed in the bill?

Mr. LLOYD. Yes; the price is fixed.

Mr. WANGER. Is that the market value, or is it such a low value that it is giving them a favor?

Mr. LLOYD. This bill provides that, in addition to terminal facilities which are authorized under the law, about 60 acres, they are permitted to have 2,560 acres of land and pay $2.50 an acre for it, and in addition to that they are given the mud flats, consisting of that part of the land lying between low tide and high tide.

Mr. YOUNG. Can you tell whether this land has any market value at the present time?

Mr. LLOYD. Mr. Speaker, I am of the opinion that lands in Alaska now have no value; but if it happens that you give to this company 2,560 acres of land, extending 2 miles along the bay, and a town grows up there, as they think it will, of several hundred thousand inhabitants, then that 2,560 acres of land will become exceedingly valuable.

Mr. YOUNG. There is no probability of that occurring, however, unless this railroad is built, is there?

Mr. LLOYD. Unless some railroad is built. If there is a road built to the interior, then Alaskan property will become valuable; but the point I am undertaking to make is that this Congress is not concerned to make choice between railroad companies. Here are two companies, both of whom say they want no help, and both of whom say they will construct the road without any assistance.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LLOYD. Mr. Speaker, there have been so many interruptions in various ways that I have not been able to keep tab on the clock. I agreed to yield to some gentleman, and I should like to have ten minutes more. I am perfectly willing that there shall be ten minutes on the other side.

The SPEAKER pro tempore. The Chair will state that inasmuch as this debate is being conducted under a rule, it would not be in order to extend the time except by unanimous consent.

Mr. LLOYD. I ask unanimous consent.

Mr. DWIGHT. I object, Mr. Speaker.

Mr. LLOYD. Without objection, I will file as part of my remarks the minority report, as follows:

VIEWS OF THE MINORITY.

We do not concur in the views of the majority.

No sufficient reason has been given for the passage of the bill.

The bill charters the Alaska Railway Company and authorizes it to construct a railroad and telegraph and telephone line between Cordova Bay and Eagle City in Alaska and makes certain grants and concessions to the company.

No other railroad or corporation doing business in Alaska has been organized under special act of Congress, and we see no satisfactory excuse for the action attempted here.

We think it unwise to give this company any advantage not given to other railroads already incorporated which have made investments thereunder and are seeking to develop the interior of Alaska. We are not in favor of giving this company special recognition by Congressional action to the detriment and discouragement of railroad companies now engaged in railroad construction in Alaska.

The proposed company has no organization; it has made no preliminary survey; it has done no work in definite location; it has built no part of a railroad. There is no guaranty that if this bill becomes a law that it ever will organize a company or build a railroad. The incorporators are reputed to be wealthy citizens, but there is no assurance from any source that these men will subscribe the stock or any part of it that is necessary to the construction of the proposed road.

There are two companies already incorporated which are now engaged in the work preliminary to the construction of their roads to the interior of Alaska from the Pacific coast and up the Copper River to the Yukon region. Both these companies have expended thousands of dollars, and have filed their maps of actual survey with the Secretary of the Interior, and are proceeding to the work of construction by letting contracts for the building of their roads. Both companies are reputed to be composed of stockholders who are immensely rich and whose ability to construct the road is unquestioned.

These companies ask no assistance from the Government, and insist that no aid is needed and that it is unfair to them to give aid to any rival enterprise. We think their request is reasonable and that legislation sought by this bill is unjust to them and ought not to be enacted.

The pending bill greatly changes existing law in making grants of land, extension of time for surveys and construction of road, exemption from taxation, and in other ways makes specific legislation favorable to this proposed railroad, which we think unwise and unfair to those who have in good faith entered upon railway enterprises and may have the effect of discouraging the construction of railroads in the interior of Alaska.

JAMES T. LLOYD.
JACK BEALL.
E. Y. WEBB.
JNO. M. REYNOLDS.
A. O. STANLEY.

The SPEAKER pro tempore. The gentleman from Michigan has seven minutes remaining.

Mr. HAMILTON. I yield four minutes to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, this subject has been looked after almost entirely by my colleague [Mr. CUSHMAN], who introduced the bill with reference to this matter in the first instance. Mr. CUSHMAN is thoroughly familiar with all the details of the bill and the testimony that has been given before the committee, but he is sick to-day and it is impossible for him to be here. I can not speak with reference to the measure from particular knowledge concerning the testimony given before the committee. All that I can say is simply in a general way concerning the necessity of having railroads in Alaska, no matter how they may come. There seems to be no disagreement between the gentleman from Missouri [Mr. LLOYD] and the gentleman from Michigan [Mr. HAMILTON] as to the importance of securing the construction of railroads there, but the main difference appears to be as to the incorporation of this company by an act of Congress. Now, it appears from the testimony in the case that the other railroad companies that were represented before the committee did not object to this bill, so far as this company was concerned, or, rather, stated that it would not interfere with the construction of their road.

I understand there is one company interested that did not appear before the committee. I think it certainly had an oppor-

tunity to appear, because there was abundance of time given to the consideration of this proposition. It appears, under the terms of this bill, that this company is required within five years to actually construct more miles of railway in Alaska than are now constructed. They must within five years construct 250 miles of railway or else lose forever the lands that they have purchased, and so forth. There also seems to be an idea that there are large grants of land made to this company—coal lands, etc. I judge this from the question asked by the gentleman from Pennsylvania [Mr. WANGER]. He asked whether these lands would be forfeited if they did not construct the road. Here is a proviso, on page 10 of the bill, which reads as follows:

Provided further, That if said Alaska Railroad Company shall not complete and put in operation at least 250 miles of its said railroad within five years from the passage of this act, all the lands granted by or purchased under this act shall revert to the United States, except the terminal and station grounds and right of way mentioned in section 2 of this act.

So that all grounds outside of the right of way, outside of the terminals, are forfeited even if they pay money for them. They are forfeited if they do not complete the construction of 250 miles of railway within five years. As I understand this bill, also the only provision made by which this company can secure coal lands in Alaska is that they are permitted to purchase 1 square mile, or 640 acres, but they must pay $10 an acre for that. So that there is no privilege granted, there is no bonus or gift or anything of that sort, and no large body of land can be secured by this company. It seems to me that if by the passage of this bill we can secure the construction of 250 miles of railway in five years or 525 miles of railway in about eight years we ought to pass the act. We have also authorized companies to take rights of way, make surveys, and locate lines of railway there, and yet they have been coming to Congress for extension of time, Congress after Congress, so that it seems to me that if this will not injure these other companies, if they do not object to it, if they say that the passage of this act will not interfere with the construction of their lines, if it will insure the construction of another line of railway there, then we should pass it, because they need it in that country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAMILTON. Mr. Speaker, the gentleman from Missouri [Mr. LLOYD] inadvertently, owing to the confusion, occupied more time than he expected and had promised to yield to a colleague a little time. I therefore ask unanimous consent that he may have six minutes.

Mr. MADDEN. I object.

The SPEAKER pro tempore. Objection is made by the gentleman from Illinois.

Mr. HAMILTON. Mr. Speaker, I simply want to call attention to one or two things the gentleman from Missouri [Mr. LLOYD] referred to. The gentleman spoke about a certain railroad company which he said had been organized and proposed to extend a road from Resurrection Bay northeasterly. He admits the incorporators of that railroad are English and Americans. The information which I have is that the gentlemen who propose to incorporate that company are the gentlemen who control the White Pass and Yukon road, which now controls practically all the traffic down the Yukon River in Canada and a large part of the traffic in American territory as far down as Fairbanks. We regard it as a patriotic American enterprise to give to American people a right to construct a road here. The objection these gentlemen have is that they do not want their line paralleled by an American railroad on American soil. We are doing no more here, nowhere nearly as much, as Canada is doing on her soil for her railroads. A railroad is being projected across Canada now, known as the "Grand Trunk Pacific," and the eastern half of that road, about 1,900 miles, is being constructed by the Canadian government, and the whole of those 1,900 miles will be turned over to the proposed company on a 3 per cent basis by the Canadian government. On the western half of that road, in what is known as the "prairie country," the Canadian government is giving a cash bonus of $12,000 per mile. In that part of the road known as the "mountain country" the Canadian government is contributing three-fourths of the cost of every mile of that railroad. Their western terminus is Port Simpson. They propose to control this traffic as far as they can. The Stewart River Railroad, which it is proposed to extend across northwestern Canada as a branch of the Grand Trunk Pacific, the Canadian government proposes to aid to the extent of $6,400 per mile. What are we doing here? Almost nothing in comparison with that. We are enabling this corporation to buy at $2.50 an acre land which they are entitled to buy of the Government at $2.50 per acre.

Mr. MONDELL. Is it not true that other lines of road are now being constructed——

Mr. HAMILTON. No; not to any extent.

Mr. MONDELL. Under the general law over the line these people propose to construct and through which they are given rights?

Mr. HAMILTON. The fact is that seven or eight companies have filed preliminary surveys and have not been able to get away from the starting point, except the Alaska Central Railroad. They have filed these preliminary surveys, it is true. The fact is that the reason why we are proposing to aid the company is because ever since this general railroad act, which does not permit the incorporation of a railroad, has been on the statute books, none of these companies have been able to succeed in constructing a railroad. We want a railroad across here from Controller Bay to Eagle, on the Yukon, to open up the internal resources of Alaska. We want another railroad across here, from Seward to Fairbanks, to open up the internal resources of that country. We believe it will be done, and when that is done other railroad companies may perhaps construct.

Mr. MONDELL. My information is that companies are at this time constructing.

Mr. HAMILTON. They are not to any extent. That is the difficulty.

Mr. MONDELL. Their rights of way have been approved by the Secretary of the Interior.

Mr. HAMILTON. They have filed their preliminary surveys under the law. One company, as I understand, has done some little work near Valdez, but not a rail has been laid, as I understand, and not a tie has been put down, as I understand. If a tie or a rail has been laid, this would do them no harm. Those roads generally tend in the direction of the copper country. They want to get in and get the copper and the coal. Here is a project which runs up across the country 525 miles.

The SPEAKER pro tempore. The time of the gentleman has expired. The question is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. BEALL of Texas) there were—ayes 88, noes 50.

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

The SPEAKER pro tempore. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. LACEY) there were—ayes 104, noes 49.

Mr. LLOYD. Tellers, Mr. Speaker.

The SPEAKER pro tempore. As many as favor the taking of the vote by tellers will rise and stand until they are counted. [After the counting.] Thirty-seven gentlemen have arisen—not a sufficient number.

Mr. LLOYD. The other side, Mr. Speaker.

The SPEAKER pro tempore. There is no other side for tellers, the Chair will state to the gentleman. One-fifth of the last vote——

A MEMBER. Thirty-seven is more than a fifth.

The SPEAKER pro tempore. One-fifth of a quorum is required for tellers, and the Chair will state that is a fixed number. But thirty-seven gentlemen rose, and tellers were denied. The ayes have it, and the bill is passed. [Applause.]

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CURTIS, one of its clerks, announced that the Senate had passed with amendment bill of the following title:

H. R. 15673. An act for the relief of Harry A. Young.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 20461. An act to reinstate Kenneth G. Castleman as a lieutenant in the Navy;

H. R. 19755. An act to authorize the Secretary of the Navy to loan temporarily to the Philippine government a vessel of the United States Navy for use in connection with nautical schools of the Philippine Islands;

H. R. 7235. An act granting an increase of pension to Abel W. Payne;

H. R. 8867. An act granting an increase of pension to George Stillman; and

H. R. 3933. An act granting a pension to James P. Flewellen.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

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

H. R. 717. An act granting an increase of pension to Oscar B. Morrison;

H. R. 19659. An act granting an increase of pension to Margaret S. Miller;

H. R. 19364. An act granting an increase of pension to Anna Ring;

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

H. R. 6963. An act granting a pension to William P. Knowlton;

H. R. 14930. An act granting a pension to Mary Whisler;

H. R. 13836. An act for the relief of Taylor Ware;

H. R. 5509. An act for the relief of Russell Savage;

H. R. 9238. An act for the relief of William Saphar;

H. R. 7099. An act to amend section 2871 of the Revised Statutes;

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. 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;

H. R. 12892. An act granting an honorable discharge to Seth Davis;

H. R. 10610. An act for the relief of James N. Robinson and Sallie B. McComb;

H. R. 13193. An act to prohibit the killing of wild birds and wild animals in the District of Columbia;

H. R. 4599. An act to remove the charge of desertion from the military record of Wakeland Heryford;

H. R. 20451. An act to authorize the construction of a bridge across the Wabash River; and

H. R. 17345. An act creating a United States court for China and prescribing the jurisdiction thereof.

ISTHMIAN EXPOSITION, TAMPA, FLA.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk with amendments.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of the following concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Concurrent resolution 28.

Whereas it is fitting that the commencement of the work on the Panama Canal should be celebrated in a suitable manner by an exhibition of the resources, development, and progress of the United States, to the end that the importance of this great isthmian waterway may be accentuated and the sentiment in favor of its early completion fostered and kept alive; and

Wheras such an exhibition should be of a national character and should have the sanction of the United States Government; and

Whereas the city of Tampa, in the State of Florida, by reason of its being farther to the southward and nearer to said canal than any other city in the country having a deep and commodious harbor, reached by ample railroad facilities, as also on account of its salubrious climate and the spirit of American progress among its citizens, manifest in the rapid growth and development of the city and her commerce, affords a suitable place for such an exhibition; and

Whereas it has been determined to hold such an exposition there during the months of January, February, March, April, and May, A. D. 1908; and

Whereas his excellency Napoleon B. Broward, governor of the State of Florida, did on the 30th day of December, 1905, issue his proclamation calling an isthmian exposition to be held in the city of Tampa, commencing in the month of January, A. D. 1908, for the purpose aforesaid, and inviting the governors of the several States comprising the United States of America, as well as the governors of the Territories of the United States, to secure the cooperation of their State legislatures in aid of said exposition by participating therein and sending exhibits of their resources to said exposition: Therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and he is hereby, requested to issue his proclamation to the governors of the several States, inviting them to participate in said exposition by sending exhibits thereto showing their growth, development, and progress; and that the President be further requested to hold a naval review in Tampa Bay at such time during the progress of said exposition as he may deem best.

Resolved further, That the President cause to be made such display of the Army of the United States at said exposition as he may deem advisable.

The amendments were read, as follows:

On page 2, line 7, between the word "be" and the word "further," insert the words "and he is hereby."

On page 2, line 7, between the word "review" and the word "in," insert the words "at his discretion."

On page 2, line 10, between the word "President" and the word "cause," insert the words "of the United States be, and he is hereby, requested to."

On page 3, after line 2, insert the following:

"*Resolved further*, That nothing contained in this concurrent resolution shall be construed as committing the United States to any obligation hereafter to appropriate money for expenses or expenditures or liabilities of any kind or character made or incurred by anyone for the entertainment of the guests of such exposition, or in connection with such celebration and exhibition."

The SPEAKER. Is there objection?

Mr. CRUMPACKER. Mr. Speaker, I would like to know something about the resolution before giving consent.

Mr. SPARKMAN. Mr. Speaker, the purpose of this resolution is very clearly stated in the resolution itself. The people of Tampa, and I may say of Florida, intend in good faith to hold an exhibition at the city of Tampa for the purpose of celebrating the commencement of work on the Panama Canal——

Mr. MADDEN. Mr. Speaker, I desire to reserve the right to object.

Mr. SPARKMAN. This exposition is to open early in January, 1908, and to continue for four or five months. The governor of the State of Florida has already issued his proclamation inviting the governors of the various States to send exhibits there and to otherwise participate in the exposition. Now, the resolution that has just been read here is not just the resolution that the House will act upon if unanimous consent is given for its consideration. I propose to offer some amendments which will materially change the resolution as read.

Mr. CRUMPACKER. What I would like to know is what the resolution requires the Federal Government to do in connection with that exposition?

Mr. SPARKMAN. The resolution, as it will be amended, will require the Federal Government to do nothing except the holding of a naval review in the waters of Tampa Bay, which it requests the President to do, and to make such display of the Army there as he may see proper, all to be in his discretion, without any expense whatever to the United States Government.

Mr. CRUMPACKER. I have no objection to the measure.

Mr. BURTON of Ohio. Mr. Speaker, I would like to ask my friend from Florida several questions. Is there any special reason why this exposition should be held at Tampa? Would not there be an equal reason for holding an exposition at Pensacola, New Orleans, Galveston, or, in fact, on the Atlantic coast? I would also like to ask why this should have the sanction of the Government of the United States?

Mr. SPARKMAN. I will say in reply to the gentleman from Ohio that the only reason, if any, why this exposition should be held at Tampa and not at some other place is that stated in the resolution, that Tampa is nearer to Panama than any other city with a deep-water harbor reached by railroad facilities.

Then, again, I have heard of no other place wanting or proposing to hold such an exposition. So I take it that no other place will be applying to Congress to take any action like this. The resolution, I will say further, is certainly unobjectionable from every standpoint, because it does not propose to call on the Government at any time for money to pay any part of the expenses of the exposition; and I say here and now, so far as I am concerned, I will never call on Congress for a cent. And it seems to me that if the people of the State of Florida are willing to go down into their pockets for the purpose of holding this exposition, and the people of any of the other States are willing to assist in it, Congress should raise no objection, as the Government will not be injured.

Mr. BURTON of Ohio. Does the gentleman from Florida [Mr. SPARKMAN] state that at no time and under no circumstances is it expected that any appropriation will be asked from the United States Government?

Mr. SPARKMAN. I so state.

Mr. BURTON of Ohio. For this exposition?

Mr. SPARKMAN. I state that most emphatically, as far as I am concerned; and I do not think that anybody here will do so over my head or protest.

Mr. BURTON of Ohio. Would not certain expenses be incurred, however, by the United States Government if this exposition was held?

Mr. SPARKMAN. I think not. The resolution provides that the Government shall be at no expense whatever, and I can see no expense in sight. Perhaps I did not make myself clearly understood. I propose to offer some amendments here which will eliminate the feature that was read in the resolution a moment ago requiring the President to invite the governors of the States, so that all that will be left will be the request of the President to hold the naval review and to make such military display of the Army as he may see proper, the whole to be done without any expense to the Government of the United States.

Mr. BURTON of Ohio. Is it expected that there will be a Government exhibit?

Mr. SPARKMAN. No, sir; not at all.

Mr. BURTON of Ohio. Is the gentleman from Florida able to state how much money will be raised by the State of Florida, or by the municipality of Tampa, or private parties, combined?

Mr. SPARKMAN. I can not state that, but I am told they propose to raise all that is necessary, so far as the State of Florida is concerned.

Mr. BURTON of Ohio. The gentleman states, "so far as the State of Florida is concerned."

Mr. SPARKMAN. So far as the participation in it by the State of Florida is concerned, and if any part of the Army should go there—there would be but a few companies at most—it will be expected that the State of Florida or somebody there shall pay the expenses of transportation.

Mr. HULL. Does this bill carry an appropriation to pay the expenses of the Army and Navy?

Mr. SPARKMAN. No, sir; it does not.

Mr. HULL. Well, the regular appropriation will not do it. We cut them down in the Army to the lowest possible point.

Mr. SPARKMAN. I will say, first, the Navy will have to be supported, no matter where it is, and it is usually in those southern waters during the winter and spring of the year. It is very frequently sent to Pensacola and other places in that region, where it makes more or less of a display under the orders of the President or, what is the same thing, of the Navy Department. But if any part of the Army goes down there, one, two, or three companies, or a regiment, somebody will have to pay their traveling expenses. The Government would not do it without authority. So the expense would necessarily fall on some one else. We had a company of United States cavalry down there last year at our State fair, and the fair association had to pay for its transportation.

Mr. HULL. How many does this propose to take down?

Mr. SPARKMAN. It is left to the discretion of the President entirely.

Mr. HULL. The President might order a division down there, if you wanted them badly, and that would be a good deal of expense.

Mr. SPARKMAN. He could do that anyway. This resolution is certainly as harmless as any that could be introduced in this body. [Cries of "Vote!"]

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

Mr. PAYNE. I would like to have five minutes on this proposition.

The SPEAKER. The Clerk will first report the amendment.

The Clerk read as follows:

Strike out all after the reserving clause and insert:

"That the President be, and he is hereby, requested to hold a naval review at Tampa Bay at such time during the progress of said exposition as he may deem best.

"*Resolved further*, That the President of the United States be, and he is hereby, requested to cause to be made such display of the Army of the United States at said exposition as he may deem advisable."

Resolved further, That nothing contained in this concurrent resolution shall be construed as committing the United States to any obligation hereafter to appropriate money for expenses or liabilities of any kind or character made or incurred by anyone for the entertainment of the guests of such exposition or in connection with such celebration and exposition.

The SPEAKER. Does the gentleman from Florida yield?

Mr. SPARKMAN. I yield five minutes to the gentleman.

Mr. PAYNE. Mr. Speaker, I did not object to this resolution, because of the most urgent importunity of gentlemen on the floor, and because of their private assurances that under no circumstances would the United States be called upon to appropriate a dollar of money for this show at Tampa, and not because my judgment approved of it, and not because I did not believe that some other gentlemen would come in here and the House and the Senate will run away with an appropriation for this object in the future. I have been fighting these things for some time, and I have made up my mind that the only way to get rid of them is to go in for every show, not by my vote, that any communities want, and let the people see the foolish extravagance into which we are running in this direction.

It is only a year or two ago that I had the pleasure of going through the bill for a naval exposition down here on the James River, and I was told that no appropriation would ever be asked of Congress for that exposition down there, and the assurances were as strong as they are upon this subject to-day. I went through the bill and struck out in blue pencil every reference to the show in any way, shape, or manner in that bill that provided for a naval exhibit to occur in certain months of the summer.

Mr. WILLIAMS. The same thing was in the Buffalo bill in the beginning.

Mr. PAYNE. I know it.

Mr. WILLIAMS. It is in all of them.

Mr. PAYNE. Certainly; and if it is any answer, I acknowledge that I went wrong on the Buffalo bill; but I do not intend to vote for any more of these so long as my name is on the rolls of the House.

Mr. GROSVENOR. I would like to ask the gentleman a question. The gentleman says he has been fighting these bills for a long time. What success have you had?

Mr. PAYNE. I will tell the gentleman in a minute.

In this Jamestown matter every reference to an exposition was taken out of that bill. What is the result? Why, we are here now with an appropriation agreed to by the committees on the sundry civil bill for $1,350,000 for a place down there where we actually have to appropriate $400,000 in building a dock or docks by which we can approach the place. Now, that is the rediculous position that we are in. I have no doubt but that this Tampa business will loom up, and Congress will engage in the same way with a resolution from some other community and go into the show business. It is time the Government got out of the show business. The time will come after the people have breathed a while on the subject. But there is a day when it will come. Congress can not tell when, but it will not be until the people begin to see the ridiculousness of the Government continuing in the show business; and then I hope there will be a sufficient revulsion of feeling to compel Members of the House and Members of Congress to refrain from getting into such a performance as we are entering upon by the passage of this resolution at this time. [Applause.]

The SPEAKER. The question is on agreeing to the amendment. Without objection, the amendment will be considered as agreed to.

Mr. PAYNE. I object to that, Mr. Speaker. I want the privilege of voting against it.

The SPEAKER. The question is on the amendment.

Mr. SIBLEY. I would like two minutes before the vote is taken.

Mr. Speaker, I have at some time or other had to vote either for or against every exposition that has been held, commencing with Chicago, and I have sworn off and declared that I would never vote another dollar to any exposition. When my friend from Florida [Mr. SPARKMAN] came to me, knowing that I have a residence on the shores of the most beautiful bay in the world, Tampa Bay, on the west coast of Florida, I read his bill carefully and found that it did not provide for the expenditure of one penny from the Federal Treasury, and it declares that it never shall cause the expenditure of one penny by the Government. It authorizes the President, in his wisdom and at his discretion, to cause the fleet to rendezvous and display within the borders of that bay, at Tampa, where the people hold each year a State fair that I have never seen equaled by any Commonwealth in our Federal Union. [Applause.] The display of citrous fruits and of semitropic products is the most marvelous that is afforded by any Commonwealth in this country.

This bill simply provides that during the holding of that fair the President may, in his discretion, rendezvous the fleet at that point. That fleet will be rendezvousing or sailing through some portion of the Caribbean Sea. It will be in those waters, and this merely provides that it may rendezvous at that point, and that the Federal troops stationed adjacent to that point may, in his discretion, also be afforded the opportunity to exhibit.

Mr. PAYNE. I want to say to the gentleman I have seen just as fine an exhibit as the one he describes now at Jacksonville, and I presume Jacksonville will come on in due time.

Mr. SIBLEY. Mr. Speaker, I have no objection to admitting that Jacksonville holds a good display, but it could not, of course, rival Tampa, or I would not be going over to Tampa to live.

Mr. HULL. Will the gentleman from Pennsylvania be there in all his glory when this exhibit takes place? If he is there, of course we shall all want to go. [Applause.]

Mr. SIBLEY. I hope the fact that there can be no appropriation from the Federal Treasury will prompt every gentleman to vote for this measure, and I will be there ready to extend a welcome to one and all. [Applause.]

Mr. SPARKMAN. I yield three minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I want to say that I have been one of the Spartan few who have voted uniformly against every exposition a project for which has been presented to the House—Chicago, Nashville, Buffalo, St. Louis, Jamestown, all of them—because it took money out of the Treasury for a purpose that I did not think was legitimate, according to my views.

This bill, however, is totally unlike any bill that has ever

come before the House, even in the initiatory stages of the other bills. This bill merely provides—to use a French expression—that the President be requested by Congress, "if in his opinion" it is expedient, to permit the Navy and the Army to "assist" at the performance; that is, to be present. That is all there is in it. Then at the end of it there is an absolute obligation in the bill itself never to call for anything further.

Mr. PAYNE. I want to say that was all there was to that Jamestown thing in the first place.

Mr. WILLIAMS. I beg the gentleman's pardon. That was not all there was in the Jamestown thing, and that is the reason I voted against the Jamestown thing. There was in the Jamestown bill a provision to invite foreign powers to participate. There is no such provision in this bill. There was, moreover, no pledge in the body of the bill, as to the Jamestown exposition, that there would be no future requests to Congress for an appropriation.

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

The amendment was agreed to.

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

The question being taken, on a division (demanded by Mr. PAYNE) there were—ayes 125, noes 30.

Accordingly the resolution was agreed to.

Mr. SPARKMAN. I offer an amendment to the preamble.

The SPEAKER. The gentleman from Florida offers an amendment to the preamble, which will be reported by the Clerk.

The Clerk read as follows:

Strike out the preamble and insert:

"Whereas it is fitting that the commencement of the work on the Panama Canal should be celebrated in a suitable manner, to the end that the importance of this great isthmian waterway may be accentuated and the sentiment in favor of its early completion fostered and kept alive; and

"Whereas the city of Tampa, in the State of Florida, by reason of its being farther to the southward and nearer to said canal than any other city in the country having a deep and commodious harbor, reached by ample railroad facilities, as also on account of its salubrious climate and the spirit of American progress among its citizens, manifest in the rapid growth and development of the city and her commerce, affords a suitable place for such an exhibition; and

"Whereas it has been determined to hold such an exposition at Tampa, Fla., during the months of January, February, March, April, and May, A. D. 1908; and

"Whereas His Excellency Napoleon B. Broward, governor of the State of Florida, did, on the 30th day of December, 1905, issue his proclamation calling an isthmian exposition to be held in the city of Tampa commencing in the month of January, A. D. 1908, for the purpose aforesaid, and inviting the governors of the several States comprising the United States of America, as well as the governors of the Territories of the United States, to secure the cooperation of their State legislatures in aid of said exposition by participating therein and sending exhibits of their resources to said exposition: Therefore, be it.

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

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. SPARKMAN. I yield.

Mr. MANN. Does the city of Tampa need this certificate of good character that is carried in that preamble?

Mr. WILLIAMS. Oh, it won't do any harm, I suggest to the gentleman.

Mr. MANN. It sounds to me like the most ridiculous advertisement I have ever heard read.

Mr. SPARKMAN. I am sorry the gentleman takes that view.

Mr. MANN. I do not believe the city of Tampa needs a certificate of good character from Congress in that manner.

The SPEAKER. This is an amendment to the preamble. The question is on agreeing to the amendment.

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

The SPEAKER. The question now is on the adoption of the preamble as amended.

The question was taken; and the preamble as amended was agreed to.

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

SUSAN C. SMITH.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill (H. R. 19047) entitled "An act granting an increase of pension to Susan C. Smith."

The SPEAKER. Is there objection?

There was no objection.

Mr. LOUDENSLAGER. Mr. Speaker, I move the adoption of the resolution.

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

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

MOVEMENTS OF VESSELS IN HAMPTON ROADS, ETC.

Mr. RYAN. Mr. Speaker, I present a conference report on the bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters in the State of Virginia, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York presents 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:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

W. P. HEPBURN,
JAMES R. MANN,
W. H. RYAN,
Managers on the part of the House.

KNUTE NELSON,
J. H. GALLINGER,
THOMAS S. MARTIN,
Managers on the part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE.

The conferees on the part of the House on the bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia, submit the following statement:

The House adopted an amendment providing, in effect, that the act could only be enforced from January 1, 1907, to January 1, 1908. By the conference agreement the Senate recedes from its disagreement to the amendment of the House and agrees to the same.

W. P. HEPBURN,
JAMES R. MANN,
W. H. RYAN,
Managers on the part of the House.

Mr. RYAN. Mr. Speaker, I move the adoption of the conference report.

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

ALASKA CENTRAL RAILWAY.

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:

Resolved, That immediately after the passage of this resolution it shall be in order to consider in the House, as in the Committee of the Whole (S. 5901), an act to extend the time of the completion of the Alaska Central Railroad, and for other purposes, reported from the Committee on the Public Lands, and forty minutes shall be allowed for debate thereon, the time to be divided equally between those supporting and those opposing the bill, at the end of which time the previous question shall be considered as ordered and a vote taken on all amendments and the bill to its passage, without delay, intervening motion, or appeal.

Mr. WILLIAMS. Mr. Speaker, I understand this is the bill that went to the Public Lands Committee and was amended there.

Mr. DALZELL. Yes.

Mr. WILLIAMS. Well, this bill has been put into such shape that I shall not ask for any time at all.

Mr. DALZELL. Mr. Speaker, I demand the previous question.

Mr. SMITH of California. Mr. Speaker, is it not contemplated when the bill is brought up under this rule to strike out the amendments which the Committee on Public Lands made to the bill?

Mr. DALZELL. Mr. Speaker, I will state that I am unable to answer the question.

Mr. LACEY. Mr. Speaker, so far as I am concerned I will say that I think we ought to vote down the amendment. We have just given 2,560 acres to this other line, and these people want only 80 acres. I think the amendment should be stricken out.

Mr. DALZELL. As I understand it, the rule does not permit any vote on the amendment.

The SPEAKER. It permits a vote on the committee amendments.

Mr. GAINES of Tennessee. Mr. Speaker, the committee amendments are amendments of a great deal of importance, and the committee considered them and made the changes in the bill.

The SPEAKER. The rule covers the amendments.

Mr. GAINES of Tennessee. Well, we do not want the amendments to be put back into the bill.

The SPEAKER. Then they can be voted down.

Mr. DALZELL. Mr. Speaker, I demand the previous question.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the previous question was ordered.

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

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

The SPEAKER. This bill was read on a former occasion, as the Chair recollects, on a motion to suspend the rules.

Mr. HAMILTON. That is true.

Mr. LACEY. Yes; read on a motion to suspend the rules.

The SPEAKER. Is there objection to dispensing with the reading of the bill?

Mr. GAINES of Tennessee. Mr. Speaker, I object, because I think it ought to be read.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the time for the compliance by the Alaska Central Railway Company with the provisions of sections 4 and 5 of chapter 295 of the laws of the United States, entitled "An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, by locating and completing its railroad in Alaska, is hereby extended, and the powers of said company are enlarged as follows:

First. Said company shall have three years from the passage of this act within which to file a map of definite location, until which time all their rights originally secured by the filing of their plats of preliminary location shall continue, and six years from the date of filing of such maps of definite location within which to complete said railroad to the Tanana River.

Second. That there is hereby granted to said company for terminal purposes and for the building of approaches, wharves, docks, warehouses, elevators, and such other structures as may be necessary for the conduct of the business of said railway, on and contiguous to the Tanana River and the Yukon River, and at such points thereon as the company shall select, public land not exceeding 160 acres at each of said points and having a frontage on each of the said rivers not to exceed 1 mile; and a similar grant of land is hereby made to said company for intermediate division terminals at points on the line of its railway to be selected by it as most convenient for said intermediate division terminals and approximately 100 miles apart.

The land hereby granted shall be located and selected by said company and its rights shall attach thereto when it shall have filed in the office of the Secretary of the Interior a plat thereof, with a copy thereof in the local office. Said company shall have the right to enter on and possess said lands immediately, but title shall not vest until the railroad of said company shall have been completed to said points, respectively. There is further hereby granted to said company for similar purposes, on Resurrection Bay, two parcels of public land, one of an area of 1.40 acres and the other of an area of twenty-eight one hundredths acre, which lie between the line of mean high tide on said bay and the east line of the present right of way of the Alaska Central Railway and immediately east of the United States survey No. 726 south and United States survey No. 726 north, F. L. Ballaine soldier's additional homestead location, said two parcels being in addition to the land located by said company for terminal purposes on Resurrection Bay under the provisions of general law.

Third. There is hereby granted the said company the right to purchase at $1.25 an acre the reserve tract between the homestead locations of Scheffler and Ravell on the north shore of Resurrection Bay, said reserve tract having the same depth from the water front as the adjoining homestead locations.

Fourth. Said company shall have the right to locate its right of way along the navigable waters of Alaska and as near thereto as may be necessary for the safe, economical, and efficient construction and operation of its line of railway, any restriction, condition, reservation, or easement provided in, by, or under any act of Congress to the contrary notwithstanding, and the right of way for its railway is granted to said company on Resurrection Bay and at such other points as it may be found desirable to establish terminal facilities on, over, along, and across any roadway established along the shores of navigable waters under the act of Congress of May 14, 1898.

Fifth. Said company shall be exempt from license tax and tax on its railway and railway property during the period of construction and for five years thereafter: *Provided*, That the total period of exemption shall not exceed ten years from the time of the passage of this act.

Sixth. Congress reserves the right to alter, amend, or repeal this act.

Seventh. Nothing herein contained shall be taken as vacating or impairing the reserved shore roadway and riparian rights provided for under the said act approved May 14, 1898.

With the following committee amendments:

On pages 2 and 3 strike out paragraphs numbered second and third.

Page 4, line 1, after the word "notwithstanding," strike out all the rest of the paragraph.

Mr. FOSS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. FOSS. I waive my right to the gentleman from Iowa.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. LACEY] is in control of one-half of the time and——

Mr. SMITH of California. We want some time in opposition to striking out the amendment.

The SPEAKER pro tempore. The gentleman from Arkansas [Mr. ROBINSON] and the gentleman from Missouri [Mr. RUCKER] signed the minority report, and one of those gentlemen should control the opposition.

Mr. LACEY. Will the Chair state who controls the time on the other side?

The SPEAKER pro tempore. There are twenty minutes on each side and the gentleman from Missouri [Mr. RUCKER] will control the time in opposition.

Mr. LACEY. Mr. Speaker, I only want a very few minutes, to begin with. This bill has been very well explained in the debate upon the bill which has just passed. The difference between this bill and the one which has just passed is that the parties who will be the beneficiaries of this bill have spent nearly $3,000,000 in building 48 miles of road and have given the best evidence of their good faith. They have not asked a charter; they have taken a charter under State laws, and have not asked a special Congressional charter here or any aid of any kind; but what they ask now is additional terminal facilities at Resurrection Bay, an extension of time to complete their work, and, in addition, they ask to have a quarter section of land every hundred miles for a division, a quarter section of land when they reach the Tanana for terminal facilities, and a quarter section when they reach the Yukon for like facilities. That is all they ask, and it is a very modest request.

Mr. MADDEN. Do they want that free of charge?

Mr. LACEY. They ask the lands free of charge except the land on the bay, and they pay for that at Government price.

Mr. MADDEN. How many quarter sections are there, putting it all together?

Mr. LACEY. They get one every hundred miles under this bill.

Mr. MADDEN. How many?

Mr. LACEY. Five hundred miles. They get five quarter sections, and under the general law they get 20 acres for stations every 10 miles, and this increases it. When they come to a divisional point, each hundred miles there they can take 160 acres of land.

Mr. MADDEN. And they do not pay a cent for it.

Mr. LACEY. No; of course not.

Mr. NEEDHAM. How much water front do they get?

Mr. LACEY. Not to exceed a mile. We have just given 4 miles water front to the other road.

Mr. MADDEN. Two miles.

Mr. LACEY. Two thousand five hundred and sixty acres of land. This company pays the Government price for the shore land. Now, Mr. Speaker, I yield to the gentleman from Illinois.

Mr. FITZGERALD. What is the effect of the amendment?

Mr. LACEY. The effect of the committee amendment is to strike out this grant of 160 acres and strike out the granting of the quarter mile extra on the water front.

Mr. FITZGERALD. Mile of water front.

Mr. LACEY. They want an additional quarter, which is reserved between two tracts which they already have. Under the Alaska law, between the homestead or other entries on water fronts there must be a quarter of a mile reserved. This quarter of a mile occurs right at their terminal, and they ask the privilege to buy that quarter of a mile, which would connect their two tracts of land. Now, I do not know, in view of the temper of the House giving four miles——

Mr. HAMILTON. Two miles, as I remember.

Mr. LACEY. Well, say 2 miles—2,560 acres—that there ought to be much debate on this proposition, especially when it comes in in behalf of a company that has spent nearly $3,000,000 in building this road and is at work upon the road now. I yield five minutes to the gentleman from Illinois [Mr. Foss], who introduced the bill.

Mr. FOSS. Mr. Speaker, I would like to have the attention of the House for just a moment.

I desire to state that I introduced this bill into the House. A similar bill was introduced about the same time in the Senate. This bill was carefully considered by the House Committee on Territories and unanimously reported to this House without any amendment whatever. A similar bill, as I said a moment ago, was introduced in the Senate, and that was unanimously reported by the Committee on Territories to the Senate, and passed the Senate without any amendment what-

ever, and that is the bill which we are considering to-day in the House. Now, when this bill came over after its passage in the Senate, it went to the Committee on Public Lands. In my judgment, it should have gone to the Committee on Territories. And the Committee on Public Lands held a hasty hearing upon the consideration of this matter. They did not go into a full and careful analysis of it, as they did not have time during the closing days of this session, as did the Committee on Territories, whose hearings upon this question I now hold in my hands.

Mr. LACEY. Will the gentleman yield? The Committee on Public Lands reported this same bill in the last Congress and went over it very thoroughly and had a full hearing.

Mr. FOSS. The Committee on Public Lands in the last Congress practically reported this same bill, but the other day the Committee on Public Lands reported this with some amendments which I do not think, if they had taken careful consideration of this measure and had had time to hold hearings as in the Committee on Territories, they would have reported to this House. Consequently, I trust when it comes to these amendments the House will vote them down, and then the bill will be restored to its original shape and condition, the same as it passed the Senate, the same as it was unanimously reported from the Committee on Territories, and the same as the House, in my judgment ought to pass it to-day.

Now, a moment as to this company, the Alaska Central Company. It is not a company asking for a charter to-day. It already has a charter, and it has had a charter for three or four years. It obtained its charter under the laws of the State of Washington, and it has gone on under the general law in laying out surveys for a railroad in Alaska, and it has already, without any aid from the Government of the United States, built 45 miles of railroad in Alaska. No other American enterprise has done as much as that. It leads them all. It has put in between two million and a half and three millions of dollars into the building of this road, and now it asks for a little aid in the way of extension of time for the completion of the road, and in the way of an extension of its terminals, or a little more land that nobody else would take. As my friend from Michigan said to you a little while ago, it is hardly worth 2½ cents an acre.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. FOSS. I would like three minutes more.

Mr. LACEY. I yield two minutes more to the gentleman from Illinois [Mr. Foss].

Mr. FOSS. So it is seeking the right to buy some land at the usual price of $1.25 an acre. Gentlemen, in my judgment, this is the worthiest proposition in connection with the railroads of Alaska of any that have been presented to the House, because the people have gone ahead and built the road, and have never asked a single dollar from the Government in the way of subsidy nor an acre of land in the way of a land grant, nor a guaranty of any kind whatever. They have gone in there on faith, and not only that, with faith plus work actually done and performed. And they are entitled to the favorable consideration of this House.

It costs a good deal of money to build a road up in Alaska. It costs anywhere from $25,000 to $30,000 per mile, and in some places where this road is being constructed it is going to cost $150,000 to $200,000 per mile. And so for these reasons it seems to me if we are going to open up Alaska, with all its boundless resources, to trade and to commerce and to civilization, we ought to do what we can legitimately and rightly to aid these men who have gone forth with such faith in the building up of this road.

I thank the gentleman for yielding me some time. That is all I have to say. [Applause.]

Mr. LACEY. Will the gentleman from California use a portion of his time now?

Mr. SMITH of California. I yield to the gentleman from Missouri.

Mr. RUCKER. Mr. Speaker, the speech we have just listened to from the distinguished gentleman from Illinois [Mr. Foss] reminds the House of the time when the great naval appropriation bill was pending for consideration. We are used to seeing the gentleman on those occasions in most vehement manner proclaim the merits of his bill. But just why he, a Representative of the State of Illinois, is so profoundly and so deeply concerned about a railroad away out in Alaska—the passage of a bill which did not come from his committee—one with which, so far as the record shows, he has no connection, I am somewhat confused to know.

I want to say, Mr. Chairman, that it would be better for legislation in this Congress, it would be better for the estimate in which we hope the American people may hold the Congress of the United States, if gentlemen here were guided in their legislative conduct solely by their oath of office, and that alone. I want to say, too, that so far as I am concerned, this bill, if amended as the gentleman demands, will have to be passed with a quorum of this House present and voting.

I do not intend to permit a railroad or any other corporation or a lot of capitalists from Chicago or elsewhere to come here and exploit the country and rush through measures in which the Treasury of the United States is concerned if I can prevent it. I care nothing about what the Public Lands Committee did in the last Congress. I care nothing about what the Senate Committee may have done. If they have heretofore established bad precedents, it is time for us to break away from them. This bill must stand upon its merits. Gentlemen say it was not considered in a committee of the House, and that is true. And why? Because those interests which can always get the ear of chairmen and members of committees, and which can always get the ear of the Committee on Rules, and can always command—I say it with shame—support on this floor, at least some support; because gentlemen representing these interests came here at the very last hour of the last meeting of the Committee on Public Lands and insisted—supported by lawyers, experts, and capitalists from all parts of the country, interested in this enterprise, and supported by some Members on this floor, who perhaps have some interest, I know not what, in this legislation—and, in effect, demanded immediate consideration of their measure. I say that committee did a wise thing, it did an honest thing, when it struck those provisions which are now in dispute out of the bill.

Why, gentlemen, it has been charged here repeatedly during the last few days, and never denied or explained, that great labor organizations have come here, in most respectful attitude and in most courteous manner, and appealed in vain for consideration of meritorious measures affecting the welfare of millions of American citizens. But let the money power of this country; let men representing great corporations, the capitalists of the nation come here, and we then find as good men as the chairman of the Committee on Public Lands standing here, urging the House to undo that which a majority of his committee, in its judgment, thought proper and wise to do.

I want to say, Mr. Speaker, before I take my seat, because I know what will be done—we are not blind to everything—I do not know who would be on the conference committee; and therefore I say to you, if these amendments are reinserted in this bill, it will have to have the approval and support of the majority of the Members of this House before it passes. It will require the presence of a quorum to pass it.

Mr. LACEY. Will the gentleman allow me to ask him a question?

Mr. RUCKER. Certainly.

Mr. LACEY. Did you demand a quorum when we voted 2,500 acres to this other railroad?

Mr. RUCKER. Why, Mr. Speaker, like the gentleman from Iowa, I had no special duty in connection with that bill. I left the gentlemen who were charged with duty in connection with that bill to attend to that duty and contented myself with voting against its passage, because I thought it bad legislation. But I will say to you that in my humble judgment, and I speak with the greatest deference and respect to my friend, I have individual responsibility here. The committee over which you preside by a large vote decided the provisions here in controversy should not be left in the bill, and they struck them out.

Mr. Speaker, I will not have time to analyze this measure, because I want to yield time to others. But I want to say that it will not do to listen to the arguments of—I was about to say of attorneys—it will not do to listen with too much confidence to the arguments of gentlemen from remote States, whose interest is not apparent, as to what this bill does or will do, because, I tell you, in its carefully prepared provisions it carries a great deal more than a superficial investigation will suggest. If these amendments are insisted upon, I warn gentlemen now they will have to have loyal friends here who will support them on its passage, because if enough gentlemen will stand with me and assist me in protecting the people of the United States against this sort of legislation in behalf of corporations it will require a quorum to pass it.

Mr. Speaker, I will not prolong this controversy. I want to yield some time to my colleagues on the committee. I yield to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I want to see if I can clear up the atmosphere a little on what we consider the demerits of this bill. The Committee on Public Lands made a majority report in favor of the passage of the bill as amended, and I am willing to stand by the committee in that attitude; but notice has been served upon us that when this debate is

over and the matter is brought to a vote, that it will be proposed to ask the House to undo what the Committee on Public Lands has done in connection with this bill and pass it in a form in which the Committee on the Public Lands refused to recommend it. I will show the House wherein it differs.

Mr. MONDELL. Did the gentleman support the bill that passed the House a few minutes ago?

Mr. SMITH of California. No; I did not vote either way on that.

Mr. MONDELL. The gentleman did not oppose it?

Mr. SMITH of California. I did not oppose it, because I did not know anything about it.

Mr. MONDELL. The gentleman knows that that bill granted infinitely more than this bill does.

Mr. SMITH of California. I object to the gentleman taking my time on this subject. It is not a question of whether we shall give this railroad 160 acres or 320 acres. Gentlemen lower themselves beneath the dignity of debaters on the floor of this House when they state merely that the land desired is not worth anything up there. The thing that this company is fighting for is the water front. That is all there is in the bill. A law was passed in 1898 with reference to homesteads in Alaska, in which it was specifically provided that homesteads lying near a navigable water should not be more than 80 rods wide, and there should then intervene 80 rods which nobody could take, and there is the express declaration in that law that the Government will not part with its water front, but will hold it in perpetuity for the benefit of the commerce of that country.

This bill now proposes, if these amendments of the committee are stricken out, to give to this railroad company, not so many acres of land—nobody cares for that—but to give to this railroad company 1 mile of water front at its termini and 1 mile of water front wherever it ses fit to touch a navigable stream. Now, that is the part to which the committee was opposed to, and that is the part which I am opposing. I am willing to let the bill go through as the committee reported it, although I think it contains some questionable provisions on another point, but I am not going into that here. I am not, however, willing to sit here and let this Congress blindly vote away the water front of that country. Gentlemen say that this land is of no value and that there is no population in that country. That is very true, and that was substantially true when every transcontinental railroad was built across the United States, and I will say of this bill as the promoters and those railroads did, that it is in anticipation of a population and a commerce in that portion of the country that they propose to build this road. It is perfectly evident that if they did not expect there would be a population and a commerce in that country they would not be here talking about building railroads.

Now, look ahead a little and see the time when there will be a sufficient population and commerce in Alaska to justify the building of a railroad, and then tell me if the water-front privileges are not the key to the situation. The railroad company that controls the water front touched by its line will have the commerce and the rights of the people in its hand, and it can close its hand as tightly as it pleases. The railroads that were built into California more than a quarter of a century ago would have given millions for a provision of that kind in the law granting them the right of way to enter California. And so they would in Washington, or any other portion of the country that has been touched by the transcontinental railroads.

[Here the hammer fell.]

Mr. RUCKER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has seven minutes.

Mr. RUCKER. I yield to the gentleman one minute more.

Mr. SMITH of California. I say no man can estimate the value that would accrue to the Central or Southern Pacific Railroad if they had been given such privileges at San Francisco and San Pedro or on any other navigable waters in California as are contained in this bill.

Mr. MONDELL. Does not the gentleman know that those railroad companies received vastly greater grants and privileges than is given to this road?

Mr. SMITH of California. That is another consideration. They did not receive in the entire land grants that which represents one-tenth part of the value to them of the water-front privileges that are contained in this bill. I tell you the Southern Pacific to-day would surrender every acre of the land grant that it received for the privilege of controlling the water front on San Francisco and San Pedro bays.

Mr. LACEY. Now, Mr. Speaker, I yield two minutes to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I think the House should keep an even keel. We passed a bill a short time ago by a large majority granting valuable privileges to a company that has not spent much money in Alaska up to this time, or, so far as I know, built any railroad, and as we now have before us a bill proposing to grant to a company that has built many miles of railroad in Alaska, that has spent millions of dollars in Alaska, a few poor, miserable privileges compared with the grants to the company I have just referred to and infinitesimal compared to the grants and privileges given to railroads built across the continent a few years ago.

The gentleman talks about granting water fronts. We do grant this company the right to take 80 rods on a certain bay which was reserved very properly by the Congress for just such purposes as this, with a view to encouraging the construction of railways, in order that we might have land on tide water to grant to those who desired to build the very expensive railways that must be built in that country. The few acres these people are allowed to buy they pay for at the Government rates.

The gentleman talks about granting a privilege on tide water. No privilege is granted here on tide water that any owner of land adjacent to tide water does not have and enjoy. There are no privileges given on lands below high tide—simply a right to buy certain lands that were reserved with a view of disposing them for the purpose of aiding in the development of the Territory of Alaska. These people have been proceeding under the general law, asking no special grants or privileges of Congress until they found that in order to complete the road which they have so far pushed forward as rapidly as possible, they must have a slight extension of time and have a few more acres of land.

Mr. LACEY. Mr. Speaker, I now yield two minutes to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I simply want to say that a similar bill to the one under consideration was referred to the Committee on Territories, considered carefully, and reported favorably. A similar bill was considered by the Senate Committee on Public Lands, reported favorably, and passed the Senate. That bill, which is the bill under consideration, came to the House and was referred to the House Committee on Public Lands, and the House Committee on Public Lands reported it back to the House with some changes in it—that is, they proposed to strike out certain sections whereby it was proposed to give to this company 160 acres of land for a terminal and 160 acres at intervals of 100 miles.

Mr. GAINES of Tennessee. Why did not this bill go to the Committee on Territories?

Mr. HAMILTON. I don't know.

Mr. GAINES of Tennessee. Well, of course it ought to.

Mr. HAMILTON. I think it is a good bill, however.

Mr. GAINES of Tennessee. Well, the gentleman from Michigan is familiar with all the facts, and yet it was sent to the Land Committee, which knew nothing about it.

Mr. HAMILTON. I feel it my duty to say that I regard it as a good measure, and it is a part of the general plan to give transportation facilities for the interior of Alaska. After consideration our committee thought that if these two trunk lines, one from Controller Bay to Eagle and the other from Seward to Fairbanks, could be constructed, that would open up the internal resources of Alaska.

Mr. BROOKS of Colorado. Will the gentleman yield for a question?

Mr. HAMILTON. Yes.

Mr. BROOKS of Colorado. Will the gentleman tell us whether or not the granting of this frontage will in any way exclude other people from getting similar privileges in Resurrection Bay?

Mr. GAINES of Tennessee. Of course it will.

Mr. HAMILTON. So far as any of the frontage given is concerned it would exclude other people, but no further than that.

Mr. BROOKS of Colorado. As I understand it, there is a very large frontage there still left.

Mr. HAMILTON. Yes; I so understand it.

Mr. BROOKS of Colorado. And this gives only a very small portion.

Mr. HAMILTON. That is my understanding.

Mr. McCLEARY of Minnesota. How much is the frontage?

Mr. HAMILTON. It is very small. I don't know how much. These people have spent two and a half million dollars in the construction of this railroad, and have only constructed up to mile 45. They are having great difficulty in selling their bonds.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LACEY. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. BRICK].

Mr. BRICK. Mr. Speaker, I don't know that I care to take up even two minutes. This bill has come before the Committee on Territories, and we have considered it. We believe that it is a good thing for Alaska. The gentleman from Missouri [Mr. RUCKER] seemed to have some idea that everybody that is for this bill had some ulterior interest. I want to say to you, Mr. Speaker, that I have no interest in any railway company in the world, except as that railway company may be a good thing for the world. I have not any interest in this proposition except that it may do good. If Alaska needs anything in the world—it has good men, 30,000 of the bravest, hardiest, and best men of America—it needs transportation facilities, and that is all the reason in the world why I am for this bill. This measure does not cost the United States a single dollar. They talk about its taking up the frontage of the bay. There are 20 miles of frontage on that bay, and it takes up only 1. The reason that I am for the bill is that I would like to open up the coal mines. I would like to open up all of the interior of that great empire that belongs to this country and which has been unappreciated by the people of this country all these years. [Applause.] I hope, Mr. Speaker, that this bill will pass as it was originally introduced, as it passed the Senate, and as it was approved once before by the Committee on Territories. We have done little enough for Alaska—when they have a chance don't block the way. Give them a fair show. [Applause.]

Mr. RUCKER. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, this bill came before the Committee on Public Lands, without a single member, so far as I know, knowing a blessed thing in the world about it. We considered it at our last meeting of the committee. If the gentleman from Iowa [Mr. LACEY] knew anything about it, we got very little or no information from him. There was no one except the very gentlemanly and able lawyer who came before us to explain it. We gave some relief to this road it wanted. We extended a limit for them to do certain things three years. We also extended another limit that was about to expire. This was satisfactory; and then we got down to the second section, and they proposed then to take great river fronts, without our knowing anything about the value of those river fronts, without anyone before us to tell the committee the value of these lands. They were anxious to build the road. We wondered why it was that they were so anxious to build the road. Yet it is said that these water fronts are valueless. The statements of the gentleman from California [Mr. SMITH] gave us some light on the subject. His information and common sense suggested to us to save these river fronts for the people who some day may go and build the cities about these railroad stations and river fronts.

Mr. LACEY. Let me ask my friend a question.

Mr. GAINES of Tennessee. Oh, Mr. Speaker, the gentleman from Iowa has had and has all the time that he wants. I am going to stand by what we agreed in the committee to do. We cut this lake front matter out. The gentleman's committee did it and did it conscientiously and as intelligently as we could. I am going to stand by that. I am going to stand by the river fronts. I am going to stand by the Government's rights. If it is a good thing for the railroad, it is a good thing for the Government not to give it to the railroads—that is, all of it at any one place, at least. The bill gives this road 160 acres of land, not in a lump, but in such a way as that this road can take miles of land up the river and miles of it down the river and thus make out its 160 acres and control the whole water front. They can make it 6 feet wide along the river front for miles and thus deprive the people who go there from ever getting to use the front of these waters. We cut that out, and we cut out a similar provision respecting the water front at some other places. They say that the land up there is worth a dollar and a half. Section 3 gives them the right to buy this land at any time for a dollar and a quarter. We struck that out, because we did not know what the value of the land was. We don't know whether it is gold or silver or copper. We had no light on the subject, and as faithful members of the gentleman's committee we tried to preserve the Government's right and yet help this road. The gentleman brought up this bill when he knew that we knew nothing about it; we amended it and now he is coming into the House with this great strong rule, running roughshod over the recommendations of his committee when we stood by him in the committee in our efforts at least to protect the Government and the rights of the people. [Applause.]

I will never turn tail and run from my committee recommendations. [Applause.] What else, Mr. Speaker? We gave the road an exemption from taxation for a few years, a thing I did not want to vote for, but did so under the circumstances. The road's representatives said the Government had given such an exemption to other Alaska railroads. Here are young men trying to build a railroad. I said to the splendid young railroad lawyer: "I want to help you, but when I help you I want also to protect the public; I want to protect the people who are to go out to this country and help to build it up, but I do not want you to swallow everything in the country." [Applause.]

Mr. PAYNE. Mr. Speaker, I am about to move to take a recess until 8 o'clock, and, if the House will indulge me, to say this: It is necessary that every Member be present at that time, and the more prompt they are in attendance the sooner we will get through with the business of the House and the session, so as to close up.

Mr. LACEY. I would like to inquire, before that motion is made, how the time remains?

The SPEAKER pro tempore. The gentleman from Iowa has four minutes and the gentleman from Missouri two.

Mr. PAYNE. I move that the House take a recess until 8 o'clock.

The motion was agreed to; and accordingly (at 6 o'clock and 1 minute) the House took a recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House was called to order by the Speaker.

Mr. SIMS. Mr. Speaker, I wish to call from the Speaker's table the bill S. 6209, and ask for the present consideration of the same.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 6209) authorizing certain changes in the permanent system of highways in the District of Columbia.

Be it enacted, etc., That the Commisisoners of the District of Columbia are hereby authorized to prepare a new highway plan for that portion of the District of Columbia lying north of Ordway street, south of Rodman street, east of Reno road, and west of Connecticut Avenue Highlands subdivision, under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to said act approved June 28, 1898; that upon the completion and recording of said new highway plan it shall take the place of and stand for any previous plan for said portion of the District of Columbia.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to consider the bill at this time. Is there objection? [After a pause.] The Chair hears none.

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

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President:

To the House of Representatives:

In compliance with the resolution of the House of Representatives (the Senate concurring), of the 29th instant, I return herewith House bill No. 18901, entitled "An act granting an increase of pension to John E. English."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 29, 1906.*

The SPEAKER. Without objection, the message will be referred to the Committee on Pensions. [After a pause.] The Chair hears no objection.

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.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 17714. An act to authorize the commencement and conduct of legal proceedings under the direction of the Attorney-General; and

H. R. 20407. An act to authorize the Baldwin and Dague Lumber Company to construct a bridge across the St. Francis River in Arkansas.

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

Resolved by the House of Representatives (the Senate concurring), that the President be requested to return the bill (H. R. 19047) entitled "An act granting an increase of pension to Susan C. Smith."

JAMES M. PICKRELL.

The SPEAKER. The gentleman from Virginia [Mr. SOUTHALL] calls from the Calendar Senate bill 1812 under the general order that was adopted touching the Private Calendar on yesterday or the day before. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 1812) for the relief of Lieut. James M. Pickrell, United States Navy, retired.

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 Lieut. James M. Pickrell, United States Navy, retired, a lieutenant-commander on the retired list of the Navy, with the pay commensurate with the length of service rendered by said officer in the Navy, and to date from the time of such appointment to the grade of lieutenant-commander on the retired list.

Mr. PAYNE. Mr. Speaker, I would like to hear some explanation of this bill. What is the reason for it?

Mr. SOUTHALL. Mr. Speaker, it is a bill promoting Lieutenant Pickrell to lieutenant-commander. At the time he was retired he was ordered to report so as to be promoted. His health was found to be in such condition that he was retired and the Committee on Naval Affairs report, on account of his efficient services, he should be promoted, he on one occasion, while commander of a ship, being the last man who left the ship. He stayed on it until everybody got off the ship, and the ship sank. The Department says there is no objection to his being promoted.

Mr. PAYNE. The reason was he was too ill at the time——

Mr. SOUTHALL. It is all right. The committee passed it to-day. It passed the Senate unanimously, and the committee passed it to-day.

Mr. LAMB. I have looked into the report, and it is all right.

Mr. PAYNE. Mr. Speaker, I would like to have the report read in this case.

The SPEAKER. The Chair is informed that the report of the House committee has not been printed. The bill has been reported, and presumably the report has been sent to the Printing Office.

Mr. LAMB. The Senate committee united in recommending this.

Mr. PAYNE. Mr. Speaker, under the circumstances, I will not insist upon the report being read.

The bill was ordered to be read a third time, it was read the third time, and passed. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the reports of committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

S. 218. An act granting to the City of Durango, in the State of Colorado, certain lands therein described for water reservoirs; and

S. 4774. An act relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News and adjacent waters, in the State of Virginia.

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

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

Joint resolution (S. R. 72) fixing the date upon which the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June ——, 1906, shall go into effect.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1476. An act granting certain lands to the town of Tincup, Colo., for cemetery purposes;

S. 4298. An act to amend section 4471 of the Revised Statutes of the United States, regulation of steam vessels; and

S. 6167. An act to improve the channels along the New Jersey coast.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

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

H. R. 17714. An act to authorize the commencement and conduct of legal proceedings under the direction of the Attorney-General.

SENATE BILL REFERRED.

Under clause 2, 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. 6176. An act providing for pay of expenses of district judges—to the Committee on the Judiciary.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I offer the concurrent resolution which I send to the Clerk's desk and ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20403) making appropriations to supply deficiencies, is hereby authorized and empowered to insert in said bill and embrace in their agreement all necessary appropriations to carry into effect the authorizations which shall finally be authorized in the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; also the additional amount necessary, under the Interstate Commerce Commission, required by the act H. R. 12987, commonly known as the "railroad rate bill."

The SPEAKER. Is there objection?

Mr. PAYNE. I think there ought to be a proviso that the public buildings bill should pass.

Mr. TAWNEY. That is, of course, in the resolution, Mr. Speaker.

The SPEAKER. The Chair hears no objection. The question is on agreeing to the concurrent resolution.

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

Mr. TAWNEY. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk, and ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury is hereby requested to cause an inquiry to be made, and report to the House at the next regular session of Congress as follows:

First. How much floor space available for office purposes would be gained in buildings owned by the United States and occupied by the Executive Departments and other Government establishments at Washington, if there should be removed therefrom all records and files not necessary for daily or current reference by said Departments or establishments and have the same stored in a suitably constructed building for such purposes; and

Second. What buildings are rented in Washington for purposes of storage of files or records of the Government that could be relinquished if a suitable building for storage of records were constructed.

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

Mr. TAWNEY. Mr. Speaker, I want to add an amendment to the resolution. I observe there is an omission. The amendment is as follows:

And the amount of rent which the Government is now paying therefor.

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

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

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

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

THE SILETZ POWER AND MANUFACTURING COMPANY.

The SPEAKER laid before the House the bill (H. R. 12080) granting to the Siletz Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, with Senate amendments.

Mr. LACEY. Mr. Speaker, I move to nonconcur in the Senate amendments and agree to the conference asked.

Mr. WILLIAMS. Will the gentleman explain what bill this is?

Mr. LACEY. It is the Siletz Indian bill, granting a right of way for a water ditch or canal through the Siletz Indian Reservation. I have not had time to examine the amendment.

The SPEAKER. The gentleman from Iowa moves to disagree to the Senate amendments and ask for a conference.

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

The SPEAKER appointed the following conferees: Mr. SHERMAN, Mr. CURTIS, and Mr. STEPHENS of Texas.

Mr. BURLESON. Mr. Speaker, I desire to offer a resolution, which I send to the Clerk's desk, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the Superintendent of the United States Capitol Building and Grounds be, and he is hereby, directed to submit to the House, at the next session, plans and estimates of cost and a report upon changes necessary to be made in remodeling the Hall of Representatives, with a view of facilitating the business of the House, by the removal of desks from the Hall and the substitution of benches or chairs therefor, and by providing for the membership of the House writing rooms and more spacious retiring rooms.

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

Mr. GILBERT of Kentucky. I reserve the right to object. I will withdraw my objection provided that the mover of the resolution will insert a clause in substance as follows:

Or to adopt some other method thought by the committee to be best.

The idea I have in my head is this: That the best acoustical arrangement to be seen in the civilized world is now at the tabernacle at Salt Lake City, and I believe that a committee ought to be sent to Salt Lake City. [Laughter.] Notwithstanding the smiles of the gentlemen [laughter], I believe they ought to adopt the measurements of that building as nearly as possible, and reproduce it here in this House, so that gentlemen can stand up and be heard. Very much of the imperfection of the legislation which we enact here grows out of our inability to hear one another.

The SPEAKER. The gentleman will please suspend. The gentleman from New York has a conference report.

Mr. GILBERT of Kentucky. I shall finish in a moment. This resolution seems to confine the proposition to plans that have already been adopted by the British House of Commons, and I only wish that we may consider a method by which we will secure a more efficient hall for the transaction of the public business.

The SPEAKER. Is there objection?

Mr. PAYNE. I object.

Mr. BURLESON. I will say that I received an assurance from the gentleman from New York [Mr. PAYNE] that he would not object.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I desire to present a conference report on the agricultural appropriation bill.

The SPEAKER. The gentleman from New York presents a conference report on the agricultural appropriation bill.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from New York asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

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. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seven, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 29, and 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 amount proposed in said amendment insert "$837,200;"

And on page 10 of the bill, in line 21, after the word "Industry," strike out all down to and including the word "also," in line 9, page 11, and insert in lieu thereof the word "and;"

And on page 11 of the bill strike out all after the word "named," in line 20, down to and including the word "inspection," in line 23 of page 11;

And on page 12, line 24 of the bill, after the word "Industry," insert the words "for purposes other than meat inspection;"

And on page 13, after the word "certified," in lines 22 and 23 of the bill, strike out all down to and including the word "further," in line 1, page 14, and insert in lieu thereof the word "*Provided;*" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$3,946,980;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$9,560,440;" and the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$9,932,940;" and the Senate agree to the same.

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 TO ACCOMPANY FINAL CONFERENCE REPORT ON THE AGRICULTURAL APPROPRIATION BILL.

The Senate recedes, and agrees to the House substitute for the Senate meat-inspection bill.

Amendments 24, 30, 147, and 153 relate simply to change in verbiage and change of totals, made necessary by the adoption by the Senate of the House substitute to Senate amendment No. 29.

J. W. WADSWORTH.
CHAS. SCOTT.
JOHN LAMB.

Mr. WADSWORTH. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

PROF. J. A. HOLMES.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I ask unanimous consent to insert in the RECORD—I should like to have the attention of the chairman of the Committee on Appropriations—a letter from Prof. J. A. Holmes, of the United States Geological Survey, directed to myself, and a copy of a letter from the same gentleman to the chairman of the Appropriations Committee, and a copy of a letter from Mr. Emil Swensson, a civil engineer, to Hon. JOHN DALZELL, and a copy of a letter from Mr. Richard L. Humphrey, a civil engineer, to the chairman of the Appropriations Committee, all of which are in reply to and in explanation of certain statements made to the House on June 13 by the chairman of the Committee on Appropriations.

The SPEAKER. The gentleman asks unanimous consent to print the matter referred to in the RECORD.

Mr. MADDEN. I reserve the right to object until the gentleman tells us what is contained in these letters.

Mr. WILLIAM W. KITCHIN. I shall be glad to have the letters read from the Clerk's desk.

Mr. MADDEN. I want to know what they are about; that is all.

Mr. TAWNEY. Mr. Speaker, the letters which the gentleman asks to have printed in the RECORD are letters from Mr. Holmes, of the Geological Survey, addressed to me, concerning a statement made by myself on the floor during the consideration of the sundry civil bill, in which statement I asserted that a certain letter presented at the hearings had been emasculated by the omission of a certain paragraph after the transcript of his testimony, with the letter, had been sent to him and before the letter had been returned for printing. I have no objection whatever to the printing of a copy of the letter from the gentleman or the copy of the letter from the gentleman from Philadelphia, to whom reference has been made. I have printed Mr. Holmes's letter as it was originally submitted. I have also arranged to have printed in the permanent RECORD a lithographic copy of the letter as it was changed from the time it left the committee until it was returned by the officer of the Geological Survey, Mr. Holmes, or whoever returned it.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, in reply to that, I wish to state that Mr. Holmes has seen this printed sheet to which the gentleman from Minnesota refers, and states to me—and the statement may be repeated in his letter—that it is not in his handwriting; that he did not make a line or a dot upon it. I admit that from the matter as it appeared to the chairman of the Appropriations Committee, he drew exactly the inference from the facts that I would have drawn under the circumstances; but I think, with Professor Holmes's statement, his high reputation, and the fact, as he asserts, that it is not in his handwriting and that he did not touch it, the whole matter is concluded by saying that no suspicion can rest upon Professor Holmes in the matter.

Mr. MADDEN. I object.

Mr. WILLIAM W. KITCHIN subsequently said: Mr. Speaker, I rise to renew my request for unanimous consent that the letters which I have heretofore mentioned be printed in the RECORD.

Mr. TAWNEY. I hope there will be no objection to the request.

The SPEAKER. The gentleman renews his request for the printing of the letters in reference to Professor Holmes. Is there objection?

There was no objection.

The letters are as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., June 29, 1906.

The Hon. W. W. KITCHIN, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: In the CONGRESSIONAL RECORD of June 13, 1906, page 8683, the Hon. JAMES A. TAWNEY, chairman of the Appropriations Committee of the House, stated during the debate on the sundry civil bill that I emasculated a letter which had been signed by me and which was a part of the records of the Appropriations Committee by having caused to be omitted in the printing of this letter a portion of a paragraph.

Concerning this statement, I wish to say that I made no change whatever in the letter referred to; that I had no knowledge of the fact that any change in the letter had been made until the above statement was made by Mr. TAWNEY; that there was no reason why I should desire that such a change as he refers to be made, but, on the contrary, there was abundant reason besides that of common honesty why I should not wish any change made in that letter, for within a few days after my statement was submitted to the subcommittee on the sundry civil bill I gave copies of the letter referred to, in its original form, to Representative BURLESON, of Texas, Representative PAGE, of North Carolina, and showed copies of this letter, in its original form, to Representatives DIXON, of Montana, and SMALL, of North Carolina, and other Members of the House, giving these gentlemen to understand that the letter would appear in the records in this original form. Furthermore, on page 616 of the hearings before the subcommittee the supposedly objectionable feature of the letter, and which was contained in the omitted paragraph, is reproduced in a question by Mr. SMITH, of the subcommittee.

I have no knowledge whatever as to how the change referred to could have been made.

On the same page of the CONGRESSIONAL RECORD Mr. TAWNEY refers to another letter written by some one to Mr. Emil Swensson, an engineer of national reputation at Pittsburg, Pa., asking Mr. Swensson to write to the Representatives from Pittsburg in Congress urging their support of the appropriation for the investigation of structural materials. This letter was printed on page 615 of the hearings before the subcommittee of the Appropriations Committee on the sundry civil bill. It was shown to me at the time of my appearance before the committee, and I then stated that I had not written the letter, nor had I any knowledge that such a letter had been written or as to who had written it. Furthermore, on May 5 following I wrote to Mr. TAWNEY on this subject, inclosing a copy of a second letter from Mr. Swensson to Representative DALZELL, in which Mr. Swensson states that I was not the writer of the letter; and I asked that my statement of that date, together with this letter from Mr. Swensson of April 26 be incorporated in the record of the committee's hearings.

Not only was this request not granted, but, as indicated by the CONGRESSIONAL RECORD of June 13, 1906 (p. 8683), Mr. TAWNEY ignores this letter, and, notwithstanding my denial, repeats the statement that the letter was written by me.

I did not know who was the author of the letter to Mr. Swensson, referred to in his letter to Mr. DALZELL of April 16, until on June 25 I was informed by Mr. Richard L. Humphrey, who is the secretary of the joint committee of engineers on concrete and reenforced concrete, and who was appointed by this committee of engineers as their representative to look after this appropriation, that he was the author of that letter; and on the day following Mr. Humphrey forwarded to me from Philadelphia a copy of the attached letter of June 26, which he had written to Mr. TAWNEY, and in which he clears up that point.

In his statement in the CONGRESSIONAL RECORD as referred to above, the chairman of the Appropriations Committee has done me a gross injustice—one which I feel sure he himself will correct when his attention is called to the facts in the case.

If you deem it proper, I shall be glad to have the attached papers printed in the RECORD along with this letter.

Very respectfully,

J. A. HOLMES.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., May 5, 1906.

Hon. JAMES A. TAWNEY,
Chairman Appropriations Committee,
House of Representatives.

DEAR SIR: Referring again to the letter from Mr. Swensson, presented at a recent hearing before the subcommittee on the sundry civil bill, and relating to the investigations of structural materials, I beg to report that I have inquired concerning this matter from every person now on the pay roll of the Geological Survey in connection with this work, and no one of them either wrote or suggested such a letter or knew that such a letter had been written until my attention was called to the matter at the hearing. Mr. Swensson himself has confirmed this statement through the same channel that brought his original letter to you.

Concerning the other letter referred to at the same hearing, that signed by me and sent to certain mining engineers, I trust that, while now admitting this letter to be capable of a double interpretation, I may be permitted to express my surprise and regret that my motive in writing it seems to have been misunderstood.

These mining engineers are my professional associates and had been inquiring as to how they coud obtain copies of these reports. They were interested especially in two phases of our work, the lessening of the waste in our fuel resources and the lessening of the loss of life by greater efficiency and safety in mining operations; and the few letters which they may have written to Members of Congress would naturally have been along these lines. For twenty years I have been accustomed to write Members of Congress for Government reports; and during my one year's official connection with the Government work at St. Louis I had not learned that there was a better way. This work is new, and I felt that some expression of opinion from outside competent judges as to the wisdom of continuing it would be appreciated. I knew from the character of the men that if they wrote at all the opinion expressed would be just the same, whether they wrote in response to a suggestion from me or one from any other source.

The agitation in behalf of the enlargement of the investigation of structural materials has come from the several thousand civil engineers who are engaged in construction work in all parts of the country, and who feel most keenly the need of additional knowledge concerning these materials. I have neither written nor caused to be written any letters to these engineers in connection with this appropriation, nor have I in other ways encouraged them to write Members of Congress.

The agitation in behalf of the continuance of the fuel investigations has come mainly from the mechanical engineers and the users of fuel, or the manufacturers, in different parts of the country, who have felt that the existing terrible waste in the mining and use of the fuel resources of the country had come to be a matter of national concern. They also have acted in this matter on their own initiative. More than a year ago the American Society of Mechanical Engineers, without the knowledge or suggestion of any person associated with this work, passed a resolution at its annual meeting asking its members to cooperate in securing the continuance of these investigations as a means of preventing the enormous waste of the country's fuel supplies.

It is not unlikely that I am being credited with a considerable amount of agitation in this connection for which I am neither directly nor indirectly responsible; and I beg to submit this statement for your consideration, and for insertion in the hearing.[a]

Very respectfully,

J. A. HOLMES.

[See hearing, sundry civil, p. 615.]

[Copy.]

APRIL 26, 1906.

Hon. JOHN DALZELL,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to my letter of the 16th instant to you, relative to the appropriation for the investigation of structural materials, I find that I made a mistake in stating that the letter to me on this subject was from the person in charge of the laboratory, who I have learned is Mr. J. A. Holmes. He was not the writer of the letter, but one of the members of one of the committees appointed by one of the engineers' societies, who is appointed to keep in touch with the investigations made at the St. Louis laboratory on structural materials, was the writer of the letter. Thus he is not in charge of the laboratory, but simply represents the engineers' societies in the matter, which I erroneously designated as being "in charge." However, this does not in any way affect the importance of this subject and its investigation and in no way lessens my interest in this important work, and I trust that the full appropriation asked for will be granted by the committee and by Congress, as these investigations are of such great importance and are urgently needed by the country at large.[b]

Yours, very respectfully,

EMIL SWENSSON.

[See hearing, sundry civil, p. 615.]

PHILADELPHIA, PA., *June 26, 1906.*

Hon. JAMES A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

MY DEAR SIR: Returning from San Francisco, where I have been during the past six weeks, representing the committee of engineers on the investigation of the effect of the earthquake and fire on materials and systems of construction, I write to express the hope that the appropriation for the investigation of structural materials by the Government, which the engineers have so earnestly advocated, has been duly incorporated in the sundry civil bill and will be passed by the House of Representatives at this session.

The result of the earthquake and fire in San Francisco have served to still further illustrate the great need for such investigations in order to furnish a better and more accurate knowledge of the strength and supposed fireproofing qualities of many structural materials.

In looking over the account of the debate on this appropriation in the House of Representatives, I regret to see that, on page 8683 of the CONGRESSIONAL RECORD of June 13, you attribute to Mr. Holmes the authorship of a letter to Mr. Emil Swensson, of Pittsburg, relative to this appropriation. As I stated to your committee, I have been delegated by the joint committee on concrete and reenforced concrete to look after the appropriation for the continuance of the work on this subject by the United States Geological Survey, and in that capacity wrote the letter in question to Mr. Swensson, a fellow-member of this committee. Mr. Holmes was not either directly or indirectly responsible for it, nor did he know anything about it.

Thanking you and the members of your subcommittee for the patience and fairness with which you heard the statements of the different engineers in behalf of this appropriation, I beg to remain,

Yours, very truly,

RICHARD L. HUMPHREY,
Secretary Engineers' Joint Committee on Concrete, etc.

[Copy of letter sent to certain mining engineers (see hearing before subcommittee on sundry civil bill (H. R. 19844), CONG. RECORD, June 13, page 8683), 1906.]

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., March 12, 1906.

DEAR SIR: The United States Senate recently passed a resolution asking the Secretary of the Interior for an expression of opinion concerning the continuance of the investigations of fuels and structural materials by the United States Geological Survey.

I am sending you herewith a copy of his report in response to this resolution, in which he recommends the continuance of these in-

[a] This letter was not inserted, as requested, in the hearing. It was handed to the chief clerk of the Appropriations Committee about May 7, 1906.

[b] This letter was not inserted, as requested, in the hearing.

vestigations, giving reasons therefor, and asks Congress to make an appropriation of $350,000 for this work during the next fiscal year.

The final report on the fuel investigations during 1904 is now ready for distribution (Professional Paper No. 48), and you can obtain free of charge a copy of this report by applying for it at once to some Member of Congress, or the Director of the Geological Survey. If in writing for this report you feel sufficiently interested in this work to express an opinion as to its continuance, I am sure that any such expression of opinion on your part will be considered appropriate.

The report on the investigation of structural materials during the past year, and also the preliminary report on the fuel investigations during 1905, will also be published at some time in the near future, and copies of these reports should be applied for through the same channels.

I may add that these fuel and structural material investigations will hereafter be conducted under an advisory board made up of representatives from the national engineering and allied societies, and on this board the mining engineers will have five representatives, Mr. John Hays Hammond, of New York; Mr. Robert W. Hunt, of Chicago; Mr. B. F. Bush, of St. Louis; Mr. Julian Kennedy, of Pittsburg, and Mr. C. S. Robinson, of Denver.

Very respectfully, J. A. HOLMES.

Mr. WILLIAMS. I appeal to the gentleman from Illinois to let the man who is accused have an opportunity to put in his own defense.

Mr. TAWNEY. I hope the gentleman from Illinois will withdraw his objection.

Mr. MADDEN. I object.

HARRY A. YOUNG.

The SPEAKER laid before the House the bill (H. R. 15673) for the relief of Harry A. Young, with Senate amendments.

The Senate amendments were read.

Mr. HOWELL of Utah. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

Mr. LACEY. Mr. Speaker, I ask for the regular order.

Mr. UNDERWOOD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. I understood a few minutes ago that we adopted a conference report on the agricultural bill. As I understood the message from the Senate read just now, it has just arrived.

The SPEAKER. That was a notification that the Senate had agreed to the conference report.

Mr. UNDERWOOD. It agreed to the same report that we did?

The SPEAKER. Yes. The House agreed when it had the papers, and then they went to the Senate. The gentleman from Iowa demands the regular order.

Mr. LACEY. The gentleman from Missouri has two minutes remaining, and I would like to have him consume it.

Mr. RUCKER. Mr. Speaker, I realize that I am making a futile effort. This is understood to be the last day of this session of Congress, and there is a great deal of work to do. At the hour of 6 o'clock this evening, on the motion, I believe of the Speaker himself, all business was suspended and a recess taken until 8 o'clock to-night in order that gentlemen interested in passing and rushing this legislation to a consummation might gather upon this floor in sufficient numbers to pass this bill.

Gentlemen have told us that the measure under consideration conveys no great or valuable privileges to the railroad company, and yet the fact is that it contains enough of value to draw men clear across the continent from the ice-bound shores of Alaska, and a coterie of lawyers from the great cities of the country. Not only that, but there is value enough in it to engage the attention of the Committee on Rules in this House, of which the Speaker is a member, and not only that, but to engage the cordial and hearty support of the chairman of one of the great committees of this House who, apparently, has no interest in this matter, and who, so far as we know, knows nothing about it, and also to engage the valiant services of my estimable friend the chairman of the Committee on Public Lands. Tell me that this bill is of no significance! Tell me that it is of no value to the railroad companies! Why not accept the suggestion made by myself and others and let this matter go over to the next session, when we can and will freely give them every consideration which their measure demands? [Applause.]

The SPEAKER. The gentleman from Iowa is entitled to four minutes.

Mr. LACEY. Mr. Speaker, if gentlemen will notice this map they will see that there are 25,000 miles of seacoast of Alaska. When the right-of-way act of 1898 was drawn, and I drew it myself, there was no railroad in Alaska, and we agreed to reserve every other quarter of a mile of the whole 25,000 miles of shore. It turns out that one-quarter of a mile of this reservation lies in the middle of the depot grounds and yards of this railroad along the shore, and the opposition is wholly, or mainly, because they object to their taking that little tract of land a quarter of a mile wide and half a mile deep in the center of their land. That is practically all this complaint is about. There are other points of much greater importance in the bill, but gentlemen seem to be most concerned about this item.

The Committee on Public Lands reported this bill, or, rather, one like it, in the last Congress. It was not reported until the latter end of the last session, and was not reached. In the present Congress the same bill was introduced and referred to the Territorial Committee, and they reported it favorably.

The Senate bill afterwards came over and was sent to the Committee on Public Lands, where it properly belongs. Of course there were some little things in it, like exemption from taxation, that might have carried it properly to the Committee on Territories. It could have gone to either committee. I was not disposed to insist in the committee on the provision that they have a quarter of a section for each hundred miles in view of the fact that a small majority was against this proposition. But when to-day we passed a bill for another company, to give them 2,560 acres of land for ocean terminal under like circumstances, I felt that it would be wrong for us to strike out the 80 acres of land from this bill, refusing it to this company that had spent nearly $3,000,000 in constructing a railroad.

The company has proved its good faith by heavy expenditures, and the people of Alaska greatly need railways. I ask this House to vote down the committee amendments and pass this bill. It is a Senate bill, and it will at once become a law. If amended, it must go to conference and not likely become a law at this session.

Mr. GILBERT of Kentucky. Unanimously reported?

Mr. LACEY. No; it is not. There are two members of the committee who sign a minority report against the bill. It had the unanimous report, however, from the Committee on Territories, so that two committees have examined it. It is a very modest request, and I hope every man in the House will vote against the amendments and to pass the bill.

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

The question was taken; and the Speaker announced that the amendments were rejected.

Mr. RUCKER. Mr. Speaker, there seems to be some confusion as to what we are voting on. It is all by rule and we can not keep up with these rules. Will the Chair please state the parliamentary situation?

The SPEAKER. The Chair did not speak in a whispering voice. [Laughter.]

Mr. RUCKER. I understood the language of the Chair, but will the Chair kindly define the proposition we are voting on?

The SPEAKER. The House has already voted on the proposition, and the amendments seem to have been rejected.

Mr. GAINES of Tennessee. Mr. Speaker, the House clearly has not understood the parliamentary situation.

The SPEAKER. That is not the fault of the Chair.

Mr. RUCKER. Mr. Speaker, I ask for a division.

Mr. GAINES of Tennessee. Mr. Speaker, a vote to approve the amendments and the bill is a vote against the position of the gentleman from Iowa [Mr. LACEY].

The SPEAKER. The Chair does not know what the position of the gentleman from Iowa is.

Mr. RUCKER. Will the Chair please state the parliamentary situation?

The SPEAKER. It is not the business of the Chair to know the position of the gentleman from Iowa [Mr. LACEY]. The vote was on agreeing to the amendments recommended by the committee.

Mr. RUCKER. By the House committee.

The SPEAKER. By the Committee on Public Lands; and the "noes" seemed to have it.

Mr. RUCKER. I call for a division.

The SPEAKER. The Chair will recognize the gentleman to call for a division.

The House divided; and there were—ayes 42, noes 153.

Mr. RUCKER. Mr. Speaker, I call for tellers.

The SPEAKER. The gentleman demands tellers. As many as are in favor of taking this vote by tellers will rise and stand until counted. [After counting.] Twenty-five gentlemen have arisen; not a sufficient number, and tellers are refused. The noes have it, and the amendments are rejected. The question is on the third reading of the Senate bill.

The question was taken; and on a division (demanded by Mr. RUCKER) there were—ayes 154, noes 47.

So the bill was ordered to a third reading; and was accordingly read the third time.

During the third reading of the bill,

Mr. RUCKER rose and said: Mr. Speaker——

After the bill had been read the third time,

The SPEAKER. The question is on the passage of the bill.

Mr. RUCKER. Mr. Speaker, I would like to know if I can attract the attention of the Chair at this time?

The SPEAKER. The Chair did not notice the gentleman and did not hear the gentleman.

Mr. RUCKER. I am now begging the Chair to give me notice after a while.

The SPEAKER. It does not require any begging. The gentleman is entitled to recognition.

Mr. RUCKER. The Chair did not give it to me, I desire to say.

The SPEAKER. The question is on the passage of the bill.

The question was taken.

Mr. RUCKER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Missouri demands the yeas and nays. As many as are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-six gentlemen have arisen; not a sufficient number, and the yeas and nays are refused. The ayes have it, and the bill is passed.

Mr. FOSS. Mr. Speaker, I move to reconsider and to lay that motion on the table.

The SPEAKER. Without objection, it will be so ordered.

Mr. RUCKER. I object.

The SPEAKER. The question is on the motion of the gentleman from Illinois to reconsider the last vote and to lay that motion on the table.

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

BEET-SUGAR INDUSTRY.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following substitute concurrent resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Concurrent resolution 37.

Resolved 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, 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 to the present consideration of the resolution just reported?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Indiana two or three questions. How many copies of this report is it that the gentleman wants to have printed?

Mr. CHARLES B. LANDIS. I want 12,000 copies printed.

Mr. CLARK of Missouri. What are you going to do with them?

Mr. CHARLES B. LANDIS. They are for distribution.

Mr. CLARK of Missouri. Well, I could not hear what the Clerk read. How are they to be distributed?

Mr. CHARLES B. LANDIS. A thousand will be placed to the credit of the Senate and 3,000 to the credit of the House and 8,000 to the credit of the Department of Agriculture, and hereafter 8,000 copies will be printed annually at the discretion of the Secretary of Agriculture. I would say to the gentleman from Missouri that heretofore each year the committee has authorized the printing of 20,000 to 60,000 copies of this report, and by reason of the faulty distribution very few of these reports have been sent out through the country.

Mr. CLARK of Missouri. Why have you given 8,000 to the Secretary of Agriculture and only 3,000 to the House and 1,000 to the Senate?

Mr. CHARLES B. LANDIS. Simply for this reason: That experience has shown that the quotas placed to the credit of Members of the House and Senate heretofore have gone undistributed, and have wasted and rotted in the basement of the Capitol.

Mr. CLARK of Missouri. I thought Members distributed all they could get and wanted more documents to distribute.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Missouri that the Secretary of Agriculture has not had a sufficient number to supply the demands made on the Department, and this will cover requests made of the Secretary and relieve Members of Congress of the accumulation that has been going on in years gone by.

Mr. CLARK of Missouri. What makes you say after this year the Members of the House and Senate will not get any?

Mr. CHARLES B. LANDIS. Because we provide by this substitute——

Mr. CLARK of Missouri. In this resolution here now?

Mr. CHARLES B. LANDIS. Yes.

Mr. CLARK of Missouri. Well, I am opposed to it, then. I will not object to the unanimous consent.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Missouri I sincerely hope he will not object to this publication.

Mr. CLARK of Missouri. I will not object to your unanimous consent.

Mr. GOLDFOGLE. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Indiana whether he considers it proper that the Secretary of Agriculture should have the distribution of the larger number of documents referred to in the resolution? I put that inquiry for this reason: The Department of Agriculture, or some subordinate of that Department, has not been fair to certain Members of this House in the distribution of documents. Frequently when documents very much needed by Members were called for by such Members the answer was returned that the documents were no longer available for distribution. When the Department officials are questioned as to why there is not a sufficient supply on hand, the answer comes that the press has been told, and that the press has published that the particular document was about to be issued, and that in consequence of the press announcement, made in advance of giving notice of the issuance of the bulletin to Members of this House, the demand for the document was so great that Members could no longer obtain copies. [Applause.]

Mr. CHARLES B. LANDIS. I will say to the gentleman from New York I never heard of any complaints of that nature.

Mr. GOLDFOGLE. I had a communication the other day, or rather I talked over the phone in regard to such a complaint, and I know that Members of this House have suffered just in the manner to which I have referred. I am opposed to a system that gives to a subordinate of a Department the right to distribute documents that ought to be under the control of Members of this House and the Senate. [Applause.]

Mr. CHARLES B. LANDIS. I will say to the gentleman from New York, I never heard anyone yet complain because he had not been able to secure this particular publication. I think that before almost any publication this is one that should be placed——

Mr. GOLDFOGLE. I will answer the gentleman from Indiana thus: There was a certain popular bulletin issued. Notice of the issuance of that bulletin was sent to the Members of the House. When I sent to the Department for a number of the bulletins the answer came that the supply was exhausted. I inquired of the Department, or rather of the publication bureau, why it was that the supply was exhausted before or at about the time notices were sent out by the Department, and an answer came back that the Department or bureau had let it go out to the press that such bulletin was to be issued, and that because of such notice to the public the bulletins had been distributed in such numbers that Members applying for this much-wanted bulletin could not obtain it for their constituents. [Applause.]

The SPEAKER. Is there objection?

Mr. GOLDFOGLE. I object, Mr. Speaker.

The SPEAKER. The gentleman from New York objects.

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 read.

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. Mr. Speaker, I object.

RIVER AND HARBOR REPORTS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution No. 103, which I send to the Clerk's desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Resolved, etc., That at any time prior to the assembling of Congress in December, 1906, all reports of preliminary examinations and surveys ordered in the river and harbor act of March 3, 1905, that may be

ready for printing shall, in the discretion of the Secretary of War, be printed by the Public Printer as documents of the Fifty-ninth Congress.

The SPEAKER. Is there objection?

There was no objection.

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

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

EMPLOYEES OF GOVERNMENT PRINTING OFFICE.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4673) to provide for the allowance and payment of the employees of the Government Printing Office of the same leave of absence which is allowed to the clerks and employees of the Executive Departments of the Government.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after the date of the passage of this act the thirty days' annual leave of absence with pay in any one year to employees of the Government Printing Office, authorized by the existing law, shall be exclusive of Sundays and legal holidays: *Provided*, That the existing laws relating to the granting of annual leave with pay to clerks and employees in the Executive Departments shall apply to clerks and employees of the Government Printing Office who are paid annual or monthly salaries or compensation.

The SPEAKER. Is there objection?

Mr. KEIFER. Mr. Speaker, we can not hear what the resolution is.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to hear the resolution again read.

Mr. KEIFER. We will have to have order, so that we can hear it.

The SPEAKER. Without objection, the bill will be again read.

The Clerk again read the resolution.

Mr. PAYNE. Mr. Speaker, I reserve the right to object.

Mr. CHARLES B. LANDIS. Mr. Speaker, I would say in support of this measure and pending the objection of the gentleman from New York, that when the bill was passed providing for leave of absence in the Government Printing Office——

Mr. WILLIAMS. If this bill is passed, is not all that it does this, that it puts the employees of the Government Printing Office upon exactly the same basis as the employees of the larger Executive Departments?

Mr. CHARLES B. LANDIS. That is exactly what the bill does, and I will say to the House that when this law was enacted it was undoubtedly contemplated that the employees of the Government Printing Office could be given thirty days' leave of absence, exclusive of Sundays and legal holidays. That is the construction that has been placed upon the law applying to the various Executive Departments, and the law as it was passed applying to the Government Printing Office was by one Comptroller of the Treasury so interpreted as to exclude Sundays and legal holidays. And the effect of this law will be simply to place the employees of the Government Printing Office on the same basis. I would say to the gentleman from New York [Mr. PAYNE] and to the House that there are no more faithful employees in the service of the Government than the employees of the Government Printing Office. [Applause.] They work one hour longer than the clerks in the Executive Departments. They get no sick leave. Their annual leave is twenty-six days, as now construed, as against thirty days to the clerks in the Departments. It is no more than fair, it is an act of simple justice, to place these employees upon the same basis as the employees in the Departments.

Mr. PAYNE. I will ask the gentleman, how much leave of absence do the employees of the navy-yard get?

Mr. CHARLES B. LANDIS. I do not know.

Mr. TAWNEY. Fifteen days.

Mr. PAYNE. They get fifteen days.

Mr. CHARLES B. LANDIS. The clerks in the Navy Department get thirty days, exclusive of Sundays and holidays.

Mr. PAYNE. The navy-yard employees get fifteen days.

Mr. CHARLES B. LANDIS. I will say to the gentleman from New York that if the employees in the navy-yard get only fifteen days' leave of absence, then I am in favor of giving them thirty days' leave of absence, as is given the clerks in the Executive Departments of the Government. [Applause.]

Mr. PAYNE. Notwithstanding the applause of gentlemen who are interested in people in the Departments, I have the courage to say that we should level the other way, and we should reduce the thirty days in the Departments and put it on the same level as the employees of the Government Printing Office—twenty-six days—instead of raising the navy-yard and all the other Departments to thirty days.

Mr. CHARLES B. LANDIS. I will say to the gentleman from New York that I think until that action is taken the employees in the Government Printing Office, who work longer and, I believe, work harder and get less money than any other employees in any Department of the Government, should get thirty days annual leave.

Mr. SULZER. Will the gentleman yield to me a couple of minutes?

The SPEAKER. The gentleman has asked unanimous consent for present consideration of a bill. The gentleman, by unanimous consent, can open a debate on this bill, if he chooses, before unanimous consent is given for its consideration.

Mr. SULZER. Mr. Speaker, I desire to say a word.

Mr. PAYNE. I suppose the whole thing is to get me to withdraw my objection. I insist on the objection.

The SPEAKER. The gentleman from New York objects.

Mr. GRIGGS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. GRIGGS. For the purpose of inquiring if it is now in order to move to suspend the rules and pass the resolution offered by the gentleman from Indiana [Mr. CHARLES B. LANDIS]?

The SPEAKER. Oh, no; it is not in order.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent for the present consideration of a joint resolution fixing the time when the rate bill shall go into effect.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the following Senate joint resolution, and to consider it at this time. The Clerk will read.

The joint resolution (S. R. 72) fixing the date upon which the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June ——, 1906, shall go into effect, was read.

The SPEAKER. The Chair would suggest to the gentleman from Michigan that for the present he withhold that request until the resolution has been examined with some care.

RETURN OF A BILL TO THE SENATE.

The SPEAKER laid before the House the following request from the Senate:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2969) to authorize the Attorney-General and certain other officers of the Department of Justice and special assistants and counsel to begin and conduct legal proceedings in any courts of the United States and before any commissioner or commissioners or quasi judicial body created under the laws of the United States.

The SPEAKER pro tempore (Mr. WATSON). Without objection, the Committee on the Judiciary will be discharged from further consideration of the bill referred to and the bill returned to the Senate. [After a pause.] The Chair hears no objection, and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had 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. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the Senate had receded from its amendments to the bill (H. R. 12080) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution.

Resolved by the House of Representatives (the Senate concurring), That the conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20403) making appropriations to supply deficiencies is hereby authorized and empowered to insist on said bill and embrace in their agreement all necessary appropriations to carry into effect the authorizations which shall finally be authorized in the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, and for other purposes; also the additional amount necessary, under the Interstate Commerce Commission, required by the act H. R. 12987, commonly known as the "railroad-rate bill."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 17842) granting a pension to Josephine V. Sparks.

The message also announced that the Senate had passed without amendment House joint resolution 186, relative to the printing of 12,000 copies of the report on the progress of the beet-sugar industry.

BEET-SUGAR INDUSTRY.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. So that the beet-sugar men may obtain the documents that they are interested in, I now withdraw the objection I made to the resolution offered by the gentleman from Indiana [Mr. CHARLES B. LANDIS].

The SPEAKER. That request is not pending.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent to present a joint resolution in lieu of House concurrent resolution 37.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the following joint resolution, of which the Clerk will read the title.

The title of the joint resolution, in lieu of House concurrent resolution 37, relative to the printing of 12,000 copies of the Report of the Progress of the Beet-Sugar Industry, was read by the Clerk.

The SPEAKER. This joint resolution has already been read once. Is there objection to its present consideration?

There was no objection.

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

WATER RESERVOIRS, DURANGO, COLO.

Mr. LACEY. Mr. Speaker, I desire to call up the conference report on the bill S. 2188.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2188) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House with an amendment as follows: Insert after the word "acre," in line 3 of the House amendment, after line 5, page 4, the following: "in five equal annual installments, the first of which shall be payable April 1, 1907, and title shall remain in the United States until final payment is made;" and agree to the same.

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

THOS. H. CARTER,
A. J. MCLAURIN,
FRANK P. FLINT,
Managers on the part of the Senate.

The statement was read, as follows:

The effect of the amendment is to dispose of the land to the city of Durango, Colo., for a water supply, as provided in the original House bill, excepting to give the city the right to pay for the same in five annual installments instead of for cash in advance.

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

Mr. LACEY. Mr. Speaker, I move to concur in the conference report.

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

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

CUSTOMS COLLECTION DISTRICTS.

Mr. PAYNE. Mr. Speaker, I call up the bill H. R. 14606—a bill to provide for the consolidation and reorganization of customs collection districts, and for other purposes; and I ask, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole. I would state my only object is to allow time for general debate, and that the gentleman from West Virginia will first take the floor upon that bill. I wish to say that I do not propose to ask the House to vote upon it at all during the balance of this session. I expect to call it up at the next session and pass it.

The SPEAKER. The gentleman from New York asks unanimous consent to consider now in the House, as in Committee of the Whole House, for the purpose of general debate only, the bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 14606) to provide for the consolidation and reorganization of customs collection districts, and for other purposes.

Mr. CLARK of Missouri. I would like to ask the gentleman——

Mr. WILLIAMS. I understand, Mr. Speaker, that it is just to take up this bill for the purpose of giving an opportunity for general debate. I believe that is a very good idea.

The SPEAKER. The Chair will again state. The gentleman from New York asks unanimous consent to consider the bill, the title of which was just read to the House, as in Committee of the Whole House, for the purpose of general debate only at this session.

Mr. SULZER. Reserving the right to object, I would like to ask the gentleman from New York if the time is to be equally divided between the two sides?

Mr. PAYNE. Certainly; but I shall ask that Mr. GAINES of West Virginia be recognized first, because we are an hour in arrears.

Mr. WILLIAMS. This side is ahead of that side an hour. We have already had an hour more than they have.

The SPEAKER. Is there objection?

Mr. FINLEY. Is it proposed to have a vote to-night?

Mr. PAYNE. It is not; nor during this session.

The SPEAKER. The Chair hears no objection. The Clerk will again report the title of the bill.

The title of the bill was again reported.

Mr. GAINES of West Virginia. Mr. Speaker, we have been told with great frequency recently by our Democratic friends that unless we revise the tariff they would do it. If, Mr. Speaker, they really believed this they could not be induced to say it for fear that we should hear it and govern ourselves accordingly.

What, Mr. Speaker, is a proper time for a revision of the tariff? I take it that tariff law should not be revised until its revenue-producing features are unsatisfactory or unless the economic and business condition is unsatisfactory under it. It is not now claimed, although it was a year ago, that the Dingley tariff law is not satisfactory as a revenue producer. It is not claimed that there is any deficit in the Treasury. It is not now claimed, as some years ago, that the money of the country has been withdrawn from circulation. But everybody must admit that the Dingley tariff law has worked remarkably well in adjusting the revenues of the country to the needs of the Government. The question, therefore, that remains is whether the economic condition of the country is one that demands a change.

In considering this question, Mr. Speaker, I shall consider the matter in a comparative way. I shall consider whether the country was more or less prosperous under that system of economic law our Democratic friends would now enact if they had the power.

Mr. Speaker, shortly after the Democratic party had been four years in power, one of the leading Democratic newspapers stated that the loss to the people by reason of that Democratic Administration had been, in the shrinkage of farm values alone, greater than the bonded debt of the Union at the close of the civil war. I remember very well, Mr. Speaker, that that statement seemed so remarkable to me that if it had come from a Republican newspaper I should have, perhaps, passed it by, believing that partisanship had induced a wild and reckless statement not justified by the facts. But finding that it came from a Democratic newspaper, I determined to investigate it and see whether the actual facts bore out the statement. When our Democratic friends, Mr. Speaker, ask us to substitute their system for ours, when they ask to bring this country back again to the same policy that existed when the Democratic party was in power for the only time in half a century, it behooves us to look and see whether what they now offer us is any different from what they offered us at that time. The policy of the Democratic party differs in no material respect from that which they put in operation when Mr. Cleveland was President of the United States. It is the same old cry expressed in different ways by different Democrats, depending upon the particular section of the country they represent. And whether they present their opinions under the name of "tariff reform" or a "revenue tariff," which is free trade—whether they call it "tariff for revenue, with incidental protection," or under whatever name, it is the same old policy of reduction of the tariff, the same old abandonment of Republican policy of protection that they gave us from 1893 to 1897.

Let me call your attention again to that remarkable statement contained in a Democratic newspaper that the country had lost more by the shrinkage of farm values alone under the Administration of Grover Cleveland than the entire bonded debt of the United States at the close of the civil war. Let us see now whether the facts bear out that statement. I have taken from the Statistical Abstract of the United States a comparative statement for the years 1895 and 1905 of certain farm values. I find that in 1895 there were in the country nearly 16,000,000 horses, that they had a value of $576,000,000, or an average value of $29.99 a head. I find that in 1905 the number had increased more than 1,000,000, that the value had increased $700,000,000, and that the average value per head was $70.36. In other words, notwithstanding the increase in the number, the increase in the average value of these animals to the farmers of the country had been more than 100 per cent.

I find that in 1895 there were 2,300,000 mules in the country—and this ought to interest that distinguished Democrat from the State of Missouri [Mr. CLARK], who, if he had his way, would raze every custom house to the ground. Their total value was $111,000,000, and their average value was $47.54 a head. In 1905 the number had increased by more than half a million, and the value had increased $140,000,000, and the average value of each animal had increased to $87.11. In other words, the average value under Republican Administration has been more than double that under a Democratic Administration.

And so we may go on, Mr. Speaker, clear through the list. There is but one single exception that I have been able to find where the value of individual animals to the farmers of this country had not grown from 50 to 100 per cent. I shall give that one example out of fairness and because a pretty forcible argument for Republican policy may be drawn even from that example. That one exception is in the case of cattle. I find in 1896 there were 32,000,000 in the country; that their total value was $508,000,000; that their average value was $15.81. I find that in 1905 the total was 47,000,000, and the total number had increased to 746,000,000, and the price of the individual animal, the single animal, was almost exactly the same. I say that is the only place that I have ever found where the price of any farm product was the same under the two Administrations. But there is this remarkable fact to be observed in this connection: That whereas in 1896 there were only 32,000,000, the total number of animals had increased in 1906 to over 47,000,000, an increase of 50 per cent in number, and yet the value had been maintained.

I shall insert in my printed speech the figures in detail. I hold in my hand these figures, and I will recapitulate them. In 1896 the total value of farm animals in this country was $1,727,000,000. In 1906 the value was $3,675,000,000, an increase of nearly $2,000,000,000. Well might that Democratic newspaper say, after four years' Democratic rule, that the loss to the country by shrinkage of farm values had been a greater amount than the bonded debt of the United States at the close of the civil war.

The detailed comparative statement referred to is as follows:

Number and value of specified farm animals.

[From Statistical Abstract of the United States for 1905, p. 534.]

HORSES.

Year.	Number.	Value.	Average value per head.
1895	15,893,318	$576,730,580	$29.99
1896	15,124,057	500,140,186	33.06
1905	17,057,702	1,200,310,020	70.36
1906	18,718,578	1,510,889,906	80.18

MULES.

1895	2,333,108	$110,927,834	$47.54
1896	2,278,946	103,204,457	49.67
1905	2,888,710	251,840,378	87.11
1906	3,404,061	334,680,520	98.31

MILCH COWS.

1895	16,504,629	$362,601,729	$20.76
1896	16,137,586	363,955,545	22.55
1905	17,572,464	482,272,203	27.44
1906	19,793,866	582,788,592	29.39

OXEN AND OTHER CATTLE.

1895	34,364,216	$482,999,129	$14.03
1896	32,085,409	508,928,416	15.86
1905	43,699,443	661,571,308	15.14
1906	47,067,656	746,171,709	15.85

Number and value of specified farm animals—Continued.

SHEEP.

Year.	Number.	Value.	Average value per head.
1895	42,294,064	$66,685,767	$1.57
1896	38,298,783	65,167,735	1.70
1905	45,170,423	127,331,850	2.81
1906	50,631,619	179,056,144	3.53

SWINE.

1895	44,165,716	$219,501,267	$4.97
1896	42,842,759	186,529,745	4.35
1905	47,320,511	283,254,978	5.98
1906	52,102,847	321,802,571	6.17

TOTAL VALUE FARM ANIMALS.

1895	$1,819,446,306
1896	1,727,926,084
1905	3,006,580,737
1906	3,675,389,442

But if there should be any doubt about whether the inference might be accurately drawn from the figures I have given, let me give the total value for several Administrations. I find that for the four years of Harrison's Administration the total value of farm animals was more than $9,000,000,000, that for the four years of Cleveland's Administration following the total value was something over $7,000,000,000, and that the decrease in value was more than $2,320,000,000. Then I have compared in this instance the Democratic Administration with the Republican Administration which had preceded it. Let me now compare that same Administration with the Republican Administration which followed it. For the four years of McKinley's Administration the total value of farm animals was $9,125,000,000, almost a recovery of the Harrison value after four years of Clevelandism.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. GAINES of West Virginia. Yes.

Mr. GAINES of Tennessee. I am very glad to get those statistics, but I want to call this to the gentleman's attention, as to the increased value of cattle and stock and so forth, that that is what you might call an enforced valuation to a large extent, because of the great demands brought about by the Spanish war for horses and mules and beef and everything that goes to carry on a successful war, in addition to the great demand for our stock to carry on the war in Africa by England and I think possibly that would have something to do with the inceased valuation.

Mr. GAINES of West Virginia. Mr. Speaker, unless I am interrupted so often that I can not reach that part of my speech, I shall show the gentleman that that was not the reason; that the reason for the increase of value was because of the greater industrial prosperity in the country that enabled the people of this country to increase their demand for the products of the farm.

Mr. GAINES of Tennessee. Will the gentleman yield a little further? Now, I know personally, and I take it the gentleman will remember, that all the old street-car mules around the country and the worn-out horses were sold to the Government for two or three prices, and most everything else the farmer had to sell went up two or three prices, because of this great military demand for the farmers' products.

Mr. GAINES of West Virginia. But, Mr. Speaker, there was no great demand created by those wars. The demand was created by the greater prosperity of the American people, by the fact that American manufactures had been set in motion, that the American farmer was able to purchase, that the American merchant had custom, and that the American workingman, above all, had been transformed by better wages into an active consumer of products. It was an incident of the general prosperity, and that general prosperity an incident of the success of the Republican party in the country. [Applause on the Republican side.] A comparison, as I said a moment ago, of the McKinley Administration with that of Cleveland shows that the value of farm animals alone in the country was $1,751,000,000 more for the Republican Administration; but it takes some time, Mr. Speaker, to recover values in the matter of farm animals. During the Administration of Grover Cleveland the American farmer had become discouraged. There was no market for his product. He had slaughtered his herds and flocks, and it takes some time to replace that sort of property; that is to say, that even though prosperous conditions intervened, it took time for the farmer to stock up his farm. A fairer comparison is that made between the Roose-

velt and McKinley Administration and that of Grover Cleveland. During the Cleveland Administration the total value of farm animals was $7,373,000,000, and during the four years of the Roosevelt and McKinley Administration the total value was $12,096,000,000—a difference of $4,722,000,000—a sum, as that great Democratic newspaper said in 1897, greater than the bonded indebtedness of the Union at the close of the civil war. In fact, it is almost, if not quite, double that bonded debt. The exact figures are as follows:

TOTAL VALUE FARM ANIMALS.

For the four years of Harrison's Administration	$9, 693, 846, 177
For the four years of Cleveland's Administration	7, 373, 603, 756
Decrease during Democratic years	2, 320, 242, 421
For the four years of McKinley's Administration	9, 125, 042, 542
For the four years of Cleveland's Administration	7, 373, 603, 756
Increase during Republican years	1, 751, 438, 786
For the four years of McKinley and Roosevelt	12, 096, 513, 906
For the four years of Cleveland	7, 373, 603, 756
Decrease during the four years of Democracy	4, 722, 910, 150

Mr. Speaker, let us see upon what this prosperity of the farmer depended. Let us make some other comparisons of a different character. We heard last night a most eloquent discussion of the question as to whether the prosperity of this country was due to the discovery of gold. We heard the distinguished and eloquent gentleman from Washington [Mr. CUSHMAN] mention the fact that the American farmer, the American workingman, the American capitalist—all classes of people in this country—discovered gold in their pockets because of the increased business activity brought about under a Republican Administration. I have taken from the Statistical Abstract of the Government some comparisons of the export trade of this country in manufactured articles for the years 1895 and 1905. They show that the great prosperity of this country, that the great abundance of money of the country, that the fact that there is no lack of a circulating medium, as there was under a Democratic Administration, can be accounted for and are to be accounted for only by the greater business activity and the greater balance of trade in favor of this country under a Republican Administration. [Applause on the Republican side.]

In 1895 I find that we shipped abroad of agricultural implements $5,000,000 worth. In 1905, four times as much, or $20,000,000 worth. [Applause on the Republican side.] That of carriages we shipped abroad in 1895, $2,000,000 worth; in 1905, $10,000,000 worth. That of chemicals and drugs we shipped abroad in 1895, $7,000,000 worth; in 1905, $14,000,000 worth. I shall insert this entire table in my printed speech, but I shall not now weary the House by reading any more of it. I give the totals, however, Mr. Speaker, to prove my assertion that the greater prosperity and the greater volume of money in the country is to be accounted for by the fact that the conditions produced by the economical policies of the Republican party made it possible to bring in a greater amount of capital to the country. In 1895 we shipped abroad of domestic manufactures, $183,000,000 worth. In 1905, $543,000,000 worth. [Applause on the Republican side.] In other words, an excess in 1905 over 1895, of $360,000,000. The excess of exportations of manufactures in 1905 over 1895 was almost exactly double the total amount of manufactured products shipped abroad in 1895. I have shown already the figures that describe the farmers' greater share of this prosperity.

In the table referred to, which is here inserted, even figures are used, a + sign indicating that the actual figures are above, a — sign that they are below:

Exports of domestic manufactures, by principal articles, for the years 1895 and 1905.

[From pages 28 and 29, Foreign Commerce and Navigation of the United States, year ending June 30, 1905, Department of Commerce and Labor.]

Articles.	1895.	1905.
Agricultural implements	$5,000,000+	$20,000,000+
Books, maps, engravings, etc	2,000,000+	4,000,000+
Brass and manufactures	784,000	3,000,000+
Carriages and parts of	2,000,000+	10,000,000+
Chemicals, drugs, etc	7,000,000+	14,000,000+
Clocks, watches, and parts	1,000,000+	2,000,000+
Copper and manufactures of	14,000,000+	86,000,000+
Fibers, vegetable, manufactures of	1,000,000+	6,000,000+
Cotton manufactures	13,000,000+	49,000,000+
Glass and glassware	1,000,000—	2,000,000+
Gunpowder and other explosives	1,000,000+	2,000,000+
Rubber manufactures	1,000,000+	5,000,000+
Scientific instruments	(—2) 1,000,000+	8,000,000+

Exports of domestic manufactures, by principal articles, for the years 1895 and 1896—Continued.

Articles.	1895.	1905.
Iron and steel manufactures	$32,000,000+	$134,000,000+
Jewelry and manufactures of gold and silver	716,000	1,400,000
Leather and manufactures of	15,000,000+	37,000,000+
Malt liquors	558,000	1,012,808
Marble and stone manufactures	885,000	1,055,000
Musical instruments	1,000,000+	3,000,000+
Oil, mineral, refined	41,000,000+	73,000,000+
Paints, pigments, and colors	1,000,000—	3,000,000+
Paper and manufactures of	2,000,000	8,000,000+
Paraffin, and wax of	3,000,000+	7,000,000+
Soap	1,092,126	2,670,231
Spirits, distilled	2,991,686	2,572,152
Tobacco manufactures	4,000,000—	5,500,000
Wood manufactures	6,000,000+	12,500,000+
Wool manufactures	670,226	2,035,054
All other manufactured articles	14,800,000	29,000,000+
Total exported domestic manufactures	183,595,743	543,607,975
		183,595,743
		360,012,232

Mr. WM. ALDEN SMITH. Do your figures show where we sent these products?

Mr. GAINES of West Virginia. I have not, Mr. Speaker, put in this table the countries where we have sent these articles, because it would make the tables too long and tedious.

Mr. RICHARDSON of Alabama. Will my friend from West Virginia allow me to ask a question?

Mr. GAINES of West Virginia. I yield with great pleasure to the gentleman from Alabama.

Mr. RICHARDSON of Alabama. How much of that exportation you were talking about was sold for a lower price in foreign countries than it was sold for in our own home markets?

Mr. GAINES of West Virginia. Mr. Speaker, the gentleman from Alabama asks how much of these foreign exports were sold in other countries more cheaply than in our own markets. I do not know, Mr. Speaker, how much. I do know, however, that it is a rare thing that articles are sold abroad cheaper than they are sold in our own country. I remember the evidence given before the Committee on Merchant Marine and Fisheries on the subject, and that evidence disclosed, Mr. Speaker, this fact, that while some articles are sold abroad cheaper than they are sold at home, while in some articles there is in this country a home price and a foreign price, and that while in some instances that foreign price is less than the home price, that there is no other country in the world, whether it be a protective country or a free-trade country, that does not have a greater difference between the foreign price and the domestic price than exists in this country under the policy of protection. [Applause on the Republican side.]

Mr. RAINEY. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Illinois?

Mr. GAINES of West Virginia. Certainly, with pleasure.

Mr. RAINEY. Will the gentleman give some other country where there is a difference between the foreign price and the domestic price?

Mr. GAINES of West Virginia. Mr. Speaker, the question of the gentleman from Illinois fits very well into the reply I was making to the gentleman from Alabama, because I was just about to do what the gentleman asked me to do. I find that Great Britain is such a country, and I am glad first to furnish the gentleman from Illinois with an example drawn from Great Britain, for no matter how great the prosperity of this country may be, no matter how wise American policies may be, our Democratic friends seem always glad when they can eulogize the policies of England, and I am glad to furnish him an English example. In Great Britain the home price on steel rails is $31.50 and the British export price is $25.

Mr. RAINEY rose.

The SPEAKER pro tempore. Does the gentleman from West Virginia yield to the gentleman from Illinois?

Mr. RAINEY. Will not the gentleman answer my question and give me some of the other countries?

Mr. GAINES of West Virginia. I have given the gentleman one, and I was proceeding to give him others. In Germany the home price is $30 and the export price $24; in France the home price is $31 and the export price is $25.50; in Austria the home price is $31 and the export price $25.50; in Belgium the home price is $30 and the export price $24; in the United States the home price $28 and the export price is about $26.60—$1.40 difference in the United States against an average of about

$5 or $6 difference in every other country in the world, whether it be a free-trade country or a protective country. [Applause.]

Mr. RAINEY. The gentleman calls attention to goods that are shipped in cargoes in whole shiploads. Can the gentleman call attention to any other class of goods in which a price difference is made between the foreign consumer and the home consumer? And in this connection, will the gentleman also explain why it is——

Mr. GAINES of West Virginia. Will the gentleman kindly wait until I answer his first question? What was that question, now?

Mr. RAINEY. Are there any other goods that are shipped in shipload lots where there is a price difference made in any other country?

Mr. MANN. These things are not shipped in shiploads.

Mr. GROSVENOR. They are not shipped by shipload lots, but they are shipments by single tons.

Mr. RAINEY. The gentleman is talking about steel rails.

Mr. MANN. All the steel rails the gentleman has bought, I suppose, he bought by shiploads.

Mr. GAINES of West Virginia. I will answer the question of the gentleman from Illinois. He has asked me whether these are shipload lots or not. Mr. Speaker, I do not know, and I do not care. I fancy there is no international retail business going on in any commodity, and when he asks me about the foreign price and the domestic price, or about the domestic in comparison with the foreign price, he must be asking me about wholesale business and business in considerable quantities, unless he happens to know of some retail business going on among nations. And let me go further and suggest to the gentleman that his question to me, whether I am not dealing with wholesale prices and wholesale lots, suggests the answer to nine-tenths of this complaint, that American articles are sold abroad cheaper than at home; for the fact is this, that in almost every instance they take the price that the manufacturer gives to the retailer or jobber and compare that price with the retail price in this country. And there are two reasons why that wholesale price is less—first, the wholesale price is much less than the retail price at home, and, in the next place, shippers make the very smallest possible invoice they can in order to avoid the tariff of the countries to which they are sending their product.

Mr. RICHARDSON of Alabama. Will my friend from West Virginia allow me to interrupt him?

Mr. GAINES of West Virginia. With pleasure.

Mr. RICHARDSON of Alabama. Now, will you state to the House what the aggregate amount of exportations in this country was for 1905 that sold for a less price in a foreign country than they did at home? Does it not reach the amount of $500,000,000?

Mr. MANN. About one-tenth of 1 per cent.

Mr. RICHARDSON of Alabama. Did it not reach that large amount in 1905?

Mr. GAINES of West Virginia. I remember the gentleman from Pennsylvania gave the correct figures.

Mr. RICHARDSON of Alabama. It was $500,000,000 sold to foreign countries and exported cheaper than they sell to our own home folks.

Mr. GROSVENOR. A very little more than $500,000,000 was sold altogether.

Mr. GAINES of West Virginia. If the gentleman asks me whether there were $500,000,000 sold cheaper abroad, there were five hundred and forty-odd million dollars' worth sold altogether, and in 1895, under his Administration, one-third of that amount. [Applause on the Republican side.] I have shown by the figures here the difference between the home price and the foreign price in the principal countries in the world. There is no difference in the wage of the workingman whether the thing he makes is sold at home or abroad.

Mr. WM. ALDEN SMITH. I suggest to my friend from West Virginia that the same wage is paid whether the goods are sold abroad or at home, and we are concerned in the wage scale, the American wage scale.

Mr. GAINES of West Virginia. That consideration is of course true; but I was confining my answer to the question the gentleman asked. It certainly is important to the American worker. It is important, and our home people derive a great benefit from this foreign trade. We go into other countries and compete, and still the American wageworker gets the same price for his work. He loses nothing, but secures a larger market.

Mr. RAINEY. Will the gentleman yield to me for a question?

Mr. GAINES of West Virginia. Certainly.

Mr. RAINEY. Will the gentleman explain how it happens that the Westinghouse Company, originally an American company, and still an American company, maintains now its largest plant in England; and does it not maintain its plant there in order to escape from the clutches of the United States Steel Company.

Mr. GAINES of West Virginia. If that is true, I should say, Mr. Chairman, that that company, which has its patents, which protects itself from competition by patent rights, goes abroad for the purpose of avoiding what the Republican party is responsible for in this country—the high rate of American wages. [Applause on the Republican side.] And if it wants to avoid the American Steel Company it is because the American Steel Company pays the American wage for its product, and they want to get the product of cheaper labor in England and other countries, and therefore they go over there.

Mr. RAINEY. Will the gentleman allow me to ask him another question?

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Illinois?

Mr. GAINES of West Virginia. I do, Mr. Speaker, for a question, and one more only. I do not know how much of my time is left.

Mr. RAINEY. I say to the gentleman his explanation differs from the explanation given me about two weeks ago by the manager of the Westinghouse Company, who had just returned from England, where he has been reorganizing the English branch.

Mr. GAINES of West Virginia. I am glad to see that there is some American company that the gentleman from Illinois has confidence in. I thought from what he said on this floor recently about the Waltham and Elgin watch companies, that he never would justify the statement of any of them.

Mr. SOUTHWICK. He has just returned from England, has he?

Mr. RAINEY. This gentleman advised me——

Mr. GAINES of West Virginia. Does he live in England?

Mr. RAINEY. He lives in Pittsburg.

Mr. GAINES of West Virginia. I thought you said he had gone there.

Mr. RAINEY. I can give you his name—I do not now recall it—and you can put it in the RECORD. He advised me that the Westinghouse Company went there to get away from the American Steel Company; and he further said that, although they paid less wages there in England to English workingmen, the American workingman was worth two of them.

Mr. GROSVENOR. Will the gentleman from West Virginia allow me to say that the Westinghouse Company is one of the largest exporters of American steel at this time and a large owner of American steel manufactures?

Mr. GAINES of West Virginia. I did not know that, and I am obliged to the gentleman from Ohio for his suggestion.

Mr. Speaker, when my attention was diverted from the line of my argument, I was about to show that the American laboring man had got his share of this prosperity.

Mr. RAINEY. Will the gentleman yield again?

Mr. GAINES of West Virginia. I yield to the gentleman.

Mr. RAINEY. I did not quite catch the remark of the gentleman from Ohio. I have just been advised as to what it was. This gentleman told me that the Westinghouse Company now exports their steel products from their English factories, and they are now competing with German companies for the mastery of the European market.

Mr. GROSVENOR. Will the gentleman allow me?

Mr. GAINES of West Virginia. Certainly.

Mr. GROSVENOR. I came across the water some years ago with Mr. Westinghouse himself, the head of the concern, just after he had taken the enormous contract for lighting the underground railroads of London. He was, of course, using much of the English manufacture, but at the same time he was exporting vast quantities of American steel for use by his works not only in London, but in other great cities of Europe; and the fact remains that while he has taken with him large numbers of American skilled workmen, he is employing large quantites of English cheap labor, and has substantially mastered the business and driven his products into the consumption of the British people to an extent that has almost destroyed competition. [Applause.]

Mr. RAINEY. I will say to the gentleman in reply that at the time he had this conversation with the president of the company, as I understand him——

Mr. GROSVENOR. With George Westinghouse himself. He lives in this city.

Mr. RAINEY. Two years ago the English plant had not been in operation six months.

Mr. GROSVENOR. No; you are quite right about that.

Mr. RAINEY. And it is within the last two years that the English plant of the Westinghouse company has built up this immense business. The gentleman will have to consult Mr. Westinghouse again to get the present status of the business.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The gentleman will suspend.

Mr. TAWNEY. Mr. Speaker, I call up the conference report on the sundry civil bill, and ask unanimous consent that the reading of the report and the statement be dispensed with. My reason for this is that both have been printed, and the statement has been read. The statement was read in full to the House on day before yesterday, and the present statement is identically the same as the one then read, except three items, which the conferees have since agreed to. This report is now a complete report.

The three items referred to are the $3,000,000 building site in the city of Washington, the coal-test amendment, concerning which there was some misunderstanding when the matter was before the House before, and which the House conferees have agreed to as the amendment was originally adopted in the Senate and presented to the conferees, and the third item is the light-ship to be anchored at the mouth of Puget Sound. These are the only three items that were in difference when the report was recalled, namely, the light-ship, the $3,000,000 appropriation for the purchase of a site for a departmental building in the city of Washington, and the coal.

The SPEAKER. Will the gentleman state what disposition was made of that?

Mr. TAWNEY. Mr. Speaker, the conferees on the part of the Senate have receded from their amendment for the appropriation of $3,000,000 for the site for the Government building, and they have also receded from the appropriation for the light-ship at the mouth of Puget Sound. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Minnesota to dispense with the reading of the conference report and statement?

There was no objection.

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. 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, 5, 14, 22, 47, 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, 78, 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 keepers' dwellings, 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, Wisconsin: Toward the construction of a light and fog-signal station on the south end of the breakwater, harbor of refuge, Milwaukee, Wisconsin, 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 agreed 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 nineteen hundred and seven; 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 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 disagreement 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 cent 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 3d, 1905, 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. And 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 moneys 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 10 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 James

town 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 for 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 in 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.

JAMES A. TAWNEY,
WALTER I. SMITH,
JAMES B. PERKINS,
Managers on the part of the House.

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

Mr. TAWNEY. Mr. Speaker, I move the adoption of the report, and before that motion is presented I wish to state for the information of the House that the Senate added to the sundry civil appropriation bill amendments aggregating $8,004,114. The Senate amendments that remain in the bill as the result of the conference between the two Houses aggregate $3,688,114, a reduction of $4,316,000. [Applause.]

I move the adoption of the conference report.

The motion was agreed to.

CUSTOMS COLLECTION DISTRICTS.

The House resumed the consideration, as in Committee of the Whole, of the bill (H. R. 14606) to provide for the consolidation and reorganization of customs collection districts, and for other purposes.

The SPEAKER. The gentleman from West Virginia [Mr. GAINES] has the floor and has nineteen minutes remaining.

Mr. GAINES of West Virginia. Mr. Speaker, when interrupted by the colloquy between the gentleman from Illinois [Mr. RAINEY] and the gentleman from Ohio [Mr. GROSVENOR], I was about to attempt to maintain, from the official figures, the proposition that the American workingman had been a participant in the prosperity of the country, and was about to adopt, in connection with those figures, the same comparative method, showing the difference between 1895 and 1904 or 1905. I find that in 1895 the wages of blacksmiths in the country were 26 cents an hour, and in 1904, 30 cents an hour; bricklayers in 1895 got 43 cents an hour, and in 1904, 56 cents an hour; carpenters in 1895 got 27 cents an hour, and in 1904 over 36 cents an hour; printers (compositors) in 1895 received 27 cents an hour, and in 1904, 33 cents an hour. These are occupations not protected. I shall print with my speech a list of other occupations which are protected, showing the same increase in prosperity for the laboring man in this country.

The figures referred to are as follows:

Average wages per hour paid in certain occupations in the United States in the years 1895 and 1904.

Occupation.	Establishments.		Wages.	
	1895.	1904.	1895.	1904.
Blacksmiths, male, foundry and machine shop	166	192	$0.2602	$0.2979
Bricklayers, male	212	229	.4367	.5586
Carpenters, male	227	242	.2692	.3633
Compositors, male, book and job	85	96	.2731	.3365
Compositors, male, newspaper	95	135	.3827	.4916
Iron and steel, bar:				
Catchers, male	13	17	.2480	.3513
Heaters, male	13	19	.4137	.5463
Heaters' helpers, male	12	18	.1917	.2651
Hot straighteners, male	12	16	.1624	.1749
Rollers, male	13	16	.5460	.6707
Roughers, male	13	20	.2715	.4029

Mr. STANLEY. Will the gentleman yield?

Mr. GAINES of West Virginia. Yes; for a question.

Mr. STANLEY. Has the gentleman calculated the percentage of increase? He has given the wages of 1896 and the wages now; has he made any attempt to give the percentage of increase?

Mr. GAINES of West Virginia. I have not; but take the bricklayers. In 1893 they received 43 cents an hour and in 1904, 55 cents an hour; that is practically an increase of 13 cents an hour.

Mr. STANLEY. Well, take the blacksmith. What is his increase?

Mr. GAINES of West Virginia. About 4 cents an hour.

Mr. STANLEY. About 10 per cent?

Mr. GAINES of West Virginia. Forty cents a day; almost as much as an ordinary man could make in the good old Democratic days to which the gentleman from Kentucky is so strongly attached.

Mr. STANLEY. Is it not a fact that the cost of beef has increased 100 per cent, rent 60 or 70 per cent, living has increased 40 per cent, all things considered, since 1895?

Mr. GAINES of West Virginia. No; that is not true. According to the Government reports wages have increased per hour much more rapidly than the cost of living.

The gentleman has in mind figures which show that where the hours of labor have been considerably reduced per week that sometimes the rate of living has increased more rapidly than the rate of weekly wages, but the very table referred to shows that if people would work as many hours as they worked before—and the gentleman must remember that they work now many more days than they worked then—if they will work as many hours they will make more in proportion to the cost of living. I took the trouble to make a comparison of the wages and the rate of living, taking as a basis the wages of the bricklayers at Wheeling, W. Va., that being one of the places given in the statistical tables. I found that in 1895 a bricklayer made $0.4517 an hour. In 1903 he made $0.5625 an hour, and in 1895 he worked sixty hours per week whenever he could get any work at all, and in 1903 he had reduced his hours of labor six hours a week.

Now, let us see how that works out. The week's wages in 1895, sixty hours, at $0.4517 an hour, were $27.10, and the week's wages in 1903, fifty-four hours, at $0.5625 an hour, were $30.37; and that is $3.27 increase in the week's wages under the policy of protection, although there has been a decrease of six hours' work per week.

Let us see how that would work out for forty weeks. I take it that a bricklayer may work that much each year in that climate. I take it that he could work that long, I mean, under conditions like the present, when there is work for him to do, and not under the conditions that existed when the gentleman's party was in power and bricklayers tramped the country for work. [Applause on the Republican side.] In 1895, if he worked forty weeks at $27.10 that would give him $1,084. In 1903, if he worked forty weeks at $30.37 that would give him $1,215—a decrease of two hundred and forty hours and an increase in wages of $131. Now, you may take the amount spent for food, according to the tables the gentleman refers to, and make your comparison, and you will find that the average family of such a workman would have spent in 1895 for food $411, leaving $673.

In 1903 they would have expended $449, leaving $765, or $93 more. In other words, a man would have worked in 1895 two hundred and forty hours more, and in 1903, after paying the farmers the increased price of farm products, having worked two hundred and forty hours less, he would have to his credit $93 more. If the gentleman will take these tables and work them out, he will see what the actual result is. I will insert here the calculation in detail:

Wages of bricklayers at Wheeling, W. Va.

Year.	Cents per hour.	Hours per week.
1895	45.17	60
1903	56.25	54
	[a] 11.08	[b] 6

[a] Increase. [b] Decrease.

Week's wages in 1895 (60 hours, at 45.17 cents per hour) was	$27.102
Week's wages in 1905 [a] (54 hours, at 56.25 cents per hour) was	30.375
Increase in wages	3.273

Wages for forty weeks.

1895, $27.102 × 40 (2,400 hours, at 45.17 cents per hour)	$1,084.08
1903, $30.375 × 40 (2,160 [b] hours, at 56.25 cents per hour)	1,215.00
Increased wages	130.92

It is estimated by the Commissioner of Labor that wage-earners making annually over $1,000 and less than $1,200 spend 38 per cent of their wages for food, and those making from $1,200 to $1,400 spend about 37 per cent for food.

Spent for food.

1895, 38 per cent of $1,084.08, or $411.95, leaving	$672.13
1903, 37 per cent of $1,215, or $449.55, leaving	765.45

Spends for food $37.60 more, and has left $93.32 more.

If he had worked as many hours in the forty weeks of 1903 as he did in the forty weeks of 1895, he would have made (240 hours, at 56.25 cents per hour) $135 more, or $1,350 in all. This is $265.92 more than received for same number of hours in 1895, a saving after the grocery bills were paid of $228.32 in 1903 more than in 1895.

Mr. GILLESPIE. Mr. Speaker, I would like to ask the gentleman from West Virginia if the raise in wages of the bricklayer is not due to the act of the bricklayers' union in raising their own wages during the time the gentleman has spoken of.

Mr. GAINES of West Virginia. Mr. Speaker, I am very confident that the effort of organized workingmen to raise their own wages has had much to do with it, but organized working people could not raise wages under conditions like yours when there were no wages to be had under any circumstances. [Applause on the Republican side.] And let me say that the opportunity for labor, organized and unorganized, is when the policies of the Republican party are in vogue in this country, and that they have no opportunity when the gentleman's party is in power.

Mr. STANLEY. As I understand the gentleman, his argument is that if the workingmen had worked as much in 1895 or 1896 as now he would have made as much or more, and the difference in his tables is hypothecated upon the theory——

Mr. GAINES of West Virginia. Oh, the gentleman misunderstood me. I say the workingman worked more hours a week, whenever he got a chance to work, in 1896 than he does in 1906, but that working fewer hours per week in 1906 he makes about 25 per cent more money per week.

Mr. STANLEY. I wish to say to the gentleman that his theory is hypothecated upon the single instance of the bricklayers' union or the bricklayer's wages, which is the result of action on the part of an organized band of workingmen, and if he will examine Dun and Bradstreet's report, which is a strictly nonpolitical report, he will see that the rate of wages has increased 15 or 20 per cent in the last ten years and that the rate of living has increased more than double that amount. I call his attention also to the statistics of 1903–4, and if he will examine that he will see that the increase in wages between 1895 and 1901 is merely nominal. I call the gentleman's attention also to the fact, and he may differ with me or not, as he likes, relying now upon his and my knowledge of conditions as they exist, that food stuffs, meats, timber, fabrics, articles made from steel, rents, all the material things that are necessary to a workingman's existence, have increased from 40 to 100 per cent.

Mr. OLMSTED. The difference is that now the workingman is able to buy them and in 1896 he could not buy any of those things.

Mr. GAINES of West Virginia. The fact is, I repeat, that the tables show that the rate of wages per hour in comparison with the cost of living have gone up. There are some places where the workingman has been so constantly employed that

[a] Decrease in hours, 6. [b] Decreased hours, 240.

he has thought he could afford to reduce his hours of work. If the gentleman is complaining because labor has reduced its hours of labor, that is a controversy between him and labor. I am simply calling attention to the facts which are undisputed, or should be—the official statistics—showing that the rate of wages has advanced more rapidly hourly than the rate of living in this country has advanced.

Mr. HINSHAW. Is not the gentleman's contention further proven by the fact that the savings banks of the country have piled up enormous sums of money which the workingmen themselves have put therein? They have increased right along through these years.

Mr. GAINES of West Virginia. Why, unquestionably. I happen to have here the savings-bank statistics of 1905 and 1895. The number of such banks has increased 220, an increase of 21 per cent. In 1895 the number of depositors was 4,800,000, and in 1905, 7,600,000, an increase in the number of depositors of 2,820,000, being an increase of 57 per cent nearly over your Democratic times. The amount of deposits in 1895 were $1,810,000,000. In 1905 they were $3,261,000,000, an increase of $1,450,000,000, being an increase of 80 per cent over the Democratic year. Let us see now about the average depositor. In 1895 he had to his credit $371.36; in 1905 he had $423.74, an increase of $52.38 for each depositor, being an increase of 14 per cent. Let us see what these people who patronize savings banks have done, averaging their deposits over the whole of the country, per capita. The average per capita in the United States in 1895 was $25.88; in 1905 it was $39.17, an increase of $13.29; in other words, an increase of 53 per cent per capita in the savings banks in this country on a comparison of 1905 with 1895.

I now give the exact figures, taken from the report of the Comptroller of the Currency for 1905, which is the last report:

SAVINGS-BANK STATISTICS.

Number of banks:	
1905	1,237
1895	1,017
	220
Increase, nearly 21 per cent.	
Number of depositors:	
1905	7,696,299
1895	4,875,519
	2,820,780
Increase, nearly 57 per cent.	
Deposits:	
1905	$3,261,236,119
1895	1,810,597,023
	1,450,639,096
Increase, 80 per cent.	

SAVINGS-BANK STATISTICS—continued.

Average due each depositor:	
1905	$423.74
1895	371.36
	52.38
Increase, 14 per cent.	
Average per capita in the United States:	
1905	$39.17
1895	25.88
	13.29
Increase, 53 per cent.	

Why, Mr. Speaker, if I had time, I have the figures here to show, by comparison in every line of industry, the story of American prosperity.

Mr. JAMES. Will the gentleman yield?

Mr. GAINES of West Virginia. Certainly, I yield.

Mr. JAMES. Have you any statistics here showing the relative increase in the price of coal miners' wages as compared with the increased cost of living?

Mr. GAINES of West Virginia. Mr. Speaker, I have not. I regret to say I have not, because, from a limited personal knowledge, I can assure the gentleman that the figures would be exceedingly desirable. I happen to live in a coal-mining district, and even, as the other day the gentleman's colleague from Kentucky asserted, that a Kentuckian could talk on whisky, so can a West Virginian on conditions that concern the coal-mining business of this country. [Applause on the Republican side.] In 1892 in the section in which I live the coal digger was getting for his services for digging coal 50 cents a ton. When it was known over this country that Grover Cleveland had been elected President and that the Democratic party was in power, pledged to change the economical policies of this country, everything went to pieces, and nothing with greater rapidity than the coal-mining business. The first thing that happened to the coal-mining business was the reduction of the miners' wages 25 per cent under that Cleveland Administration. [Applause on the Republican side.] Not only that, but with that reduction the miner could not sell his labor, because the coal operator could not get orders for his coal. The miner tramped from one end of the field to the other looking for work. Now the coal operators in West Virginia are advertising for labor, and are not able to get what they need. [Applause on the Republican side.] There is no man in the coal-mining region who can work and who will work who is not employed at good wages, whether he digs coal or does any other kind of work. [Applause on the Republican side.] But the Republican party in the course of time came back into power. What happened? No sooner was an opportunity given to adjust conditions to the new order of things and to realize the promise of Republicanism than in less than a year the wages of the coal diggers in West Virginia went up 25 per cent again. [Applause on the Republican side.] Subsequent to that time, let me tell the gentleman from Kentucky, there was another advance, and within the last two months, yes, within the last six weeks, there has been still another advance. [Applause on the Republican side.]

Mr. JAMES. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman yield?

Mr. GAINES of West Virginia. I yield with great pleasure.

Mr. JAMES. Is this prosperity so glowingly described by the gentleman among the miners of West Virginia the cause of the strikes that we have read about there, and the arrests of laboring men under injunctions issued by the courts, and the trial of them without jury, and the sending of them to jail—is that caused by the prosperity and increase of wages?

Mr. GAINES of West Virginia. Mr. Speaker, the question involves a statement of fact which is not correct. The gentleman from Kentucky does not happen to know exactly what he is talking about. But the truth is that such strikes as they have had in West Virginia recently have been due, I take it, to Republican prosperity, because the miners struck for recognition of their union, and they struck for an increase of wages and got the increase of wages, at least, in every instance when they have demanded it.

Mr. FREDERICK LANDIS. They never struck during a Democratic administration.

Mr. GAINES of West Virginia. Strikes in the coal region of West Virginia during a Democratic administration generally consisted in striking a new place for a job. Why, heavens on earth, what would they strike for when your party was in power? There was nothing to strike at. [Applause on the Republican side.] These same laboring men have become so independent we are begging them to work and unable to get them, while they were begging for work when your party was in power.

I do not know how many strikes there were during your administration, and——

Mr. GAINES of Tennessee. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from West Virginia yield to the gentleman from Tennessee?

Mr. GAINES of West Virginia. I always yield with pleasure to the gentleman from Tennessee. [Applause.]

Mr. GAINES of Tennessee. The gentleman says when the Democratic party is in power that people are generally going begging. Now, I want to ask the gentleman why it was Secretary Foster went begging in New York to get gold to run the Government under the Harrison Administration?

Mr. GAINES of West Virginia. Oh, Mr. Speaker, Secretary Foster did not go begging.

Mr. GAINES of Tennessee. He went around swapping legal-tender money to get gold.

Mr. GAINES of West Virginia. Mr. Speaker, there was no trouble to get money with which to run the country when the Republican party was in power. I admit that all calamities do not work precisely alike. Sometimes they come suddenly and without notice, and again there is notice. At Martinique, when that great disaster occurred, people had no notice of it, but recently at the eruption of Vesuvius people knew of the descending lava in sufficient time to get out of the way. So the last Democratic Administration, fortunately for the people of this country, did not come into power until some months after it had been elected. When it was known over this country, Mr. Speaker, that the Democratic party had been elected to power, instantly the business of the country ceased; and how does it help the case of these gentlemen to know that it did not

wait for the actual coming of their party into power, but that immediately when it was known that the Democratic party was to be in power in this country, pledged as it was to its false views, the prosperity of the country died instantly, chilled to death, as energy, enterprise, confidence, and resultant prosperity always are in this country by the mere oncoming shadow of the threatening Democracy? [Applause on the Republican side.]

I have shown by comparison of Republican years with Democratic years, confining myself, whenever statistics were available for that purpose, to comparisons of 1895 and 1905, that the farmers of the country under the policy of protection are able to market a vastly increased product at a much better price than they could obtain for a smaller product when different policies obtained. I have shown also that under protection the workingmen of the country have been steadily employed at much better wages than they could secure when only partially employed while the Democracy was in power. I wish to insert for the information of the House and the country a comparative table of wages in the United States and several European countries, which was first put into the RECORD by that able Democrat the gentleman from Alabama [Mr. UNDERWOOD]. I mention him in connection with this statement because he is entitled to the credit of having first put it into the RECORD, and I wish the figures to have his able indorsement.

I here insert the table:

Comparison of American and European wages and hours of labor, 1903.

Class.	Wages per hour.					Hours per week.				
	United States.	Great Britain.	Germany.	France.	Belgium.	United States.	Great Britain.	Germany.	France.	Belgium.
Blacksmiths	$.2951	$.1740	$.1237	$.1629	.....	56.00	53.67	59.90	60.19	.....
Boiler makers	.2848	.1719	.1123	.1455	$.0753	56.24	53.67	60.06	61.50	60.00
Bricklayers	.5472	.2062	.1328	.1325	.0845	47.83	51.83	56.50	63.00	62.00
Carpenters	.3594	.2028	.1301	.1544	.0712	49.46	50.17	55.30	60.40	64.73
Compositors	.4467	.1795	.1411	.1303	.0955	49.81	50.00	51.08	60.00	54.00
Hod carriers	.2863	.1250	.0849	.0965	.....	47.98	51.83	59.50	63.91	.....
Iron molders	.3036	.1774	.....	.1310	.0692	56.80	53.67	.....	60.00	60.00
Laborers, general	.1675	.1019	.0797	.0965	.0549	56.39	52.50	56.36	60.00	63.00
Machinists	.2707	.1677	.1310	.1326	.....	56.12	53.67	60.00	61.50	.....
House painters	.3450	.1774	.1194	.1255	.0667	48.89	51.00	56.25	60.00	66.00
Plumbers	.4429	.2027	.1148	.1501	.0784	48.91	49.17	56.68	54.00	60.00
Stone cutters	.4225	.1994	.1177	.1448	.0685	48.67	50.17	54.00	60.00	65.00
Stone masons	.4579	.2078	.1328	.1448	.0845	49.54	50.17	56.50	66.00	62.00

The cost of living in those countries can not be less than in this country unless the foreign workingman eats less food or of a poorer quality than the American man, because our meat and other agricultural products go to those countries for sale. The fact is, of course, that the foreign workingman does live for less than the American workingman, for the reason that he can not afford to live so well, and for the further reason that the European farmer and farm laborer is less prosperous there than here.

In considering the question whether we are to continue the policy of protection, the growing importance of the Orient in the world's commerce is no longer to be ignored. Both China and Japan are introducing modern machinery and methods, and their laboring people work industriously long hours and are exceedingly skillful and adaptable. The time is near at hand when if the policy of protection should be abandoned the workingmen of this country will be brought into competition with the conditions which exist in those countries—in Japan, for instance, where farm laborers receive 16 cents per day; factory employees, if men, 15 cents per day, if women, 10 cents, and where coal miners average 12 cents per day.

I insert here the following extract from the very able speech of the gentleman from California [Mr. HAYES], delivered in this House on March 13 last:

The Japanese Empire embraces 147,655 square miles of territory. Of this small territory, less than the State of California, only 15.7 per cent is arable land, including plains and pasture lands. Excluding plains and pasture lands, only 12.9 per cent, or 19,150 square miles, is actually arable, the balance being mountains. And yet in this small compass, according to the census of 1899, 44,260,000 Japanese live. In the light of these facts one can understand why the Japanese would fight a great nation in order to get room in which to expand.

These are some of the wages, expressed in our money, paid for the different kinds of labor in Japan in 1904, according to the report of the Japanese commissioners to the St. Louis Exposition:

Farm laborers (average), 16 cents per day.
Laborers in silk culture (average), 16½ cents per day.
Operatives for reeling silk (average), 10 cents per day.
Farm laborers, by the year, male, $16.
Farm laborers, by the year, female, $8.50.
Metal miners (average), 13½ cents per day.
Coal miners (average), 12 cents per day.
Timbermen (average), 11 cents per day.
Mill hands (average), 8½ cents per day.
Smelterers (average), 10 cents per day.
Factory employees, male, 15 cents per day.
Factory employees, female, 10 cents per day.
Tobacco factory employees, male, 22½ cents per day.
Tobacco factory employees, female, 10 cents per day.
Machine shops, 27½ cents per day.
Carpenters and plasterers, 29½ cents per day.
Stone masons, 33½ cents per day.
Shoemakers, 25 cents per day.
Tailors, Japanese clothes, 22½ cents per day.
Tailors, foreign clothes, 25 cents per day.
Skilled artisans, 50 cents per day.
Mr. FASSETT. Is that in gold?
Mr. HAYES. That is in our money.
Mr. UNDERWOOD. Do those figures include the feeding of these Japanese?
Mr. HAYES. They do not include feeding them.
Mr. GROSVENOR. The wages for the farm laborers do?
Mr. HAYES. They probably do, but not the others.

In China wages are still lower, as will appear from an extract from a consular report which I shall embody in my printed speech. It is as follows:

The actual rate of wages in China seems small to one unacquainted with the cheapness of the necessaries of life here and unfamiliar with the narrow scope of a Chinese laborer's needs. Agricultural laborers are paid in copper the equivalent of about $1.50 to $2 United States currency per month. Unskilled laborers in the city are paid about 2½ cents per diem and supplied with two meals. Skilled carpenters receive 20 to 30 cents per day; masons and painters the same; domestic servants, $3 to $10 per month; hostlers, $3.50 per month. In all branches of labor it is difficult to give exact figures. The minimum at which a laborer can be hired is the actual cost of the most frugal subsistence. (Special Consular Reports, Vol. XIII, Part II, page 323.)

Mr. Speaker, in 1892 the Democratic party, upon a platform embodying the policies upon which the speeches of their party leaders in this House recently made show that they propose again to go to the country, definitely promised greater prosperity in this country than the people had been able to enjoy under Republican rule. The people tried their party and the result is history—deplorable history. Fortunately for the Republican party, that experiment is well remembered. The recollection of it will be in the mind of every voter in this country when he deposits his ballot next fall.

In 1892 the defeat of the Republican party was not, in my opinion, due so much to restlessness among the people as to a selfish desire of certain manufacturing interests in the country who desired to take away the benefits of protection from the so-called "raw materials" which enter into their finished product, while retaining it upon the latter. There are signs of the same selfish desire to be seen now. I wish I could say, not only to those Members of this House who represent eastern manufacturing districts, but to their constituents, that this purpose, unworthy as it seems to me, will never be accomplished. In the first place it is not right. In the next, the voting power in the House of Representatives is not now, and will not be, with those who entertain that notion. The large interests of the country ought to know that they can not secure this object even by restoring the Democratic party to power. They tried it in 1892, when the selfishness of their plan was disguised under the high-sounding Cleveland phrase of "capturing the markets of the world." What they got was not what Mr. Cleveland promised them—that is, the Wilson bill with coal, iron ore, and other products of like character on the free list—but the Wilson-Gorman bill measure, which no one has yet been able to characterize politely except Mr. Cleveland, who called it "party perfidy and party dishonor."

It is not to be denied that there are evils attendant upon prosperous times as well as upon times of general depression. Incidentally, however, it is worth mentioning that starvation is not one of them. But when all the people are able to purchase, those who have much to sell—whether it be transportation or some commodity—will make great wealth. How to regulate and mitigate the evils attendant upon prosperity are the problems of statesmanship to-day. Certainly no one will contend that the destruction of prosperity is the remedy. If there ever were any doubt as to the advisability of employing that remedy, we learned better during the last Democratic Administration. The energy of the present Republican Administration in prosecuting the owners of great wealth when they have sought to deprive others of their lawful opportunities, must certainly have satisfied the most exacting popular demand. On this closing night of the session the Republican Members of this House, as they prepare to go back to their constituents, may do so with full confidence that the people of the country will not, in the coming election, or two years from now, repeat their former great folly of destroying prosperity by the restoration of the Democratic party to power.

APPENDIX No. 1.

Price of wheat, corn, and oats per bushel, New York market, calendar years.

[From Statistical Abstract for 1905, p. 540.]

Year.	Wheat.	Corn.	Oats.
1891	$1.094		
1895	.669	$0.47	$0.289
1905	1.028	.593	.35

Price of coffee, No. 7 exchange standard, per pound.

	Cents.
1895	15.8
1905	8.25

United States wheat, corn, and oats production.

[From Statistical Abstract for 1905, pp. 515, 516, and 517.]

Year.	Wheat.	Corn.	Oats.
	Bushels.	*Bushels.*	*Bushels.*
1895	467,102,947	2,151,138,580	824,443,537
1905	692,979,489	2,707,993,540	953,216,197

United States wheat, corn, and oats production—Continued.

VALUES.

Year.	Wheat.		Corn.		Oats.	
	Entire production.	Per acre.	Entire production.	Per acre.	Entire production.	Per acre.
1895	$237,938,998	$6.99	$544,985,534	$6.64	$163,655,068	$5.87
1905	518,372,727	10.83	1,116,696,738	11.88	277,047,537	9.88

Prices per bushel December 1.

Year.	Wheat.	Corn.	Oats.
1895	$0.509	$0.253	$0.199
1905	.748	.412	.291

APPENDIX No. 2.

Wages in the principal occupations in certain establishments in the window-glass industry in the United States and Europe, 1889-90.

[From the Seventh Annual Report of the Commissioner of Labor, Vol. I, pp. 714 to 739.]

Country.	Establishment number.	Blowers.		Cutters.		Flatteners.		Gatherers.		Laborers.		Leersmen.		Master teasers.		Mixers.		Packers.		Teasers.	
		Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.
United States	2	22	$6.78	6	$4.88½	5	$6.60½	26	$4.20½	26	$1.54½	8	$1.73	2	$4.26½	1	$2.74	1	$3.46	6	$2.37½
Do	3	35	7.10½	9	4.80	7	5.42½	46	4.28½	7	1.35	5	2.05	3	5.06½	1	2.61	1	5.65½	7	1.80
Do	6	15	6.69½	4	4.06½	2	7.60	14	4.71	13	1.29	2	1.50	1	5.81½	2	1.55	1	2.17½	3	1.95½
Do	9	9	7.82	2	4.95½	2	7.19½	8	4.60½	7	1.25	2	1.96½	1	3.03	2	1.83½	3	1.23	4	2.04
Do	10	13	5.16	6	3.92½	2	4.06½	14	3.00	8	1.27			2	4.00	1	1.30	2	1.44½	6	1.45½
Do	16	30	5.19	9	4.22½	5	5.04½	36	3.26	22	1.50			4	4.79	2	1.66½	2	1.86	6	1.79½
Do	20	13	6.52	3	3.74½	2	7.14	17	4.00½	11	1.13½	2	1.15	1	3.62	1	1.53½	1	1.72½	4	1.20
Do	23	40	5.26½	7	4.77½	8	5.33½	49	3.28½	15	1.36½	4	1.16½	2	3.94½	3	1.55½	3	1.41½	15	1.32½
Do	25	9	6.62½	3	5.46½	3	6.95	13	3.77½	27	1.56½	6	1.91	1	2.64	1	2.21			3	1.86
Do	30	27	5.60½	4	5.28½	3	5.88½	28	4.02½	11	1.27	4	1.50	1	3.47	1	1.61½	2	1.57½	4	2.30
Do	32	12	6.36	11	5.02½	3	5.24	19	3.74½	25	1.49	4	1.98½	1	5.00	1	2.04	1	2.53½	4	2.08½
Do	34	17	6.59	3	5.14½	3	6.09	19	4.11½	4	1.50			1	3.78½	1	2.28½	1	2.74½	2	1.89
Do	35	33	6.92	5	4.45½	3	6.99	35	4.25	2	1.50	2	2.41½	1	3.91	1	2.58½	1	3.70	2	2.10
Do	36	19	6.11½	8	5.19	5	7.39½	32	3.93	6	1.45½	4	2.02	1	3.29	3	2.27½	1	1.66½	8	2.18½
Do	37	44	7.62	12	5.40	9	7.60	40	4.63½	14	1.50	6	1.96½	3	4.45½	3	2.32	1	2.72½	8	1.89
Belgium	38	9	3.09½	2	.84	3	1.27½	9	1.29	6	.40½	1	.26½	1	1.16	1	.64½	1	.63	1	.89½

Wages in the principal occupations in certain establishments in the woolen and worsted textile industry in the United States and Europe, 1889-90.

[From the Seventh Annual Report of the Commissioner of Labor, Vol. I, pp. 613 to 713.]

Country.	Establishment number.	Burlers.		Carders.		Card strippers.		Combers.		Loom fixers.		Spinners.	
		Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.
United States	3	5	$0.85	4	$0.75	2	$1.31			3	$2.00		
Do	7	30	.75	25	.79½	6	1.25			5	1.89		
Do	8	16	.75			2	1.00			3	1.91		
Do	12	2	.73½	11	.84½					2	1.92½		
Do	15			17	.73½					1	1.87½		
Do	16	4	.93½	5	1.26	3	1.50			4	2.18½	4	$1.88
Do	21	49	.54	29	58½					14	1.90½	50	.85½
Do	24	77	.79½	27	.77					7	2.25		
Do	26	6	.75	10	.60					3	1.78		
Do	34	15	.66½			6	1.36½			4	2.00		
Do	36	12	.58½			1	1.16½			2	2.09		
Do	37									5	2.41		
Do	40	36	1.50			5	1.00			5	1.94½		
Do	A	4	.63	8	.65					1	1.43		
Do	B	5	.90	4	1.18	2	1.10			1	1.25		
Do	C	97	.65½	52	.92	1	1.25	15	$0.83	25	2.43½	98	.67½
Do	D	13	.95	24	.89½					1	3.00	12	.84½
Do	E			2	.50								
Do	F	21	.82	5	1.29½					3	1.87	27	.70½
Do	G	13	1.00	13	.98½	1	1.25			1	2.50		
France	42	60	.32½	6	.34	3	.84	3	.37	13	.89½	10	.95½

APPENDIX No. 3.

Pig iron produced, long tons (S. A. 460).

1905	16,497,033
1895	6,657,388
	9,839,645

Iron and steel bars (long tons).

Year.	Iron.	Steel.	Total.
1905	871	2,283,840	2,284,711
1895	4,674	1,017,098	1,021,772
	3,803	1,266,742	1,262,939

Tin plate (S. A. 461).

Year.	Imported.	Value.
	Pounds.	
1895	508,038,938	$12,144,080
1905	161,066,820	4,558,875
	346,972,118	7,585,205

Tin plate produced in the United States, pounds.

1905	1,025,920,000
1895 (campaign text-book)	254,611,840
	771,308,160

APPENDIX No. 4.

Individual deposits in State, savings, private banks, etc.

[Extract from the Report of the Comptroller of the Currency for 1905.]

Location and class of banks.	Individual deposits.			
	1896.	1900.	1904.	1905.
Southern States:				
State banks	$82,795,625	$150,440,319	$289,572,013	$369,652,112
Savings banks	9,347,597	17,369,650	5,259,245	6,052,503
Private banks	4,626,017	5,306,131	8,920,038	13,643,521
Loan and trust companies	172,151	322,081	3,758,797	5,590,629
Total	96,941,390	173,438,181	307,510,093	394,938,765
National banks	124,743,629	201,605,167	331,159,183	372,383,409
Grand total	221,685,019	375,043,348	638,669,276	767,322,174
Middle Western States:				
State banks	269,754,489	561,170,834	993,024,524	1,100,701,485
Savings banks	130,494,356	122,549,772	166,792,066	178,265,897
Private banks	38,479,740	66,059,342	60,445,910	76,919,373
Loan and trust companies	33,642,178	4,666,532	79,658,216	102,612,271
Total	472,370,763	754,446,480	1,299,920,716	1,458,499,026
National banks	405,388,086	651,849,201	925,531,104	1,002,722,621
Grand total	877,758,849	1,406,295,681	2,225,451,820	2,461,221,647
Western States:				
State banks	37,682,879	84,873,480	149,002,115	169,437,645
Savings banks	1,523,192			
Private banks	3,119,094	8,676,816	8,063,646	14,457,768
Total	42,325,165	93,550,296	157,065,761	183,895,413
National banks	86,508,844	142,760,868	214,966,103	217,006,648
Grand total	128,834,009	236,311,164	372,031,864	430,902,061
Pacific States:				
State banks	56,720,291	118,235,049	195,279,070	208,817,622
Savings banks	135,539,974	160,854,550	221,308,918	247,913,608
Private banks	2,685,575	4,884,885	5,263,589	6,203,811
Total	194,945,840	283,974,484	421,851,577	462,935,041
National banks	36,882,499	75,878,719	140,206,165	166,609,538
Grand total	231,828,339	359,853,203	562,057,742	629,544,579
United States:				
State banks	695,659,914	1,264,916,610	2,054,936,715	2,348,470,033
Savings banks	1,935,466,468	2,389,719,354	2,918,775,329	3,093,077,357
Private banks	59,116,378	94,928,547	95,791,454	127,937,098
Loan and trust companies	586,468,156	1,028,232,407	1,600,322,325	1,980,856,737
Total	3,276,710,916	4,777,797,518	6,669,825,823	7,550,341,225
National banks	1,668,413,507	2,458,092,758	3,311,493,507	3,782,730,272
Grand total	4,945,124,423	7,235,890,276	9,981,259,330	11,333,071,497
Island possessions:				
State banks		1,818,672	18,281,334	16,739,597
Private banks		1,277,502		
National banks			1,006,335	928,222
Grand total, United States, etc	4,945,124,423	7,238,986,450	10,000,546,999	11,350,739,316

Geographically summarized, there is shown to have been an increase in the deposits of banks located in the New England States from $1,193,300,000 in 1896 to $1,791,400,000 in 1905, a gain of $598,100,000. The increase in the Eastern States during this period was $2,961,000,000, or from $2,291,700,000 in 1896 to $5,252,700,000 in 1905. In the Southern States the increase was from $221,700,000 to $767,300,000, an increase of $545,600,000. The deposits of banks in the Middle Western States which reported in 1896, amounting approximately to $877,800,000, have now increased to $2,461,200,000, showing a gain in that section of $1,583,400,000. The banks of the Western States increased their deposit accounts from $128,800,000 to $430,900,000, a gain of $302,100,000. In the Pacific States the banks gained $397,700,000 in deposits, or an increase from $231,800,000 to $629,500,000.

The deposits in the banks in the island possessions (Hawaii only) were first stated for 1900, when they amounted to $3,096,174.

It will be noted from the accompanying table that the Southern States show the largest percentage of increase in deposits during the period from June 30, 1896, to June 30, 1905, the percentage of increase in this section being 246.1, followed by the Western States, where the ratio of increase is 234.6; and, in the order named, the Middle Western States with 180.3, the Pacific States 171.6, the Eastern States 129.2, and the New England States 50.1. The average of increase for the United States is 129.2 per cent.

Geographical division.	Individual deposits.			
	1896.	1905.	Increase.	Per cent.
	Millions.	*Millions.*	*Millions.*	
New England States	$1,193.3	$1,791.4	$598.1	50.1
Eastern States	2,291.7	5,252.7	2,961.0	129.2
Southern States	221.7	767.3	545.6	246.1
Middle Western States	877.8	2,461.2	1,583.4	180.3
Western States	128.8	430.9	302.1	234.6
Pacific States	231.8	629.5	397.7	171.6
Total	4,945.1	11,333.0	6,387.9	129.2

The average individual deposit in the United States per capita of population has steadily risen from $69 in 1896 to $95 in 1900, $122 in 1904, and $136 in 1905.

APPENDIX No. 5.

Mileage and annual increase of railroads.

[From Statistical Abstract for 1905, p. 552, and Interstate Commerce Commission's Report, p. 81.]

Year.	Mileage (S. A.).	Annual increase (I. C. C. R.).	Passengers carried.	Passengers carried 1 mile.[a]
1904	213,904	5,927	719,654,951	22,167,124,184
1895	181,115	1,700	529,756,259	12,609,082,551
	52,789	4,227	189,868,692	9,558,040,633

[a] Statistical Abstract, p. 555.

Freight carried.

[S. A. p. 555.]

Year.	Tons.[a]	Tons carried 1 mile.[b]
1904	1,275,321,607	173,613,762,130
1905	755,799,883	88,567,770,801
	519,521,724	85,045,991,329

[a] Increase nearly 70 per cent. [b] Increase nearly 100 per cent.

Average receipts per mile.

[S. A., 557, I. C. C. R.]

Year.	Per ton.	Per passenger.
1895	$0.84	$0.0207
1904	.78.79	.0205

Railroads placed under receiver.

[S. A. 561.]

Year.	Number.	Miles.	Stocks and bonds.
1895	31	4,089	$369,075,000
1905	10	3,593	176,321,000
	21	496	192,754,000

Railroads sold under foreclosure.

Year.	Number.	Miles.	Stocks and bonds.
1895	52	12,831	$761,791,000
1905	6	679	20,307,000
	46	12,152	741,484,000

Street railway mileage.

[S. A. 562.]

Year.	Electric.	All other street railways.
1904	29,548	639
1895	10,363	3,225
	19,185	2,586

Street railway cars.

1904	75,804
1895	44,745
	31,059

[Mr. CLARK of Missouri addressed the House. See Appendix.]

Mr. SULZER. Mr. Speaker, I addressed the House at some length on a previous occasion on the subject of an eight-hour law. In my remarks then I made the following statement, which has not been challenged:

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.

I repeat it now, and I charge the Republicans with the responsibility for the defeat of the eight-hour law. So much for that.

Equally futile have been all the attempts of the Democratic members of the Judiciary Committee to obtain action of any kind on the Pearre anti-injunction bill. After months of time-killing, tedious discussions, and near the close of the session, certain points that had been fully discussed and fully considered, and upon which every member had made up his mind, were referred to a subcommittee of three, the two Republican members of which had already committed themselves on the record against the bill. That subcommittee is directed to report at the next session. It is noted that the election for the Sixtieth Congress will then have been held. Men may be excused for opposing a labor bill openly and from the standpoint of an honest belief, but who does not despise a cowardly evasion? No one should receive a workingman's vote for a seat in this body who is not willing to place himself of record for or against labor's demands on the floor of the House, or by other act equally solemn and unequivocal.

Of more far-reaching importance would be a change in the practice in the Federal courts to limit the use of injunctions. On this subject I insert an extract from the argument of Thomas Carl Spelling, esq., of New York, attorney for the American Federation of Labor, made before the Judiciary Committee, which appears to be peculiarly appropriate:

The framers of the Constitution, according to all interpretations, took care that bounds should be set to equitable jurisdiction. It has universally been held that the equitable powers are those, and those only, that were possessed by the English judges at the time the colonies separated. But these judges single out a class in the community and stretch forth the hand of arbitrary power to that class exclusively.

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!" Then arose Carl the Great, first Emperor of the Holy Roman Empire of the middle ages. Thus extension and usurpation of the power to enjoin ripened into the undisputed power of one man to legislate, adjudicate, and execute.

By the ancient and startling example above cited every American citizen should be forewarned. The abuses of power, the usurpations by the courts, are increasing both in flagrancy and number; and unless checked by legislation workingmen will soon find themselves reduced to a condition of abject servitude, retaining barely the privileges to breathe and toil for such pittances as are reluctantly doled out to them by their taskmasters.

These, sir, and other matters of growing interest to labor have been ruthlessly thrust aside by the Republican majority at this and prior sessions. Some of them are set forth in labor's bill of grievances, which has been presented to the persons named therein, but without avail. I now insert the bill of grievances, containing a clear and succinct statement of labor's just demands and of Republican indifference with respect thereto.

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 term 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 workman. 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 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. M. Nuse, International Brotherhood of Stationary Firemen.
Christian Schlag, International Brotherhood of Stationary Firemen.
Wm. McPherson, International Carriage and Wagon Workers.
Wm. 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.
Chas. 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.
Wm. Dodge, Paving Cutters' Union of the United States and Canada.
Jas. J. Dunn, Glass Bottle Blowers' Association of the United States and Canada.
Wm. Launer, Glass Bottle Blowers' Association of the United States and Canada.
Frank Feeney, International Union of Elevator Constructors.
Chas. Hank, International Brick, Tile, and Terra Cotta Workers' Alliance.
Henry Nolda, Upholsterers' International Union of North America.
Chas. 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.

Now, sir, while needed and important labor bills have been long postponed, the Republican party, in power, has not been slow in fortifying the beneficiaries of the present iniquitous fiscal system by amendments and in the other directions—for instance, through the form of a revision of the military laws by the Dick military bill in 1903. The law was by that act so far changed as to establish militarism more firmly and in a more aggravated form than in Germany, Russia, or any of the military despotisms of Europe.

Two sections of that drastic measure provide as follows:

SEC. 2150. All able-bodied male citizens of the United States, and persons of foreign birth who shall have declared their intention to become citizens of the United States under and in pursuance of the laws thereof, between the ages of 18 and 45 years, are hereby declared to constitute the national forces, and, with such exceptions and under such conditions as may be prescribed by law, shall be liable to perform military duty in the service of the United States.

SEC. 2277. The militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than 18 and less than 45 years of age, and shall be divided into two classes—the organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, and the remainder to be known as the Reserve Militia.

There was no delay in obtaining action on that bill. It went in and out of committee rooms with flying colors, as the trusts, railroad companies, and other monopolistic employers of labor pressed the button. And after it had passed both Houses it was signed by the President with equal promptness.

Now, under the provisions of that law, every able-bodied citizen—the members of a labor union, for instance—is made part and parcel of the reserve military force, both of the Federal Government and of the respective States. So, now, if a strike occurs, an unfair, slave-driving employer may invoke military aid, and every laborer may be made to bear arms for the purpose of putting down a strike declared by his own organization; or a regiment of strike breakers may be mustered into service to accomplish the same end. Surely no workingman in this Republic, whether belonging to any organization or not, should rest contented for a day until a repeal or a material modification of that act has been secured.

Sir, in the confusion arising from several matters affecting labor interests, facilities are offered for deception being practiced upon voters by Republican candidates. The vital and decisive thing, not to be lost sight of for a moment, is the effect upon the election of the Speaker of the next Congress of voting for candidates of the respective parties.

Of what avail, as affecting labor interests, to rely upon or value to any extent the promises of Republican candidates to support labor measures when they know in making them that if the Republicans have a majority of the membership in the next Congress, the opportunity to vote either for or against such a bill will never be afforded. The only way to bind such candidates effectively for labor bills is to exact pledges from them not to enter the party caucus for Speaker, and to vote for the adoption of a set of rules entirely different from those now in vogue. Of course not one of them will, in good faith, give any such pledge. There is nothing surer, barring death, than that, if a Republican be reelected Speaker, he will shape and control all the proceedings, from action on bills in the House down to the most trivial and obscure transactions behind the closed doors of committee rooms.

The House is not now representative, except in the sense that in the person of the Speaker it represents a despotism. Before any relief can be had by labor, or by any other honest interests, there must be a change in personnel of the Speaker and in the rules of procedure. These are impossible without a change in the party complexion of the House. This is obvious, and nothing is gained by attempting to conceal the facts. No attempt is now made to cloak the autocratic character of the Speaker's power under the rules which he and his little coterie have formulated and forced on the people by unsparing use of the party lash. The Speaker has publicly declared his personal responsibility for all legislation, and on June 28, 1906, Hon. W. W. RUCKER, a Member from Missouri, on the floor of the House made the following statement, which was not denied:

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 a 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 view of these facts and these considerations, any yielding in the coming campaign to promises and pledges made by Repub-

lican candidates for Congress, to the extent of voting for them, would be so flagrantly foolish as not to admit of any standard of comparison.

JOSEPHINE V. SPARKS.

Mr. LOUDENSLAGER. Mr. Speaker, I offer a conference report, and I ask unanimous consent for the omission of the reading of the report, and that the statement may be read instead.

The SPEAKER pro tempore. Is there objection?

There was no objection.

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. 17842) "granting a pension to Josephine V. Sparks," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
Managers on the part of the House.

P. J. MCCUMBER,
N. B. SCOTT,
Managers on the part of the Senate.

STATEMENT.

Conference report on disagreeing votes between Senate and House on bill 17842, granting a pension to Josephine V. Sparks.

The House passed this bill at $8 per month, and the Senate amended it to $12 per month. The result of the conference is that the Senate recedes from its amendment, and agrees to the House rate of $8 per month.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
House Conferees.

Mr. LOUDENSLAGER. Mr. Speaker, I move the adoption of the report.

The question was taken; and the report was adopted.

On motion of Mr. LOUDENSLAGER, the motion by which the report was adopted was laid on the table.

Mr. GARDNER of Massachusetts. Mr. Speaker, I want to say a few words to the House about the Jamestown raid, headed by my friend from Virginia [Mr. MAYNARD] on the left. The parliamentary situation was such when the conference on the sundry civil bill came in with that item in it that there was no use trying to beat it. I find that the parliamentary situation has a nasty way of getting in my way lately anyway. [Applause.] When that bill came from the committee——

Mr. MANN. Mr. Speaker, I would like to have the parliamentary status explained now. Has the gentleman asked unanimous consent to proceed?

Mr. GARDNER of Massachusetts. The time was yielded by the Chair.

The SPEAKER pro tempore. The gentleman has two minutes.

Mr. GARDNER of Massachusetts. There is the same parliamentary situation again, Mr. Speaker. It appears against me once more. When I was chairman of the Committee on Industrial Arts and Expositions I opposed that Jamestown raid and the bold buccaneers who came up to scuttle the United States Treasury—and the most delightful lot of buccaneers I ever had anything to do with—and the minority report was written by myself and the gentleman from New York [Mr. SHERMAN] and the gentleman from Kansas [Mr. BOWERSOCK] and the gentleman from New York [Mr. LE FEVRE] and the gentleman from Nebraska [Mr. POLLARD].

You all read it, every one of you, and you knew that the Jamestown appropriation ought not to go through. But I want to put this credit where this credit is due. There is the man who did it. It was not done by the Senators from Virginia. The rules of this House prevented that going onto the sundry civil bill in the House, because it was not the law. In the Senate, with that delightful looseness which they have in their rules, they put this amendment on, and I understand the Senators from Virginia are going to get the credit of it. But it does not belong to them.

Mr. RYAN. Just a question. I would like to ask the gentleman from Massachusetts to whom he refers by saying "this man?"

Mr. GARDNER of Massachusetts. The gentleman from Virginia [Mr. MAYNARD]. [Applause.]

Mr. RUCKER. I want to suggest to the gentleman that having known the gentleman from Virginia [Mr. MAYNARD] a good long while, if there is anything loose about the Capitol, you had better take charge of it or you will lose it.

Mr. GARDNER of Massachusetts. He had the chairman of that committee against him; and not one single time did he attempt to do anything except to put that bill through in the fairest possible way. He had a great many of the authorities of the House against him; and he went ahead with his infernal scheme [laughter], and he carried it through over our heads, and it was not the Senators on the other side who succeeded in getting the measure enacted.

If you will indulge me for a few moments, I want to read something that has recently been brought to my attention in connection with these bold buccaneers who came up under the lead of Mr. Henry St. George Tucker from Norfolk to loot the United States Treasury in this most extraordinary way. [Laughter.]

Last year they came to us with a beautiful camel, and they introduced the nose of the camel inside the tent. [Laughter.] They said it is a harmless camel. It is the king of beasts; and you should all be acquainted with it. We shook hands with the camel, and inserted his nose into the tent, and he got $250,000 on that insertion [laughter]; and then they came this year, and they pretended it was the same old camel, and they wanted to get just a little more, and they only got $1,340,000 more. [Laughter and ironical cries of "shame."]

This was the case of Bully Hayes, the last buccaneer of the South Sea Islands. He bought an abandoned ship of the London Missionary Society. In the locker he found a flag, and on it was inscribed "L. M. S." With that old ship and that old flag, he went down to the South Sea Islands, where the islanders all knew that it was the emblem of the venerable London Missionary Society.

The islanders were familiar with the vessel and the old flag, under which they had gathered many times for song and worship. They flocked on board with shouts of welcome.

Our committee extended a hearty welcome to the eight buccaneers from Norfolk.

This time Bully Hayes led them into the hold for prayers, and as a benediction clapped on the hatches and headed away for the sugar and cotton plantations, where he sold the congregation. [Great laughter and applause.]

The SPEAKER pro tempore. The gentleman from Missouri [Mr. CLARK] is recognized.

[Mr. CLARK of Missouri addressed the House. See Appendix.]

Mr. GAINES of Tennessee. Mr. Speaker, I know that what I shall read the Republicans will enjoy, because it is entitled "When Democracy will die." In reply to the repeated Republican assertion that the Democratic party is dead, I will say that I heard in the House last night a funeral oration over the Democratic party by the Reverend Doctor CUSHMAN that brings a poem to mind. An Old Hickory Democrat has put into verse the following conditions under which and the time when Democracy will die:

WHEN DEMOCRACY WILL DIE.

When the lion eats grass like an ox,
And the fishworm swallows the whale;
When the terrapin knits woolen socks;
And the hare is outrun by the snail;
When serpents walk upright like men,
And doodle bugs travel like frogs;
When the grasshopper feeds on the hen,
And feathers are found on hogs;
When Thomas cats swim in the air,
And elephants roost upon trees;
When insects in summer are rare,
And snuff never makes people sneeze;
When the fish creep over dry land,
And mules on velocipedes ride;
When foxes lay eggs in the sand,
And women in dress take no pride;
When Dutchmen no longer drink beer,
And girls get to preaching on time;
When the billy goat butts from the rear,
And treason no longer is crime;
When the humming bird brays like an ass,
And limburger smells like cologne;
When plowshares are made out of glass,
And hearts of Tennesseans are stone;
When sense grows in Republican heads,
And wool on the hydraulic ram;
Then the Democratic party will be dead,
And this country not worth a d——n.

[Loud applause.]

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee may be permitted to extend his remarks in the RECORD. [Laughter.]

Mr. MANN. On the same subject.

The SPEAKER pro tempore (Mr. CURTIS). The gentleman from Pennsylvania asks unanimous consent that the gentleman from Tennessee [Mr. GAINES] may have leave to extend his remarks in the RECORD, and the gentleman from Illinois [Mr. MANN] supplements that by modifying the request that it be upon the same subject. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GROSVENOR. Mr. Speaker, I have not the lung power of the gentleman from Missouri [Mr. CLARK], and therefore I shall ask the House to listen to me for a few minutes. I will not try to make any fun, and I will try to impress upon the gentleman from Missouri a lesson in political discussion. I know his very great fairness in debate, for I have had a great many opportunities to learn it, but he has taken a little advantage to-night, or else he has misunderstood the logic of the argument which I made, I believe, in January last.

What was it that I was trying to establish—and the gentleman participated in it, as he always does in any speech that I make on the tariff question? I started out with the proposition and put it at the head of that speech, a defense of the author of the Republican platform of 1904, said to have been drafted by the distinguished Senator from Massachusetts [Mr. LODGE], and which declared in substance that whenever we had low tariff we had adversity and whenever we had high tariff we had prosperity. I said then that the statement was a fact underlying every proposition of American history on this vital question, and I say it now, and no man has successfully denied it. [Applause on the Republican side.] I took up the occasions one by one and brought forward the evidence of such writers as were available, and among the rest the statement of Mr. Blaine himself. The gentleman from Missouri [Mr. CLARK] then, as he had done on several other occasions, undertook to quote Mr. Blaine as having spoken in favor of or in vindication of the tariff of 1846. I made the answer at that time, which I have made a score of times in his presence, explaining how it was, in the very language of Mr. Blaine himself, that there was a seeming break in the chain of disaster following a low tariff in the United States.

With that we are all familiar, namely, that there had come the discovery of gold in California, which brought $800,000,000 in gold into circulation in the United States, and as I pointed out the night before last, I might have supplemented that by saying that under a Democratic Administration inside of ten years it all fled except two hundred millions. But I did not go into that branch of the subject. Coming along down to that period of time and to negative his argument which he attempted to support by the quotation from Mr. Blaine, I quoted from James Buchanan, President of the United States, not necessarily as having admitted, as he did not certainly do, that the tariff of 1846 had caused the terrific disaster of 1857, but showing that on each recurring low tariff period we had disaster and hard times, and I argued, first, to show that it was the war with Mexico and the discovery of gold in California that held back the disaster, but at last I showed that in the fall and winter of 1858 by the declaration of a Democratic President, the disaster did come, and I brought forward not as an admission of Mr. Buchanan that it was the tariff alone, or even in part, that brought the disaster, but as an admission of Mr. Buchanan that under a Democratic Administration and at a time when, I stated, we had a low tariff, we had the terrific disaster of 1857.

That is the whole argument, and I am not here to-night at this late period of this session of Congress to again open up and to again debate the whole subject of the tariff. I close where I began. What I stated in January I reiterate now, that there never has been a period of low tariff in the United States of America from the days of Washington to the days of Grover Cleveland that we did not have hard times. [Applause on the Republican side.]

Mr. GOLDFOGLE. Mr. Speaker, at this late hour and on this very warm night I will not attempt to discuss at length or in detail the failure of this Congress to pass much-needed legislation in the interests of the laboring classes of the country. I shall content myself with calling attention to some very important measures which have been urged in the interest of labor, and which, in my judgment, ought to have been long since enacted into law.

But recently there was delivered from the other side of this Chamber an address in which was set forth much of the legislation that has been enacted by this Congress. It was claimed that this legislation had added to the well-being of the country, and had conduced to the continued prosperity of the nation.

It would have been gratifying, indeed, if it could have been pointed out that the National Legislature had done something toward enacting laws which would have conduced to the interests of the laboring masses of the country, or which would have remedied some of the evils and abuses to which the workingmen of the Republic have been subjected.

The eight-hour bill, the enactment of which is demanded by the laboring element of the country, and which is a most just and meritorious measure, was allowed to slumber in the committee room until only a few days ago, when a favorable report upon it was made to the House. That report was made pursuant to the directions of the committee at its meeting in the latter part of May, at which meeting seven members of the committee attended, four being Democrats and three Republicans; and it was only through the action of this Democratic majority present that favorable consideration was secured.

Congress has been in session for six long months, during which time there has been any amount of discussion and ample opportunity to enact the eight-hour law. Within that period those favorable to labor have been unflagging in their endeavors to secure the passage of the bill. Members of this House on this side of the Chamber have urged its enactment. The American Federation of Labor, representing an enormous army of the toilers of the Republic, has been knocking at our doors, insisting upon and imploring for the passage of the bill.

Its able president, Mr. Gompers, and some of his coworkers were painstaking in their efforts and made clear and lucid and masterly arguments before the committee which should have gained favorable action.

Time and time again the numerous friends of labor urged the enactment of the bill, yet a deaf ear was turned to these demands. The majority in control of the committee allowed the bill to slumber. Under the tyrannical and despotic rules of the House the friends of the measure had no redress and could invoke no remedy known to the rules or the procedure of this body which could have secured favorable action on the bill or which could have secured its enactment.

At the closing hours of this session we find ourselves without opportunity to secure a vote upon the bill in the House; and so again the matter is permitted, through the action of the majority in control of this body, to be laid aside, and the purpose of the promoters of the measure is unjustly and grievously defeated.

I am a firm believer in the principles that underlie the eight-hour law. I have always been strongly in favor of an efficient and an effective eight-hour law and an advocate of the principles that underlie the demand for its enactment.

The present eight-hour law has been found ineffective and insufficient to accomplish the purpose of its designers and its framers. It has been in many instances evaded by the officers of the Government, and frequent and persistent violations of it have been allowed to pass without punishment or rebuke.

The Government of the United States should be the very first to set an example to private employers throughout the land through means of legislation that may plainly indicate that eight hours' labor shall constitute a fair day's work. The Government should insist upon all its work—whether done under the direct supervision of its own officers or done through contractors operating under contracts—being done in accordance with the principle that there shall be no more required of any employee than eight hours' labor in a day.

Considerations of public policy require the adoption of the eight-hour law. Only inordinate greed and selfish desire to enrich themselves at the expense of labor animate those who are opposed to the law in their opposition to the measure.

Aside from every other consideration that may be urged in favor of an eight-hour law, it may be truthfully said that the enactment of such a statute and its observance would be conducive to the welfare of the toiling citizen himself.

Considerations of personal comfort, to which every man is entitled by nature's law; consideration of the wellbringing up of family and the improvement of mind, as well as of body, combine to demand the application of the principles underlying the demand for an eight-hour law.

Economic conditions require the enactment of such a statute. A due regard for the advancement of the mental, moral, social and physical improvement of the laboring classes of the country makes the demand for the reduction of the hours of labor to eight hours per day both just and reasonable.

Commissioner Wright, writing on this subject as far back as in 1898, said:

> All such laws (meaning the eight-hour bill) are enacted for the purpose of taking the laboring man from the injurious effects of prolonged physical effort, giving him more time for his personal affairs and more time to devote to the cultivation of his moral and mental powers.

I also quote from the remarks of Mr. McKinley, made in the House in 1890, in the course of which, speaking upon the eight-hour law, he said:

> It must be remembered that when we constitute eight hours a day's work instead of ten hours, every four days give an additional day's

work. To some workingman who may not have any employment at all it is one more day's work, one more day's wages, one more opportunity for work and wages, and increased demand for labor. * * * And the Government of the United States ought finally and in good faith to set this example of eight hours as constituting a day's work required of laboring men in the service of the United States. The tendency of the times the world over is for shorter hours for labor, shorter hours in the interest of health, shorter hours in the interest of humanity, shorter hours in the interest of the home and the family; and the United States can do no better service to labor and to its own citizens than to set the example to States, corporations, and to individuals employing men by declaring that, so far as the Government is concerned, eight hours shall constitute a day's work and be all that is required of its laboring force.

The eight-hour law should be so framed that it will not lie in the power of an administration, or of any officers of the Government, or of any contractor to evade its provisions or to nullify its beneficent effects.

I trust that at the next session of this Congress, which is to begin in the following December, the bill that has been reported through the action of the four Democrats of the Committee on Labor will be enacted into a law, and I repeat my regret that this Congress so far has been heedless and unmindful of the demand that has been made upon it for the enactment of the measure up to the present time.

The writ of injunction as it has been used and enforced in our Federal courts has been the subject of much abuse. In this respect, too, Congress has been deaf to the demands made, not only by the laboring element, but by the thousands and thousands of fair-minded citizens who have observed the usurpation of judicial power.

There ought to be no hesitation to enact legislation throwing around the citizen proper safeguards against the abuse to which this writ may be subjected. It has too frequently been made a mere machine to attack or destroy personal freedom. It has been made the instrument of gross usurpation of power by the courts, and against these dangers we ought carefully to guard by legislation.

In the last May number of the American Federationist, Mr. Andrew Furuseth, speaking on the subject of injunctions, well remarks:

Injunctions used contrary to and destructive of constitutional guaranties of individual freedom are usurpations, whether they take place in a monarchy by the king or in a republic by the judges. The power is the same, its results are the same, and the people that will endure will become serfs, will deteriorate, and die.

Time does not permit the pointing out of the outrageous manner in which some of the judges have abused their power in the issuance of injunctions and in the punishment for their alleged violation. The fact remains that workingmen have been tyrannized over in some jurisdictions through this abuse of the injunction writ and rendered helpless to assert their God-given right to work for whomsoever they pleased and wheresoever they would.

In an able and elaborate argument made by Thomas Carl Spelling, esq., of New York, before the Judiciary Committee of the House in support of the anti-injunction bill, Mr. Spelling makes a statement showing a startling example of the improper use of the injunction writ. He says in that argument:

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. Bearry, told us about. I have with me the wage scale as presented to me by Mr. Frank Morrison, secretary of the American Federation of Labor, now in force in that city, 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.
Floor men and "ad" men: 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 lending aid to the 700. But with the lawyers and detectives and bullies 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 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 capitalists had 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.

Again, Mr. Spelling very forcefully remarks:

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 has 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 am mindful that heretofore some of my colleagues on the Democratic side have called attention to the communication made by the American Federation of Labor in respect to its appeal, and the indifference manifested by the Republican majority in the House toward labor's cause. I wish to emphasize labor's demands by calling attention again to that well-drawn and expressive document which ought to have received respectful heed, but which has so far had no effect upon our present Congress. That document, styled the "Bill of Grievances," is as follows:

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 term 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 constanly 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 mange 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 workman. 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 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. M. Nuse, International Brotherhood of Stationary Firemen.

Christian Schlag, International Brotherhood of Stationary Firemen.

Wm. McPherson, International Carriage and Wagon Workers.

Wm. 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.

Chas. 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.

Wm. Dodge, Paving Cutters' Union of the United States and Canada.

Jas. J. Dunn, Glass Bottle Blowers' Association of the United States and Canada.

Wm. Launer, Glass Bottle Blowers' Association of the United States and Canada.

Frank Feeney, International Union of Elevator Constructors.

Chas. Hank, International Brick, Tile, and Terra Cotta Workers' Alliance.

Henry Nolda, Upholsterers' International Union of North America.

Chas. 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 Maugan, 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.

Organized labor has accomplished much for the toiling masses of the Republic. Individual effort, however well directed, however valuable it may be, can never serve as great a purpose as organized effort made in the same direction.

Most of the reforms brought about in the several States of the Union and in the country itself, through the Federal Legislature, for the relief and for the benefit of the laboring and industrial classes, and which necessarily operate for the benefit of the entire people, have been brought about because of the urgent and repeated and persistent demands of organized labor.

It may well be asserted, as a general rule, that whatever operates to benefit the laboring classes of the country operates toward the benefit of all the people of the land. That which serves to uplift and upbuild the people who toil, goes to promote the general prosperity and welfare of the nation.

Labor in some way and in some form is a mighty contributor to the taxes and the revenue that flow into the Public Treasury. In its last analysis taxation falls upon labor itself.

Some years ago upon this floor I said, and I desire to repeat it now, that I agreed fully with a great writer on the subject, who declared that "Taxation reaches down to the base, but the base is labor, and labor pays all."

Hence it is the laboring man, it is the laboring element, it is the great army of those who toil and sweat, those who produce something through their genius, their brawn, or brain, who stand at the portals of Congress demanding remedial legislation as citizens of the Republic. They come—as they have a right to come—in their dual capacity as citizens and as taxpayers, as men who contribute by their labor, their thrift, their industry, and their work to the general welfare of the country.

In these closing hours of Congress, no appeal, of course, can be productive of results at this session; but I deem it a duty, as well as I esteem it a pleasure, to stand here to lend my voice in aid of labor's demand for such legislation as may contribute to the welfare of the vast army of toilers and wage-earners of the land.

The Republican majority of this House, in whose power it was to pass the legislation necessary for the proper protection

of labor, must remember that in the end they must all answer to the people at the polls. Every Member of this House will in a few months more be called upon to render unto his constituency an account of his stewardship. When that time comes, the laboring man, the wage-earner, the toiler, as well as the rest of our citizenship, under the protection of the Constitution of the Republic, will exercise his sovereign right as a citizen in the selection of Representatives to sit in the Congress of the United States.

Let them then choose between those who have been indifferent to their demands on the one hand and those who have been friendly to them on the other.

From the Democratic side of the Chamber, with a consistency that has always marked the Democratic party in standing for the interests of the masses of the country, have come earnest appeals for remedial labor legislation. From the other side of the Chamber has come the silence that tells of indifference and opposition.

Let those who had it in their power to enact legislation for the common good, for the toilers of the country, for the wage-earners of the land, remember that they will be held responsible for their inaction by the people. When the test shall be made—as it must be made—at the polls, let those in the ranks of labor, let those who are the honest friends of labor, those who realize that—

Princes and kings may flourish and may fade;
A breath has made them, as a breath can make;
But a bold working class, their country's pride,
When once destroyed can never be supplied—

judge those for whom they are to cast their suffrage, not by promises or by empty professions, but by their deeds; by the evidences they have given of their steadfastness of purpose and of their sincerity of action.

RAILROAD RATES.

Mr. TOWNSEND. Mr. Speaker, I ask to take from the Speaker's table Senate joint resolution 72.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table Senate joint resolution 72. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (S. R. 72) fixing the date upon which the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June —, 1896, shall go into effect.

Resolved, etc., That the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," shall take effect and be in force sixty days after its approval by the President of the United States.

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

Mr. TOWNSEND. I move the adoption of the resolution.

The resolution was agreed to.

Mr. TOWNSEND. Mr. Speaker, I now move to amend the title.

The SPEAKER. The Clerk will report the amendment amending the title.

The Clerk read as follows:

Amend the title by striking out all after the word "June," in line 5, and insert the following: "29, 1906, shall go into effect."

The SPEAKER. The question is on agreeing to the amendment to the title.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2668. An act to regulate the retirement of certain veterans of the civil war;

S. 2699. An act for the relief of Robert F. Scott;

S. 5868. An act changing the names of Brightwood avenue and Georgia avenue; and

S. 6468. An act ceding certain land appertaining to the post-office building at Reno, Nev., for use as a street.

PAYMENT OF CERTAIN EMPLOYEES.

Mr. SOUTHWICK. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay, from the contingent fund of the House, to the persons employed, respectively, as Deputy Sergeant-at-Arms in charge of pairs, clerk in charge of pairs, and the special chief page, designated as a "Deputy Sergeant-at-Arms," the difference between the compensation now paid them by law at the rate of $1,400 per annum and the rate of $1,600 per annum until the end of the present fiscal year or until otherwise provided for by law.

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, I desire to know if that resolution has been reported from any committee.

The SPEAKER. The Chair understands not.

Mr. BARTLETT. Well, Mr. Speaker, I desire to say that resolution and another resolution looking to increasing the pay of various employees of the House have been before the Committee on Accounts and have been considered by them and have not been reported. Now, while I have no objection to permit the House to consider the question of increasing the pay of its employees, if it desires to do so, I do not think that certain employees ought to be singled out to the exclusion of others. There are other resolutions pending asking for an increase to other employees of the House.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. HENRY of Texas. What clerks are these?

Mr. BARTLETT. They are three pair clerks.

Mr. SULZER. Why not take them all in?

Mr. BARTLETT. That is my proposition exactly.

Mr. HENRY of Texas. There are two more?

Mr. BARTLETT. There are three more.

The SPEAKER. Does the gentleman from Georgia object?

Mr. SULZER. I move to amend by taking in the other three clerks.

The SPEAKER. Why, it is unanimous consent to consider this resolution.

Mr. BARTLETT. Now, Mr. Speaker, I do not intend that this shall be considered in this way, familiar as I am with what was done in the Committee on Accounts.

The SPEAKER. The gentleman from Georgia objects.

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 gentleman from Indiana [Mr. CHARLES B. LANDIS] asks unanimous consent for the present consideration of a joint resolution, the title of which the Clerk will report.

The Clerk read as follows:

Joint resolution authorizing the purchase of the manuscript of a digest of the United States customs laws and decisions.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I ask for a rereading of the resolution.

The SPEAKER. The Clerk will read.

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.

Mr. TAWNEY. Mr. Speaker, I desire to ask the gentleman from Indiana [Mr. CHARLES B. LANDIS] for information as to the ownership of this manuscript at the present time.

Mr. CHARLES B. LANDIS. This manuscript was prepared by a gentleman named Robert Cousar, and it is now——

Mr. TAWNEY. Mr. Speaker, I reserve the right to object.

Mr. CHARLES B. LANDIS. And it is now in the hands of the Secretary of the Treasury.

Mr. TAWNEY. Has it been printed?

Mr. CHARLES B. LANDIS. It has never been printed. I would say that no digest of the decisions of the courts and the board of appraisers for the period covered by this manuscript has ever been printed. This particular period has never been covered. And the Secretary of the Treasury and the board of appraisers have earnestly recommended this publication.

Mr. TAWNEY. Has the Secretary of the Treasury recommended it?

Mr. CHARLES B. LANDIS. Very strongly.

Mr. PAYNE. Mr. Speaker, I would like to have read a telegram from the Secretary of the Treasury in response to one I sent this afternoon.

The SPEAKER. Without objection, the Clerk will report.

The Clerk read as follows:

WASHINGTON, D. C., *June 29, 1906.*

Hon. SERENO E. PAYNE,
House of Representatives.:

The Coursar's manuscript of digest of customs decisions was reliable and valuable when made. The author is dead and the work needs bringing up to date. The Department has, in fact, used it for a few years, and I think it is due the widow that we buy the manuscript for $1,000 at least.

L. M. SHAW.

Mr. TAWNEY. Mr. Speaker, as I understand, this resolution provides for paying $2,000 for this manuscript. In the judgment of the Secretary of the Treasury not to exceed $1,000 should be paid.

Mr. WILLIAMS. One thousand at least.

Mr. TAWNEY. Mr. Speaker, I object to the consideration of the resolution at that rate.

Mr. CHARLES B. LANDIS. I will say, Mr. Speaker, in the light of that telegram, that the value of this manuscript, as given to the Committee on Printing, was placed in the sum that is carried in the joint resolution, and our information as to its value came from the Treasury Department.

The SPEAKER. Objection is made.

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. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

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 to the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

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

S. 6338. An act to amend section 2 of an act entitled "An act to incorporate the convention of the Protestant Episcopal Church of the diocese of Washington;"

S. 4317. An act to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897; and

S. 5565. An act to close certain alleys in the District of Columbia.

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

Resolved by the Senate (the House of Representatives concurring), That the conferees on the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, be directed to add to said bill an item of $100,000 toward the construction of a public building at Albuquerque, N. Mex.

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. 4317. An act to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897—to the Committee on the District of Columbia.

S. 5565. An act to close certain alleys in the District of Columbia—to the Committee on the District of Columbia.

S. 6338. An act to amend section 2 of an act entitled "An act to incorporate the convention of the Protestant Episcopal Church of the Diocese of Washington—to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 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;

H. R. 14396. An act to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce;

H. R. 20407. An act to authorize the Baldwin and Dague Lumber Company to construct a bridge across the St. Francis River, in Arkansas.

H. R. 3933. An act granting a pension to James P. Flewellen;

H. R. 19755. An act to authorize the Secretary of the Navy to loan temporarily to the Philippine government a vessel of the United States Navy for use in connection with nautical schools of the Philippine Islands;

H. R. 7235. An act granting an increase of pension to Abel W. Payne; and

H. R. 8867. An act granting an increase of pension to George Stillman.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6209. An act authorizing certain changes in the permanent system of highways in the District of Columbia.

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. R. 12323. An act 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, and for other purposes;

H. R. 17740. An act granting an increase of pension to Charles M. Sexton;

H. R. 6495. An act granting an increase of pension to Phineas Hyde;

H. R. 20461. An act to reinstate Kenneth G. Castleman as a lieutenant in the Navy;

H. R. 20173. An act to authorize Henry T. Henderson and his associates to divert the waters of Little River, in the State of Alabama, from the lands of the United States for use of electric light and power plant;

H. R. 11932. An act to grant American registry to the bark *Homeward Bound;*

H. J. Res. 153. Joint resolution directing the Interstate Commerce Commission to investigate and report on block-signal systems, and appliances for the automatic control of railway trains;

H. J. Res. 43. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth at Leavenworth, Kans.;

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

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;

H. R. 14396. An act to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce;

H. R. 20407. An act to authorize the Baldwin and Day Lumber Company to construct a bridge across the St. Francis River in Arkansas;

H. R. 17714. An act to authorize the commencement and conduct of legal proceedings under the direction of the Attorney-General;

H. R. 13142. An act for the relief of Daniel B. Murphy;

H. R. 4279. An act to correct the military record of Wilbur C. Stephens;

H. R. 20290. An act to amend the river and harbor act of March 3, 1905;

H. R. 20176. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri;

H. R. 16670. An act to indemnify Edgar P. Swett;

H. R. 20175. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri; and

H. R. 10501. An act to incorporate the National Educational Association of the United States.

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. 6468. An act ceding certain land appertaining to the post-office building at Reno, Nev., for the use as a street—to the Committee on Public Buildings and Grounds.

S. 5868. An act changing the names of Brightwood avenue and Georgia avenue—to the Committee on the District of Columbia.

S. 2699. An act for the relief of Robert F. Scott—to the Committee on Claims.

S. 2668. An act to regulate the retirement of certain veterans of the civil war—to the Committee on Military Affairs.

PUBLIC BUILDING BILL.

Mr. BARTHOLDT. Mr. Speaker, I desire to present a conference report and ask that the House agree to the same.

The SPEAKER. Is there a statement with the report?

Mr. BARTHOLDT. And I desire to ask unanimous consent, Mr. Speaker, that instead of a written statement I may be permitted to make an oral report and statement.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] presents a conference report on the bill of which the Clerk will read the title.

The Clerk read the title.

The conference report is 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. 20410) entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 7, 8, 9, 10, 23, 28, 34, 36, 37, 41, 42, 46, 47, 48, 52, 55, 59, 60, 61, 62, 63, 65, 66, 68, 69, 74, 79, 80, 82, 89, 93, 97, 98, 109, 121, 123, 127, 128, 129, 130, 131, 132, 145, 148, 156, 157, and 158.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 12, 13, 15, 16, 18, 19, 20, 22, 24, 25, 26, 29, 31, 32, 33, 35, 39, 43, 45, 49, 51, 53, 56, 57, 64, 67, 71, 72, 75, 76, 85, 86, 87, 88, 90, 91, 94, 95, 99, 100, 101, 102, 103, 104, 105, 107, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 122, 124, 125, 126, 133, 134, 135, 136, 137, 140, 141, 142, 143, 144, 147, 154, 160, and 162; and 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: After the word "post-office" insert the words "and court-house;" strike out the words "government buildings" and insert in lieu thereof the words "governmental offices;" so that said section shall read as follows:

"United States post-office and court-house and other governmental offices at San Juan, Porto Rico, three hundred 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: After the word "hundred" insert the words "and twenty;" so that said section shall read as follows:

"United States post-office, custom-house, and land office at Eureka, California, one hundred and twenty thousand dollars."

And the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: Strike out the word "sixty" and insert in lieu thereof the word "fifty-five;" so that said section shall read as follows:

"United States post-office at Manistee, Michigan, fifty-five thousand dollars."

And the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out the words "one hundred and fifty" and insert in lieu thereof the words "two hundred;" so that said item shall read as follows:

"United States post-office, court-house, and land office at Great Falls, Montana, two hundred 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 the words "eighty-five" and insert in lieu thereof the word "eighty;" so that same shall read as follows:

"United States post-office at Kearney, Nebraska, eighty thousand 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: Strike out the word "sixty-five" and insert in lieu thereof the word "seventy;" so that same shall read as follows:

"United States post-office at Olean, New York, seventy thousand dollars."

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: Strike out the word "fifty" and insert in lieu thereof the word "seventy," making said amendment read as follows:

"United States post-office at Yonkers, New York, one hundred and seventy thousand dollars."

And the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: Strike out the word "seventy-five" and insert in lieu thereof the word "eighty," making said amendment read as follows:

"United States post-office and other governmental offices at Lead, South Dakota, eighty thousand dollars."

And the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: After the word "post-office" insert the words "and court-house;" so that said amendment shall read as follows:

"United States post-office and court-house at Sheridan, Wyoming, one hundred and fifty thousand dollars."

And the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: On page 42 of the bill, after line 7, insert the following:

"SEC. —. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site for the United States post-office and other governmental offices at Oklahoma City, Territory of Okalahoma: *Provided*, That thirty thousand dollars of the fifty thousand dollars heretofore appropriated for the acquisition of a suitable site and the erection and completion of a building thereon at said city shall be available for the acquisition, by purchase, condemnation, or otherwise, of a site only at Oklahoma City, Territory of Oklahoma."

And the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: On page 42 of the bill, line 18, after the word "condemnation," insert the words "or otherwise;" and the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: Strike out the word "ten" and insert in lieu thereof the word "twenty;" and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: Strike out the word "ten" and insert in lieu thereof the word "fifteen;" and the Senate agree to the same.

And disagree on the following amendments, numbered 5, 11, 14, 17, 21, 27, 30, 38, 40, 54, 58, 70, 108, 120, 146, and 159.

RICHARD BARTHOLDT,
EDWIN C. BURLEIGH,
J. H. BANKHEAD,
Managers on the part of the House.

N. B. SCOTT,
F. E. WARREN,
C. A. CULBERSON,
Managers on the part of the Senate.

The SPEAKER. The gentleman asks unanimous consent that in lieu of a written statement he may make a verbal statement, and also to dispense with the reading of the report. Is there objection?

There was no objection.

Mr. BARTHOLDT. Mr. Speaker, the conferees of the two Houses on the public building bill agree on all the items contained in that bill except fourteen items, which are as follows:

The New York custom-house; the New York assay office; Detroit (Mich.) post-office; Columbus (Ohio) post-office; Chattanooga post-office building; Cedar Rapids, Mich.; Oklawaha, Fla.; Des Moines, Iowa; Fernandina, Fla.; Moscow, Idaho; Denver, Colo.; Minneapolis, Minn., and Richmond, Va., and last,

but not least, the three-million-dollar proposition which contemplates the purchase of two blocks of land in the District of Columbia for the purpose of erecting a Department building.

The opinion of the conferees of the House is that there will be no difficulty in agreeing upon all these items. We would like to get the judgment of the House upon the main proposition, which has proved a stumbling block in our conference, namely, the $3,000,000 proposition. And on that, Mr. Speaker, I would like to get the judgment of the House.

The SPEAKER. Does the Chair understand that there is an agreement on all except the item specified? If so, the first thing to do would be to dispose of the report.

Mr. BARTHOLDT. Mr. Speaker, I move to adopt the report.

The SPEAKER. The question is on the adoption of the conference report.

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

Mr. BARTHOLDT. Mr. Speaker, I move to further insist on the disagreement of the House on the disagreeing votes of the two Houses on the amendments in disagreement, as specified, and ask for further conference.

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

The SPEAKER. Does the gentleman now desire to agree to the further conference requested by the Senate?

Mr. BARTHOLDT. Yes.

The SPEAKER. If there be no objection, the request of the Senate for a conference will be agreed to.

There was no objection.

Mr. TAWNEY. Mr. Speaker, I offer the following resolution:

The Clerk read as follows:

Resolved, That it is the sense of the House that the conferees on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 20410 do not agree to Senate amendment numbered 159, being an appropriation for the purchase of a site in the District of Columbia, at a cost of $3,000,000.

Mr. TAWNEY. Mr. Speaker, in support of that resolution I wish to state to the House that there is no doubt of the correctness of the statement of the gentleman from Missouri [Mr. BARTHOLDT] that this proposition, to appropriate $3,000,000 for the purchase of a site for a departmental building, is the principal if not the sole obstacle in the way of agreement between the two Houses. I confidently believe that if the House will adopt this resolution by a large majority, as I believe it will, the work of the conferees will be materially facilitated, and an agreement will be brought about much earlier than could otherwise be accomplished. And, Mr. Speaker, I wish to say further that in view of the construction that we have heretofore authorized here in the District of Columbia during the last four years, as compared with the construction authorized in the remainder of the United States, there is no justification whatever for our appropriating a dollar at this session for the construction of any new building in this city.

We have to-day in course of construction in this city eleven public buildings. All of them have been authorized since June 6, 1902. The limit of cost of those eleven buildings is $18,051,300. During that same time Congress has authorized the construction of buildings throughout the remainder of the United States in an amount aggregating $24,504,809. The unappropriated balance of the $18,000,000 heretofore authorized for construction in this city equals the aggregate amount carried in the sundry civil bill at this session of Congress for all other public-building construction throughout the Union. That being the case, Mr. Speaker, I can see no justification whatever for our now appropriating $3,000,000 for the purchase of this site, which means an ultimate expenditure for public buildings that will aggregate at least $12,000,000, if not $15,000,000, and thus prevent the appropriation of money for the erection of buildings in other parts of the United States, where buildings are just as essential as they are in the District of Columbia. [Applause.]

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

Mr. TAWNEY. Mr. Speaker, I call for a division, in order that we may have a count on this vote.

The House divided; and there were—ayes 225, noes none.

Accordingly the resolution was agreed to.

The announcement of the result was received with applause.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to print in the RECORD a statement concerning the public buildings in the District of Columbia now under construction, to which I have referred.

The SPEAKER. If there be no objection, the request will be granted.

The statement is as follows:

	Limit of cost.	Appropriations to date.	Appropriations this session.	Balance.
Municipal building	$2,500,000	$1,450,000	$500,000	$550,000
Police court building	75,000	75,000		
National Museum building	3,500,000	1,750,000	500,000	1,250,000
Agricultural Department building	1,500,000	950,000	300,000	250,000
Hall of Records	2,000,000	5,000		1,955,000
Addition to Post-Office Department building	400,000	400,000		
Power house for Capitol and other buildings	926,300	493,000		433,300
Office building, House of Representatives	3,100,000	2,300,000	500,000	300,000
Office building, United States Senate	2,250,000	1,330,000		920,000
New Union Station	1,500,000	1,500,000		
Total	17,751,300	10,253,000	1,800,000	5,658,300
Freedmen's Hospital	300,000			
Total	18,051,300			

During the same period, since June 6, 1902, public buildings have been authorized throughout the United States and outside of the District of Columbia at a total cost of only $24,504,809.

The SPEAKER appointed as conferees on the part of the House Mr. BARTHOLDT, Mr. BURLEIGH, and Mr. BANKHEAD.

PUBLIC BUILDING, ALBUQUERQUE, N. MEX.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to consider the resolution passed by the Senate a few minutes ago, in relation to the public building at Albuquerque, N. Mex.

The SPEAKER. The gentleman from Missouri asks unanimous consent for present consideration of the following concurrent resolution of the Senate, which the Clerk will read:

The Clerk read as follows:

IN THE SENATE, *June 29, 1906.*

Resolved by the Senate (the House of Representatives concurring), That the conferees on the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, be directed to add to said bill an item of $100,000 toward the construction of a public building at Albuquerque, N. Mex.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

APPROPRIATION FOR PUBLIC BUILDINGS.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. At the beginning of the session this evening both Houses adopted a concurrent resolution instructing the conferees on the general deficiency bill to include in their final report appropriations for the public buildings authorized in the public building bill, which is now in conference between the two Houses, after agreement had been reached. Now, if this report on the general deficiency bill is agreed to, in what manner then will the appropriation be cared for?

The SPEAKER. Did the Senate pass the concurrent resolution?

Mr. TAWNEY. Yes.

The SPEAKER. And subsequently agreed to the conference report on the deficiency bill, and that is the final report. If the Chair may suggest to the gentleman, if the report is agreed to the engrossment and enrollment of the bill could be completed, and the Chair will suggest to the gentleman for his consideration that when the public-building bill is reported that perhaps the easiest and shortest way would be a deficiency bill that would cover the items in the public-building bill.

Mr. TAWNEY. Very well; I simply wanted the House to understand the situation.

CONFERENCE REPORT ON GENERAL DEFICIENCY BILL.

Mr. LITTAUER. Now, Mr. Speaker, I call up the conference report on the general deficiency bill, and ask that the report be read. There is no statement. It is a general agreement on all the items.

The SPEAKER. The gentleman from New York calls up the conference report on the bill (H. R. 20403) making appropriations to supply deficiencies, and asks unanimous consent that the report only be read. Is there objection?

There was no objection.

The Clerk read the conference report, 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.

20403) making appropriations to supply the deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, 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 9, 12, 15, 16, 21, 24, 38, 39, 52, 53, 54, and 94.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 10, 11, 13, 14, 17, 18, 19, 20, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, and 93, and 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 1 of said amendment strike out the word "day;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert: "two hundred and fifty dollars;" 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 lines 7 and 8 of said amendment omit the words ", to be expended only for service rendered in the District of Columbia;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendments of the Senate numbered 69, and agree to the same with an amendment as follows: In line 12 of said amendment, after the word "Numbered," insert "Five hundred and twelve;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "China," insert "to be available during the fiscal year nineteen hundred and seven;" and the Senate agree to the same.

LUCIUS N. LITTAUER,
J. A. TAWNEY,
S. BRUNDIDGE, Jr.,
Managers on the part of the House.

EUGENE HALE,
J. H. GALLINGER,
JAMES H. BERRY,
Managers on the part of the Senate.

The conference report was agreed to.

PUBLICATION OF DIGEST OF UNITED STATES CUSTOMS LAWS AND DECISIONS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. CHARLES B. LANDIS. This afternoon, as chairman of the Committee on Printing, I presented a joint resolution providing for the publication of a digest of United States customs laws and decisions. To my request for unanimous consent the gentleman from New York [Mr. PAYNE] objected. Later I went to Mr. PAYNE and asked him the basis of his objection. He stated that he did not think the publication was justified. I told him it was recommended by the Secretary of the Treasury. He said he thought it must have been recommended by the Secretary without due consideration, and said he would telegraph the Secretary of the Treasury for information on the subject.

Before the House took recess I went to Mr. PAYNE again and asked him if he had received an answer to his telegram, and he said he had not, and that in his opinion his telegram had reached the Department after the Department had closed.

I then explained the matter further, and he stated that he would not object if I again asked for the consideration of the joint resolution. Relying upon his statement, and receiving no information whatever in relation to the telegram read, I again offered the joint resolution, and asked unanimous consent for its consideration. I was very much surprised indeed when the gentleman from New York arose and sent to the Clerk's desk the telegram from the Secretary of the Treasury, which has just been read in the hearing of the House. In view of the reading of the telegram I ask that the following letter from the Secretary of the Treasury, under date of January 8, 1906, be read.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 8, 1906.

The CHAIRMAN OF THE COMMITTEE ON PRINTING,
House of Representatives.

SIR: On February 6, 1902, a joint resolution (143) "to provide for the printing of a digest of the United States customs laws and decisions" was introduced by Mr. Metcalf, and referred to your committee. A similar joint resolution was introduced by Mr. LANDIS during the second session of the Fifty-eighth Congress. These resolutions provide in effect for the printing of a stated number of copies of a digest prepared by Robert M. Cousar, and appropriate a sum not to exceed $3,000 in payment therefor.

This is the only digest known to the Department that is so arranged that the decisions of the courts and the Board of United States General Appraisers appear under the respective paragraphs of the tariff.

I am of the opinion that this digest brought down to January 1, 1904, when the Department began the publication in "Treasury Decisions" of court cases, would be useful in the administration of the customs laws, and have the honor to recommend that provision be made for its completion and editorial supervision by such person or persons as may be designated by this Department, $1,000 of the $3,000 appropriated to be paid for this work, and the balance of $2,000 to be paid to the widow of Mr. Cousar.

Respectfully, L. M. SHAW, *Secretary.*

Mr. CHARLES B. LANDIS. I submit, Mr. Speaker, that the honorable Secretary of the Treasury, in the light of this letter and telegram, was either too high in January or too low in June. I would call the attention of the House to the fact that in his letter the Secretary of the Treasury recommends an appropriation of $3,000 for this publication. The Committee on Printing conferred with the Treasury Department with special reference to the $1,000 asked for bringing the publication down to date and received the assurance that if we would make an appropriation of $2,000 the work would be brought down to date by the Treasury Department, and it would cost the Government nothing. Upon that representation and at the urgent request of the chief of the customs division the Committee on Printing presented this joint resolution. I would say in addition that the Committee on Printing was visited on several occasions by members of the Board of Appraisers of New York City, urging the speedy passage of this joint resolution.

Mr. PAYNE. Will the gentleman yield?

Mr. CHARLES B. LANDIS. Yes.

Mr. PAYNE. Mr. Speaker, I don't know exactly what fault the gentleman is finding with me. I went out and telegraphed, as I agreed, to the Department. I received word that the Department was closed and they could not get any answer. Subsequently I did receive a telegram from the Western Union Telegraph Company, which telegram was read here. I thought it ought to go in for the information of the House. I have no apologies whatever to make for it.

Mr. CHARLES B. LANDIS. Mr. Speaker, I would say that I am not asking the gentleman for any apologies, but I think, in view of the fact that he knew I was going to call up this joint resolution again and ask for unanimous consent to consider it, and in view of the assurance that he had given me, he ought to have informed me of the receipt of that telegram.

Mr. PAYNE. I want to say to the gentleman that I received the telegram after I went to my dinner. I came back here and almost immediately the gentleman attempted to call up his resolution, and the gentleman from Illinois [Mr. MANN] objected.

Mr. MANN. Will the gentleman from Indiana yield to a question?

Mr. CHARLES B. LANDIS. I will.

The SPEAKER. This colloquy is proceeding by unanimous consent. Is there objection to its proceeding further? [After a pause.] The Chair hears none.

Mr. MANN. I think the gentleman has possibly misinterpreted the telegram. When the gentleman from Indiana [Mr. CHARLES B. LANDIS] asked unanimous consent for its consideration at one time this evening I objected. The gentleman from New York [Mr. PAYNE] showed me the telegram, and it was after that that I stated I would withdraw my objections.

The telegram from the Secretary of the Treasury to the gentleman from New York refers only to the manuscript eight years back, whereas the $2,000 provided for in the resolution presented by the gentleman from Indiana, as I understand it, provides for bringing the manuscript down to date, so that the digest comes down to dat , and while the Secretary of the Treasury states that $1,000 is the value of the manuscript as it stands, he still adheres to his original opinion that it will require $1,000 to bring it down to date.

Mr. CHARLES B. LANDIS. The gentleman is in error. The sum of money recommended by the committee contemplates payment to the widow, and there will be no cost whatever for bringing the digest down to date. The $3,000 recommended by the Secretary of the Treasury contemplated that $2,000 of that should go to the widow and a thousand dollars of it toward bringing it down to date.

Mr. MANN. I think the gentleman from Indiana still does not understand the position I call his attention to. While the resolution contemplates paying the widow the $2,000, it also contemplates that the widow or some one acting for her shall bring the digest down to date to the satisfaction of the Secretary of the Treasury.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Illinois that assurances have already been given that the Department will bring it down to date, and there will be no cost whatever to the Government.

Mr. MANN. That is what I say; that it is covered by the $2,000, whereas the telegram to the gentleman from New York did not refer to bringing it down to date. So that there is no conflict here at all.

Mr. PAYNE. I want to call the attention of the gentleman from Indiana to one other thing, and that is that the telegram said it was worth at least $1,000.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of this joint resolution.

The SPEAKER. Is there objection?

Mr. JOHNSON. Was the gentleman who prepared this digest in the employ of the Treasury Department when he prepared it?

Mr. CHARLES B. LANDIS. I could not say whether he was or not.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the House joint resolution.

The question was taken; and the resolution was ordered to be engrossed and read a third time, read the third time, and passed.

RECESS.

Then, on motion of Mr. PAYNE (at 12 o'clock and 19 minutes a. m.), the House took a recess until 10 o'clock and 55 minutes a. m. to-day.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the harbor of San Juan, P. R., was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

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. GAINES of West Virginia, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the bill of the House (H. R. 19515) providing for publicity in election expenditures, reported the same with amendment, accompanied by a report (No. 5082); which said bill and report were referred to the House Calendar.

Mr. McCLEARY of Minnesota, from the Committee on the Library, to which was referred the bill of the House (H. R. 20406) to erect a monument on the Tippecanoe battle ground, in Tippecanoe County, Ind., reported the same without amendment, accompanied by a report (No. 5083); which said bill and report were referred to the Coumittee of the Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 15845) to declare a certain portion of the White River unnavigable, reported the same without amendment, accompanied by a report (No. 5084); 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. 15902) to declare the James River, in Stone County, Mo., unnavigable, reported the same without amendment, accompanied by a report (No. 5085); which said bill and report were referred to the House Calendar.

Mr. MUDD, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 20020) authorizing the Secretary of the Navy to contract for the construction of a floating steel dry dock, reported the same without amendment, accompanied by a report (No. 5090); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 19275) for the relief of T. E. Boyt, reported the same without amendment, accompanied by a report (No. 5091); 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. PATTERSON of South Carolina: A bill (H. R. 20480) to repeal section 3480 of the Revised Statutes of the United States—to the Committee on the Judiciary.

Also, a bill (H. R. 20481) to confer jurisdiction upon the Court of Claims to hear and determine the claims of churches, lodges, and educational or eleemosynary institutions arising from the late civil war—to the Committee on War Claims.

Also, a bill (H. R. 20482) providing that the question of loyalty be not considered in certain cases before the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 20483) to revive the right of action under the captured and abandoned property acts, and for other purposes—to the Committee on War Claims.

Also, a bill (H. R. 20484) to amend the Bowman Act, volume 22, Statutes at Large, page 485—to the Committee on War Claims.

Also, a bill (H. R. 20485) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways and to provide for national aid in the improvement of the public roads—to the Committee on Agriculture.

By Mr. SPARKMAN: A bill (H. R. 20486) prescribing a uniform box or crate for interstate shipment of oranges and grape fruit—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON of South Carolina: Joint resolution (H. J. Res. 185) directing the Secretary of Agriculture to cause a survey and investigation to be made of the swamp and tidal lands of the Second Congressional district of South Carolina, to determine the feasibility and cost of leveeing and draining said lands, and the benefits to agriculture and the public health which would result therefrom—to the Committee on Agriculture.

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. AIKEN: A bill (H. R. 20487) granting an increase of pension to Louisa Brown—to the Committee on Pensions.

Also, a bill (H. R. 20488) granting an increase of pension to Martha A. Carroll—to the Committee on Pensions.

By Mr. AMES: A bill (H. R. 20489) granting an increase of pension to Josiah B. Kinsman—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 20490) for the relief of Frank J. Ladner—to the Committee on the Public Lands.

By Mr. DIXON of Indiana: A bill (H. R. 20491) granting an increase of pension to Eliza B. Bond—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 20492) to correct the military record of Samuel F. Hedges—to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 20493) granting an increase of pension to Charles F. Connery—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 20494) for the relief of Mrs. M. F. Charlton, T. B. Latham, of Stewart County, Tenn., and Miss M. E. Latham, of Ensley, Ala.—to the Committee on War Claims.

By Mr. GOULDEN: A bill (H. R. 20495) for the relief of Hugh H. Moore—to the Committee on Military Affairs.

Also, a bill (H. R. 20496) for the relief of Matthew H. Moore—to the Committee on Military Affairs.

By Mr. KEIFER: A bill (H. R. 20497) granting a pension to Mary Williams—to the Committee on Pensions.

By Mr. McLACHLAN: A bill (H. R. 20498) for the relief of Daniel Conner—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 20499) granting an increase of pension to Michael Pendergrast, alias Michael Blake—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 20500) for the relief of the heirs of Joseph G. Thorpe, deceased—to the Committee on War Claims.

By Mr. POU: A bill (H. R. 20501) granting a pension to Mrs. Stapleton Hayes—to the Committee on Pensions.

By Mr. REEDER: A bill (H. R. 20502) granting an increase of pension to Samuel B. Weeks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20503) granting an increase of pension to Nancy Lee—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 20504) granting a pension to Susan Jacobs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20505) granting a pension to Thomas R. Woodrough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20506) granting a pension to William H. Waltman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20507) to correct the military record of Myron T. Palmer—to the Committee on Military Affairs.

By Mr. LOUD: A bill (H. R. 20508) to classify and bond pay officers' clerks—to the Committee on Naval Affairs.

PETITIONS, ETC.

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

By Mr. AIKEN: Paper to accompany bill for relief of Martha A. Carroll and Louise Brown—to the Committee on Pensions.

Also, petition of people of upper Savannah, Tugaloo, and Seneca rivers, for appropriation to deepen the Savannah, Seneca, and Tugaloo rivers—to the Committee on Rivers and Harbors.

By Mr. BARTLETT: Petition of Georgia State Dental Association, for S. 2355, to reorganize the corps of dental surgeons in the Army—to the Committee on Military Affairs.

By Mr. FULLER: Paper to accompany bill for relief of Charles T. Connery—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of heirs of W. S. Latham—to the Committee on War Claims.

By Mr. KNAPP: Petition of citizens of Redfield, N. Y., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOWLAND: Paper to accompany bill for relief of Conrad Hyne—to the Committee on Military Affairs.

By Mr. McLACHLAN: Paper to accompany bill for relief of Daniel Conner—to the Committee on Claims.

By Mr. MAHON: Paper to accompany bill for relief of Mrs. Charles F. Kulicke, widow of Charles F. Kulicke—to the Committee on War Claims.

By Mr. MOON of Tennessee. Paper to accompany bill for relief of W. H. Bean—to the Committee on Claims.

By Mr. POU: Petition of W. J. Bailey, Raleigh, N. C., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Kinly Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of Travelers' Protective Association of America, against exceptions favorable to express companies in the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: Petition of Board of Trade of Chicago, for Government inspection of meat packing products—to the Committee on Agriculture.

Also, petition of Tri County Bulletin, Grand Rapids, Ohio, for amendment of postal laws making legal all paper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of New York State commission to the Jamestown Tercentennial Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of the New Immigrants' Protective League, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *June 30, 1906.*

The Senate met at 10 o'clock a. m.

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

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

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM UTAH.

Mr. BURROWS. Mr. President, I ask permission to make a brief statement.

The VICE-PRESIDENT. Without objection, permission is granted.

Mr. BURROWS. When the Committee on Privileges and Elections made its report in the matter of the senior Senator from Utah [Mr. SMOOT] it was the desire and purpose of the committee to bring the matter before the Senate and dispose of it at the present session. The public business, however, has been so pressing and the necessity of passing the usual appropriation bills before the close of the fiscal year so urgent, and owing to the great importance of the questions involved in the report of the Committee on Privileges and Elections, it has been impossible to bring it to the attention of the Senate.

I desire to give notice that as it is a privileged matter, I shall call it up on the first day of the session in December, and ask the Senate to proceed with it to its conclusion.

ISTHMIAN EXPOSITION AT TAMPA, FLA.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

Whereas it is fitting that the commencement of the work on the Panama Canal should be celebrated in a suitable manner to the end that the importance of this great isthmian waterway may be accentuated and the sentiment in favor of its early completion fostered and kept alive; and

Whereas the city of Tampa, in the State of Florida, by reason of its being farther to the southward and nearer to said canal than any other city in the country, having a deep and commodious harbor, reached by ample railroad facilities, as also on account of its salubrious climate and the spirit of American progress among its citizens, manifest in the rapid growth and development of the city and her commerce, affords a suitable place for such an exhibition; and

Whereas it has been determined to hold such an exposition at Tampa, Fla., during the months of January, February, March, April, and May, A. D. 1908; and

Whereas his excellency, Napoleon B. Broward, governor of the State of Florida, did on the 30th day of December, 1905, issue his proclamation calling an isthmian exposition to be held in the city of Tampa, commencing in the month of January, A. D. 1908, for the purpose aforesaid, and inviting the governors of the several States comprising the United States of America, as well as the governors of the Territories of the United States, to secure the cooperation of their State legislatures in aid of said exposition by participating therein and sending exhibits of their resources to said exposition: Therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President be, and he is hereby, requested to hold a naval review in Tampa Bay at such time during the progress of said exposition as he may deem best.

Resolved further, That the President of the United States be, and he is hereby, requested to cause to be made such display of the Army of the United States at said exposition as he may deem advisable.

Resolved further, That nothing contained in this concurrent resolution shall be construed as committing the United States to any obligation hereafter to appropriate money for expenses or liabilities of any kind or character made or incurred by anyone for the entertainment of the guests of such exposition, or in connection with such celebration and exhibition.

Mr. MALLORY. I ask unanimous consent for the present consideration of the resolution.

Mr. HALE. I want to see what the language is, because I do not want to have the Government committed to any more expositions. Is there any clause in it providing that there shall be no call on the Government? If there is not, I shall have to object.

Mr. MALLORY. It does not commit the Government.

The VICE-PRESIDENT. The last clause of the concurrent resolution provides that—

Nothing contained in this concurrent resolution shall be construed as committing the United States to any obligation hereafter to appropriate money for expenses or liabilities of any kind or character made or incurred by anyone for the entertainment of the guests of such exposition, or in connection with such celebration and exhibition.

Mr. HALE. We will try to keep to that if possible.

Mr. KEAN. It is a good beginning.

Mr. HALE. Everybody is very tired of these expositions.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. FLINT. Mr. President, I am very glad to support this resolution, as I desire to offer a resolution at the next session of Congress providing for an international exposition at Los