## HOUSE OF REPRESENTATIVES.

FRIDAY, *February 19, 1909.*

[*Continuation of legislative day of Monday, February 15, 1909.*]

The recess having expired, at 11 o'clock a. m., the House was called to order by the Speaker pro tempore, Mr. DALZELL.

### CONSTITUTION ISLAND, NEW YORK.

Mr. CHANEY. Mr. Speaker, I call up the conference report on House joint resolution 219, to accept the gift of Constitution Island, in the Hudson River, New York, and move its adoption.

The SPEAKER pro tempore. The gentleman calls up the conference report, which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 219) to accept the gift of Constitution Island, in the Hudson River, New York, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter proposed in said amendment insert the following:

"That the United States accepts with gratitude and appreciation the gift of Constitution Island so graciously and patriotically donated to the Government by Miss Anna Bartlett Warner and Mrs. Margaret Olivia Sage; and the Secretary of War is hereby authorized to receive a deed from Anna Bartlett Warner and Margaret Olivia Sage for the lands constituting Constitution Island, situated on the east side of the Hudson River, in Putnam County, N. Y., opposite the military reservation at West Point: *Provided*, That the lands so donated and deeded shall be assigned in perpetuity to the use of the United States Military Academy and shall form a part of the military reservation at West Point, N. Y., and no part of the said lands shall ever be used as a public picnic or excursion or amusement ground operated by private enterprise, individual or corporate, for profit: *Provided also*, That Miss Anna Bartlett Warner shall be permitted to reside on said island in full possession of her dwelling and the gardens and buildings appurtenant thereto during her natural life, and shall continue in the enjoyment of the privileges to which she is now entitled in virtue of her ownership."

And that the Senate agree to the same.

A. B. CAPRON,
JOHN C. CHANEY,
JAMES HAY,
*Managers on the part of the House.*

H. C. LODGE,
H. A. du PONT,
MURPHY J. FOSTER,
*Managers on the part of the Senate.*

The SPEAKER pro tempore. The question is on the adoption of the conference report.

Mr. CLARK of Missouri. Mr. Speaker, will the gentleman yield?

Mr. CHANEY. Yes.

Mr. CLARK of Missouri. I would like to ask the gentleman from Indiana a question about this. What changes does this make? It simply changes a plain resolution of thanks to "we accept with gratitude," and what else?

Mr. CHANEY. It simply changes the resolution we passed here by adding the details of the transfer, and describes how it shall be made.

Mr. CLARK of Missouri. Does it not strike out the ordinary verbiage of giving people thanks, and by some kind of legerdemain insert in it that we accept with gratitude?

Mr. CHANEY. The word "thanks" is changed to the word "gratitude."

Mr. CLARK of Missouri. That is just beating the devil around a stump, is it not?

Mr. CHANEY. That has this explanation. Whenever anybody is publicly thanked on the floor of Congress, it authorizes their admission to the floor of the House.

Mr. CLARK of Missouri. Well, what is the reason that these women do not have just as much right to the floor of the House under a resolution of thanks as if they had been two men?

Mr. CHANEY. They have every bit as much reason to have the right to the floor, I take it, but that is the idea of the Senate, and therefore we concluded that the expression "with gratitude" would be sufficient to meet all the courtesies between us and the donors. We therefore agreed to that modification.

Mr. CLARK of Missouri. It seems to me it is a matter of peanut legislation.

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

The SPEAKER pro tempore. The question is on agreeing to the conference report.

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

### RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON of Ohio, by direction of the Committee on Rivers and Harbors, reported the bill (H. R. 28243) to provide for the repair, preservation, and maintenance of public works on rivers and harbors, and for other purposes, which was read a first and second time, and, with the accompanying report (H. Rept. No. 2197), referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. MANN. Mr. Speaker, I reserve all points of order.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order.

The SPEAKER pro tempore. The gentleman from Illinois reserves all points of order on the bill.

### PULP AND PAPER INVESTIGATION.

Mr. MANN. Mr. Speaker, I ask unanimous consent to present and have read at this time the report of the Select Committee on Pulp and Paper Investigation.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read as follows (H. Rept. No. 2206):

The select committee appointed under House resolution No. 344, to make investigations concerning pulp wood, pulp, and paper, beg leave to report as follows:

Papers are made from a large number of different materials originating from the fibrous portions of plants. The materials used are, generally speaking, in the nature of waste products. Linen and cotton rags, old papers of various sorts, straws, and the products of the forests not commercially profitable for the manufacture of lumber furnish in the main the raw materials from which paper-making pulp is manufactured. Linen rags in the main constitute the material from which the highest grades of paper are made, cotton rags from which lower qualities of paper are made, and different kinds of wood producing different characters of wood pulp out of which lower grades of paper are manufactured. The refuse material, such as straw, from various of the annual farm crops is also used to a large extent in the production of low grades of paper and strawboards.

There are three processes generally used in this country for the production of pulp or fiber from wood. These are the ground-wood process, sulphite process, and the soda process. The cheap production of the lower grades of paper depends largely upon the cheapness of the ground-wood process. Practically only one kind of tree is used to much extent in the ground-wood process, and that is the spruce tree, including its various varieties.

The ground-wood process consists in pressing a 2-foot stick of spruce wood by hydraulic pressure against a revolving grindstone, the power used being entirely water power capable of operating under favorable conditions twenty-four hours per day. By this process about a ton of ground wood can be obtained from a cord of spruce wood.

The sulphite process consists of a chemical treatment of chipped spruce or hemlock wood with sulphurous acid, by which 1,000 to 1,200 pounds of sulphite fiber may be obtained from a cord of wood.

The soda process consists of the chemical treatment of chipped woods of various kinds, including both soft and hard woods, with caustic soda, by which process about the same number of pounds of soda fiber can be produced from a cord of wood as in the case of the sulphite process.

The ground-wood process is by far the cheapest process known for producing pulp from raw material, and, in addition to being the cheapest process, it produces a larger quantity of pulp than can be produced by any other process from raw materials.

The cheaper grades of paper are usually produced by mechanically mixing ground-wood pulp with other kinds of pulp in different degrees of percentage. The ordinary news-print paper is generally produced by the use of about 80 per cent of ground wood and about 20 per cent of sulphite fiber, though the exact percentages differ in different papers and in different mills, it depending somewhat upon the character of the paper to be produced and somewhat upon the character of the ground wood and the sulphite fiber used. Whether other kinds of wood besides spruce can be profitably used for the production of cheap print paper is a matter concerning which there is some difference of opinion, but as a matter of fact practically all of the ground wood manufactured to-day is manufactured by the aid of water power from the different varieties of spruce, with a slight admixture of balsam.

So far as the investigations of the committee can indicate, it would seem that the production of news-print paper or the other very cheap grades of paper are to-day dependent upon the continuation of cheap ground wood produced from spruce trees, and that condition is likely to continue to prevail in the future. The amount of spruce forests throughout the world is, of course, limited. The largest spruce forests are in the United States, Canada, Norway, and Sweden. Spruce is used not only for the production of ground wood, but is also the material generally used for the production of sulphite fiber. Not only is this the case, but the best spruce trees of saw-log size are worth more for manufacture into lumber than they are for manufacture at present prices into pulp or fiber.

The amount of spruce consumed in the United States east of the Rocky Mountains during the year 1907, the last year for which we have complete reports, was about 1,200,000 cords for ground wood, about 1,420,000 cords for sulphite fiber, and about 1,300,000,000 feet b. m.,

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equal to about 2,600,000 cords, for lumber, making a total of about 5,280,000 cords. The amount of spruce imported from Canada into the United States for paper making during the fiscal year ended June 30, 1908, is stated at about 920,491 cords. The amount of standing spruce in the United States east of the Rocky Mountains is variously estimated, with very rough estimates or guesses, at about 35,000,000,000 feet, equal to about 70,000,000 cords, and the total annual production is estimated at about 770,000,000 feet, or about 1,540,000 cords. The amount of standing spruce in the Dominion of Canada can not to-day be safely estimated with any considerable degree of accuracy based upon our present knowledge.

The cheapness of ground wood depends upon cost and convenience of spruce wood, water power, established mills, and transportation. It is quite evident that there is not to-day enough spruce forests standing in the United States to furnish a future constant supply based upon the present methods of manufacture, the probable needs of the future, and the present methods of forest conservation and waste.

Your committee believe and recommend that both the General Government and the state governments, within the limits of their respective jurisdictions, should endeavor to encourage the production of spruce forests, both by giving a more adequate fire protection and by exempting as far as can be young forests from the ordinary rates of taxation. If adequate protection can be given from the danger of fire losses and young spruce forests can be exempted from taxation, private owners may be led to use lands which would often otherwise run to waste for the production of forests. The benefit to be obtained from continued production of spruce in the future will not go only to those who may own the forests, but the benefits through the cheapness of paper will be received by the entire population. A private owner can not in general afford to grow a crop which will not mature within from fifty to a hundred years, paying taxes each year upon the value of the ground and the crop and running the risk all the time of having his entire crop swept away by a forest fire started without his fault and against which his efforts are in vain. There should be organized fire protection in every considerable forest in the United States.

It would be quite possible for the National Government to start large tracts of young spruce forest. If our country should be shut off from the utilization of its present water powers and mills in grinding spruce wood imported from Canada, it would, we think, be the duty of the General Government or of the different state governments to organize, own, protect, and control large areas of young spruce forests, ready to furnish an adequate supply of spruce wood when the existing forests shall have in the main been exhausted.

It is highly probable, however, that there exists sufficient spruce forests and spruce forest lands in the United States and Canada which, if protected by any reasonable conservation and reproduction methods, will furnish a sufficient supply of spruce wood for paper making for all time to come.

We believe and recommend that the tariff on ground wood coming into the United States be removed and ground wood admitted free under certain conditions. Practically, the question relates in the main to our relations with Canada. In some of the provinces of Canada pulp wood can not now be exported from the Dominion if cut upon the public lands, and in other provinces there is a higher charge for pulp wood cut upon the public lands if such pulp wood is to be exported. We, therefore, recommend that in revising the tariff there be inserted the following schedule:

"Mechanically ground wood pulp, one-twelfth of 1 cent per pound, dry weight: *Provided, however*, That mechanically ground wood pulp shall be admitted free of duty from any country, dependency, province, or other subdivision of government which does not forbid or restrict the exportation of or impose any export duty, export license fee, or other export charge of any kind whatsoever, either directly or indirectly (whether in the form of additional charge or license fee, or otherwise), upon mechanically ground wood pulp or wood for use in the manufacture of wood pulp.

"Chemical wood pulp, unbleached, one-sixth of 1 cent per pound, dry weight; bleached, one-fourth of 1 cent per pound, dry weight: *Provided*, That if any country, dependency, or province shall impose an export duty or other export charge of any kind whatsoever, either directly or indirectly, on pulp wood exported to the United States, the amount of such export duty or other export charge shall be added as an additional duty to the duties herein imposed upon wood pulp when imported from such country, dependency, or province."

It can not be expected that Canada or its provinces will remove the present discriminations as to the exportation of pulp wood to the United States or cease from adding additional discriminations unless we also lessen the tariff on the cheap paper which is made mainly from spruce wood.

The United States is amply able to protect its future supply of cheap paper and its future supply of spruce wood by undertaking the production of new spruce forests and the conservation and reproduction of existing spruce forests, but a very large proportion of the spruce forests of Canada, consisting of small, black spruce timber, is practically valueless for manufacture into lumber and profitable to cut only for the manufacture of ground wood and cheap paper. It would seem desirable, both for our own country generally, for the pulp and paper mills of our country now largely dependent upon the Canadian pulp-wood supply, as well as as a matter of neighborly courtesy and interest, if we endeavor to utilize in our country with its great reading population those Canadian forests of spruce which if shut out of our country would be of little value; and we believe and recommend that in the long run it will be mutually profitable, both to the publishers and other users of cheap paper in the United States, to the mills producing print paper, to the owners of American spruce forests, to the owners of the Canadian spruce forests, and to the mutual good feeling and respect of our two countries, if a considerable reduction be made in the tariff on the cheaper grades of print paper, dependent, however, upon receiving from Canada (so far as the supply comes from her) the removal of all discriminations now existing in that country or its provinces against the exportation of pulp wood into the United States and the prevention of future discriminations in the exportation of either ground wood or paper. We therefore recommend that in the revision of the tariff the following schedule be inserted:

"Printing paper, unsized, sized, or glued, suitable for newspaper and books, valued at not above 2½ cents per pound, one-tenth of 1 cent per pound; valued above 2½ cents and not above 2½ cents per pound, two-tenths of 1 cent per pound; valued above 2½ cents per pound and not above 3 cents per pound, five-tenths of 1 cent per pound; valued above 3 cents and not above 4 cents per pound, six-tenths of 1 cent per pound; valued above 4 cents and not above 5 cents per pound, eight-tenths of 1 cent per pound; valued above 5 cents per pound, 15 per cent ad valorem: *Provided*, That if any country, dependency, or province shall impose an export duty or other export charge of any kind whatsoever upon pulp wood, wood pulp, or printing paper, exported to the United States, or if any country, dependency, or province forbids or restricts the exportation of pulp wood, wood pulp, or paper to the United States in any way there shall be imposed upon printing paper, when imported from such country, dependency, or province, an additional duty of two-tenths of 1 cent per pound, if valued at 2½ cents per pound or less, and in addition thereto the amount of the export duty or other export charge imposed by such country, dependency, or province upon the printing paper imported from such country into the United States."

The present tariff on print paper valued at 2 cents per pound or less is three-tenths of 1 cent a pound; valued at over 2 cents a pound and not over 2½ cents a pound, four-tenths of 1 cent a pound. The schedule we propose is one-tenth of 1 cent a pound on paper valued at not over 2¼ cents a pound, and two-tenths of 1 cent a pound on paper valued above 2¼ cents and not above 2½ cents per pound. This, in the main, is a reduction in the tariff on ordinary news print paper from $6 a ton to $2 per ton.

The retention of a duty of one-tenth of 1 cent per pound, as suggested, is justified both on the principles of a tariff for revenue and a tariff for protection. It is not desirable to strike down or injure the present paper mills in the United States. To do so would not only be very expensive to the present paper-mill owners and employees, but would probably in the future enhance the cost and price of paper. The duty proposed is about equal to the additional cost of labor in the United States and the additional cost of materials used by the paper mills caused by other tariff provisions.

The committee also recommend that the Bureau of Plant Industry make investigations in the procurement and breeding of annual and perennial plants in the endeavor to find either some new plant or some existing plant which through breeding to that end can be profitably used for the commercial manufacture of paper, not believing, however, that it is possible to find or produce any annual or perennial plant which can successfully compete with spruce ground wood in the production of the cheaper grades of print paper. We recommend also that the Forest Service investigate the question of the production of ground wood and sulphite fiber from other kinds of wood than those now used. It is not unlikely, in our opinion, that by a difference in the mechanical treatment or by some other slight treatment it will be possible to successfully manufacture a good cheap grade of news printing paper by the ground-wood process from other than spruce.

That there is an enormous waste in the forests is conceded by everybody familiar with the facts. Much of what would otherwise be waste is now absorbed in pulp manufacture. A large proportion of the spruce wood used in the United States for ground wood would be valueless if not so used, and the same is true to a much greater degree in the case of woods used for sulphite and soda fiber. In many places in the Eastern and Southeastern States, and in some cases in Western States, practically all of the waste from lumbering is saved and used in the production of either sulphite or soda fiber. This saving should be encouraged in every way practicable. In some of the eastern mills where the trees are cut into saw logs and manufactured into lumber the slabs and edgings, limbs and tops, in the proper kinds of wood, are used in the manufacture of sulphite, and the same is true of other kinds of wood which are manufactured into soda fiber. The manufacture of sulphite and soda from fibers is not overly profitable under existing conditions, and as the main competition with these products is from mills in Europe, where the labor is much cheaper and many of the articles which are used in the processes are much cheaper, we do not think that the present rate of duty on chemical pulp, consisting, in the main, of sulphite and soda fiber, and also a sulphate fiber, should be disturbed, and in the recommendation we have made above we have recommended that the existing rates of duty upon chemical pulp should not be disturbed as they now exist.

Your committee has taken a vast amount of testimony, which is acknowledged to be of great benefit in the pulp and paper trade. We have collected a large amount of information which, both at present and in the future, will prove of immense service to those who are interested in the use or production of pulp or paper. Your committee personally has visited and inspected carefully a large number of pulp and paper mills, have inspected and examined forests, both in the United States and in Canada, have given long study to the woods used, have considered every phase of the subject concerning which information was available, and have reached the conclusions hereinabove stated. It is not practicable, or, in the opinion of your committee, necessary for the committee in this report to set forth in detail or even in a general way the results of the information obtained.

The committee has obtained from a large number of newspaper publishers of the United States schedules showing the cost to them of paper through a series of years, which schedules have been tabulated and published in the committee's hearings.

The committee has also obtained schedules from the pulp and paper manufacturers of the United States, giving information concerning the capital invested, the cost of production, the percentage of cost paid in wages, the selling price of the articles produced, the quantity of production, etc., which schedules have been reduced to general tabulations and the tabulations published in the hearings.

The committee has also carefully investigated, through schedules and through the aid of the Department of Labor, the percentage of wages going into the cost of production of pulp and paper and the cost of labor per unit both for pulp and paper, including the cost from the forest to the finished product, all of which tables are published in the hearings.

The committee has also investigated, through statements obtained from manufacturers in Canada and through personal investigation by the Department of Labor, the wage cost in Canadian mills. The committee has also obtained information concerning the wage cost and cost of production in Sweden. The committee has also obtained, through the Treasury Department, full information as to the importations of pulp wood, wood pulp, and print paper into the United States from different places and at different ports of entry. The committee has also obtained full and complete information as to the exportation and importation of paper and paper-making materials from and to the different countries of the world. All of this information has been published in the hearings of the committee, comprising between 3,000 and 4,000 pages of printed testimony, and all of which has been carefully and conscientiously considered by the committee in forming its decision.

The members of your committee, when appointed, had no special or general knowledge of the subject. They have labored diligently and as effectively as they could. The effort of your committee has been to arrive at facts and just conclusions, regardless of personal bias or

partisan considerations. The recommendations which the committee present are the unanimous views of the entire membership of the committee. In making its report to the House, the committee begs leave to express its thanks and appreciation for the services rendered to the committee by the President, by the State Department, by the Census Office, by the Bureau of Statistics, by the Bureau of Corporations, by the Bureau of Labor, by the Forest Service, and by the Bureau of Plant Industry. We also beg to acknowledge the courtesy of information freely and voluntarily furnished by many of the mill owners and by the American Pulp and Paper Association, as well as the American Publishers' Association, and the chairman of its committee on paper.

While your committee does not feel that it has exhausted the subject it can only say it has done as well as its members knew how.

Your committee begs leave to state that unless otherwise directed by the House it will continue and complete the work of publishing and indexing the tabulations prepared and the evidence taken by the committee.

All of which is respectfully submitted.

JAMES R. MANN.
JAMES M. MILLER.
WILLIAM H. STAFFORD.
HENRY T. BANNON.
THETUS W. SIMS.
WILLIAM H. RYAN.

Mr. MANN. Mr. Speaker, I move that the report be printed as a document and referred to the Committee on Ways and Means.

The SPEAKER pro tempore. The gentleman from Illinois moves that the report be printed as a House document and referred to the Committee on Ways and Means.

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

Mr. MANN. I wish to say a word, Mr. Speaker. In presenting this report, which is a unanimous report of the committee, I only wish to say that in our opinion it will meet with the approval of both the Republican and Democratic members of the Committee on Ways and Means, with the approval of the publishers of the country interested in the subject on one hand and of the mill owners and paper manufacturers on the other hand; that it will meet with the approval generally of the people of the United States on one side of the line and of the people of the Dominion of Canada on the other side of the line.

Mr. UNDERWOOD. Will the gentleman permit me to ask him a question?

Mr. MANN. Certainly.

Mr. UNDERWOOD. I notice in this report you extend the specific rates on paper down to the last analysis and then put an ad valorem rate of 15 per cent. As it is necessary under the clause that you recommend to ascertain the value of the product in any event to place the specific rate, why has not your committee recommended an ad valorem rate all the way through?

Mr. MANN. The question is quite proper. On the higher grades of paper the committee have taken, so far as rates of duty are concerned, simply the existing rates of duty in making the paragraph without intending to express any decided opinion concerning the tariff upon those papers. Nothing has been brought to our attention asking or warranting a change in the tariff on those grades of paper.

Mr. UNDERWOOD. That is what I wanted to bring out as to whether this committee specifically considered the question of whether it was wiser to levy this duty as a specific rate or as an ad valorem rate all the way through.

Mr. MANN. I will say to the gentleman frankly we did not consider that. We considered that was a question to be determined by the committee making up the tariff bill.

Mr. SIMS. Mr. Speaker——

Mr. MANN. I yield to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, as a minority member of this committee I wish to state that the investigation has been just as full as hard work could make it, hard work mentally and physically and for many months' duration. I want to say on behalf of the chairman [Mr. MANN], the gentleman from Illinois, that in making this investigation so far as it was possible to determine from the manner of the investigation I could not tell whether he was a protectionist or a free trader, whether he was a Democrat or a Republican, because he has strived to get at the facts and let the facts speak for themselves. I want to say on the part of those who represent the idea and contention for lower duties on pulp and paper, that we feel that we have gained a great victory. Pulp will now come in free, provided Canada does not bar it by her own act. The duty on newsprint paper used in this country has been reduced by this recommendation, if adopted by the Committee on Ways and Means, 66⅔ per cent, from $6 a ton to $2 a ton which does not exceed 5 per cent ad valorem, which is a very reasonable revenue tariff. The duty left on chemical fibers and paper made from them is nothing more than a reasonable revenue duty, and I hope, Mr. Speaker, that the great Committee on Ways and Means, of which the present occupant of the chair is a leading member, will be enabled to see this matter as we have. We have tried to do justice to all interests and we feel if our recommendations are adopted that it is about the best possible solution which can be made. Mr. Speaker, I recognize the great value of a unanimous report, and I think this is a report that any Democrat can indorse and which I hope no Republican or protectionist will repudiate. [Applause.]

### TRANSPORTATION OF DUTIABLE MERCHANDISE WITHOUT APPRAISEMENT.

The SPEAKER pro tempore laid before the House the bill (H. R. 24140) extending the provisions of the act of June 10, 1880, concerning the transportation of dutiable merchandise without appraisement, with Senate amendments.

The Senate amendments were read.

Mr. HUMPHREY of Washington. Mr. Speaker, I move that the House disagree to the Senate amendments to the bill that has just been read.

Mr. CLARK of Missouri. Mr. Speaker, I could not hear what the gentleman said.

The SPEAKER pro tempore. The gentleman from Washington moved that the House disagree to the Senate amendments.

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

### PHILIPPINE ISLANDS.

The SPEAKER pro tempore also laid before the House the bill (H. R. 25155) to amend an act approved July 1, 1902, entitled "An act to temporarily provide for the administration of the affairs of the civil government in the Philippine Islands, and for other purposes," with Senate amendments.

The Senate amendments were read.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to concur in the Senate amendments.

Mr. CLARK of Missouri. What is the reason for giving this power to change the date?

Mr. COOPER of Wisconsin. The reason is this: I will preface my answer by saying that the legislation is asked for by both houses of the Philippine legislature, which, the gentleman from Missouri knows, includes the commission, and by both the Resident Commissioners of the Philippines in this country. The organic act of July 1, 1902, fixed the date for the first meeting and all subsequent annual meetings of the Philippine legislature as the first Monday in February. It has been ascertained that the weather following that date is apt to be very hot and unpleasant for members of the commission and also for members of the lower house. They ask, therefore, that the law be amended so that the legislature may fix some other day than the first Monday in February for the beginning of the regular annual sessions. Until they do so fix it, the date fixed by the law of July 1, 1902, will remain the date for the beginning of the annual sessions. The Senate amendments do not at all change the effect of the House bill, but simply strike out the preamble and put one of the provisos in another place, but the legal effect is the same.

The SPEAKER pro tempore. The gentleman from Wisconsin moves to concur in the Senate amendments.

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

### ADOLPHUS ERWIN WELLS.

The SPEAKER. The House, by concurrent resolution, authorized the Speaker to vacate his signature to the bill (H. R. 10752) to correct the military record of Adolphus Erwin Wells, which the Speaker now does.

### PUBLIC PRINTING AND BINDING.

Mr. LANDIS. Mr. Speaker, I desire to present a letter from the chairman of the Printing Investigating Commission, transmitting a report on the work of the commission and making certain recommendations in relation to the revision, codification, and amendment of the laws relating to the public printing and binding. The report is accompanied by a draft of a bill embodying the recommendations of the commission, and I ask that the report and the bill be referred to the Committee on Printing.

The SPEAKER. Does the gentleman desire that to be printed as a public document?

Mr. LANDIS. I do.

The SPEAKER. Is there objection?

Mr. SHERLEY. I did not hear what the gentleman's desire was.

Mr. LANDIS. To have printed a report from the chairman of the Printing Investigation Commission.

Mr. SHERLEY. How much of a report is it?

Mr. LANDIS. Oh, it is a report of possibly 15 or 16 pages.

Mr. SHERLEY. I have no objection; but there has been a great deal of printing done that ought not to be done.

Mr. LANDIS. This report will pay its way all right.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The report will be printed (H. Doc. No. 1464) and referred to the Committee on Printing.

BRIDGE OVER THE MISSISSIPPI RIVER, KEITHSBURG, ILL.

Mr. KENNEDY of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 7829.

The Clerk read the bill, as follows:

A bill (S. 7829) to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post-road," approved April 26, 1882.

*Be it enacted, etc.*, That section 2 of the act approved April 26, 1882, authorizing the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post-road, be, and is hereby, so amended as to permit, in rebuilding and in relocating the bridge, the construction of a lift draw span of not less than 220 feet in the clear in place of the existing swing draw span having two openings each 160 feet in the clear; and also to permit the adjoining span to be 205 feet in length instead of 250: *Provided*, That the bridge shall be rebuilt in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable streams," approved March 23, 1906: *And provided further*, That the right reserved in section 6 of said act is also reserved as to this amendment.

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

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

SITTINGS OF UNITED STATES COURTS AT YOUNGSTOWN, OHIO.

Mr. KENNEDY of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 27139, with an amendment, which is a substitute for the original bill. I ask that the substitute be read instead of the bill.

The Clerk read as follows:

A bill (H. R. 27139) to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district.

Strike out all after the enacting clause and insert:

That from and after the passage of this act there shall be held at the city of Youngstown, in the northern district of Ohio, a term of both the circuit and district courts of said district on the first Tuesday after the first Monday in March of each year.

SEC. 2. That grand and petit jurors summoned for service at the terms of either of the courts aforesaid to be held at the city of Cleveland, may, if, in the opinion of the judge holding court in said division, the public convenience requires it, be directed to serve also at the term then being held, or herein authorized to be then held, at the city of Youngstown.

SEC. 3. That prosecutions for crimes or offenses hereafter committed in any part of the eastern division of said district shall be cognizable at the terms aforesaid of either of the said courts having jurisdiction thereof.

SEC. 4. That any judge of the United States holding court in the eastern division of the northern district of Ohio in pursuance of existing laws may cause to be held, at the city of Youngstown, the trial of any suit now pending or hereafter brought in the court wherein he shall be so, as aforesaid, sitting.

SEC. 5. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such consistency, but not otherwise.

The SPEAKER. Is there objection?

Mr. CARLIN. What does the substitute do?

Mr. KENNEDY of Ohio. The substitute makes no change save in the date, and that at the suggestion of the district judge sitting in that district.

Mr. CARLIN. Has the committee ever considered the substitute?

Mr. KENNEDY of Ohio. They have not had a meeting since the suggestions have been made.

Mr. BURTON of Ohio. Mr. Chairman, I want to call attention to the fact that there is a misprint in the 15th line of the second page. The word "consistency" should be "inconsistency."

Mr. KENNEDY of Ohio. I ask leave that the error may be corrected.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

In the last line of the proposed amendment change the word "consistency" to "inconsistency."

Mr. KIMBALL. I would like to ask the gentleman the purpose of having this migratory, circulating grand jury of this court, to be carried from Cleveland down to Youngstown at the option of the judge.

Mr. KENNEDY of Ohio. Both Cleveland and Youngstown are in the same district, and it will not be necessary to have grand juries in more than one place. The grand jury would be impaneled to inquire into offenses for the whole district, and the purpose of providing that a jury could be brought from Cleveland to Youngstown was for the reason that it is not contemplated to have a deputy clerk at Youngstown.

The SPEAKER. The Chair hears no objection.

The amendment to the substitute was then agreed to.

The substitute as amended was agreed to.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, 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. 26305. An act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, 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. 9316. An act to authorize the Secretary of War to furnish a condemned cannon to the State of Delaware;

S. 9017. An act for the establishment of a subport of entry at Ranier, Minn.;

S. 8192. An act permitting Salmon M. Allen to make a second homestead entry; and

S. R. 132. Joint resolution authorizing the Secretary of War to donate two condemned cannon to the city of Wheeling, W. Va.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9316. An act to authorize the Secretary of War to furnish a condemned cannon to the State of Delaware—to the Committee on Military Affairs.

S. 8192. An act permitting Salmon M. Allen to make a second homestead entry—to the Committee on the Public Lands.

S. 8376. An act providing for the reappraisement of unsold lots in town sites on reclamation projects, and for other purposes—to the Committee on Irrigation of Arid Lands.

S. R. 132. Joint resolution authorizing the Secretary of War to donate two condemned cannon to the city of Wheeling, W. Va.—to the Committee on Military Affairs.

ALASKA CENTRAL RAILWAY.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 27068) to extend the time for the completion of the Alaska Central Railway, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.*, That the time for filing the map of definite location of the Alaska Central Railway, as required by the provisions of chapter 299 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, be, and the same is hereby, extended for three years from the date of the passage of this act, and that the time for completion of said Alaska Central Railway be, and the same is hereby, extended for three years from the expiration of the period provided for in the act entitled "An act to extend the time for the completion of the Alaska Central Railway, and for other purposes," approved June 30, 1906.

Mr. WATSON. Reserving the right to object, I should like to ask whether this is the bill that has been under consideration before the Committee on the Territories?

Mr. LLOYD. It is not the bill which the gentleman has in mind. It is an entirely different bill.

Mr. WATSON. Is it reported favorably by the committee?

Mr. LLOYD. Unanimously reported. It does not conflict with any other road at all.

Mr. PAYNE. Reserving the right to object, is this the bill we heard so much about a few days ago, where they had done nothing, although their charter was granted several years ago?

Mr. LLOYD. Oh, no; it is an entirely different bill.

Mr. REEDER. Reserving the right to object, I want to ask a question. I should like to know how much time this road had for the commencement of work when the first bill was passed.

Mr. LLOYD. My recollection is that they began work about five years ago.

Mr. REEDER. They have already begun it?

Mr. LLOYD. Oh, yes. They have 53 miles of road in actual operation. They have expended over $4,000,000.

Mr. REEDER. And they want time to complete the road?

Mr. LLOYD. Yes.

The SPEAKER. Is there objection?

There was no objection.

The following amendment, recommended by the Committee on the Territories, was agreed to:

*Provided*, That nothing herein contained shall be held or construed to affect any lawfully accrued rights.

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

TUGBOATS IN THE DISTRICT OF COLUMBIA.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23468) to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901.

The bill was read, as follows:

*Be it enacted, etc.*, That sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901, be, and the same are hereby, amended so as to require all tugboats using the Potomac River at the place or places where the same is spanned by the two certain bridges in said act provided for, namely, the new railway bridge and the new highway bridge, to equip and fit, not later than July 1, 1909, all smokestacks thereof or other vertical projections with hinges or other mechanical device so as to permit the same to be lowered to the level of the top of the pilot house of such boats: *Provided*, That all such tugboats the pilot house of which will not pass under such bridges may be exempted from the operations of the provisions hereof, upon application made to the Secretary of War and his approval thereof; *Provided further*, That all tugboats hereafter built or purchased, or not now actually engaged in business on the Potomac River at the places aforesaid, must have their dimensions approved by the Secretary of War before being permitted to use and operate the same on the Potomac River at the places above mentioned: *And provided further*, That the provisions hereof shall not apply to such tugboats as may, by reason of their structure, be able to pass under said two bridges, respectively, without the necessity of operating the draws thereof.

The SPEAKER. Is there objection?

There was no objection.

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

CERTAIN LANDS IN CALIFORNIA.

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill (S. 8048) to withdraw from settlement and entry certain lands in the State of California, and to consider the same in the House at the present time.

The bill was read, as follows:

*Be it enacted, etc.*, That all of the public lands in section 8, township 1 south, range 2 west, and in sections 2, 4, 8, 10, and 12, in township 1 south, range 3 west, San Bernardino base and meridian, in the State of California, are hereby withdrawn from settlement and entry and reserved for the purpose of aiding in the conservation of the waters of the San Bernardino Valley: *Provided*, That this act shall not defeat any vested right which has attached under any pending entry or location.

SEC. 2. That any individual or association of individuals or any company or corporation may have the right, under such rules and regulations as the Secretary of the Interior may prescribe, to conduct to said lands and to distribute over them any flood or waste waters not otherwise appropriated, and to build the necessary engineering works for this purpose, to the end that said flood or waste waters may sink into the sands and gravels of said lands, thereby increasing and replenishing the supply of underground waters in the San Bernardino Valley.

Mr. CLARK of Missouri. Mr. Speaker, is this by unanimous consent?

Mr. SMITH of California. Yes.

Mr. CLARK of Missouri. I want to ask a question.

Mr. MANN. Reserving the right to object?

Mr. CLARK of Missouri. Yes; I reserve it, too. Is this the land that there has been a squabble about between Secretary Garfield and certain parties out there?

Mr. SMITH of California. A certain squabble—I know nothing of the kind.

Mr. CLARK of Missouri. The Hetch Hetchy Valley.

Mr. SMITH of California. Oh, no; it is at least 600 miles from there. This is near Redlands, Cal., in the orange district. The land referred to lies in the wash of the river bed, where nothing whatever grows, and the irrigators in that vicinity desire to have it withdrawn from entry so that they may spread the flood water of the river out over it in the spring and flood the seams of the earth with water, thinking that it will benefit the flowing wells in the valley below, and by striking bed rock possibly come back into the stream some miles below and be diverted into the canals.

Mr. CLARK of Missouri. How much land is involved?

Mr. SMITH of California. A fraction of a number of sections.

Mr. CLARK of Missouri. About how much?

Mr. SMITH of California. I am coming to that; I think altogether it may be 1,000 acres.

Mr. CLARK of Missouri. Is the land good for anything?

Mr. SMITH of California. Absolutely worthless.

Mr. CLARK of Missouri. Is there any gold in it?

Mr. SMITH of California. If there is any there you may have it. We want to flood it. The adjacent land is worth several hundred dollars per acre if satisfactory for cultivation. This land has never been taken up from the Government, so the gentleman will understand that it must be exceedingly worthless for agricultural purposes.

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

There was no objection.

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

ORDER OF BUSINESS.

Mr. SIMS. Mr. Speaker, what is the regular order to-day?

The SPEAKER. In the absence of any motion on a preferred bill the regular order would be the call of committees.

Mr. SIMS. This being Friday, is not the regular order the consideration of bills on the Private Calendar reported by the Committee on War Claims?

The SPEAKER. This is the legislative day of Monday.

Mr. SIMS. I know, as a matter of fact, having counted the days on the calendar, that this is Friday, and therefore I wish to make a motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills on the Private Calendar reported from the Committee on War Claims.

Mr. MANN. I make the point of order that that motion is not in order.

The SPEAKER. In the opinion of the Chair, this is the legislative day of Monday. It is true that this is Friday on the calendar made by the sun, but by the Journal of the House it is Monday. I read from the Digest:

In the contemplation of the rules and special orders of the House, a day is the legislative day and not a calendar day, and the two are not always the same.

Mr. SIMS. So far as the rule goes I agree with the Speaker, but I ask recognition to make the motion above stated, even if it is the legislative day of Monday.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to make a motion.

Mr. SIMS. I have no objection to making it without unanimous consent, if the Speaker will recognize me for that purpose.

The SPEAKER. The Speaker could recognize the gentleman, but, after all, a single objection would be fatal, and this is only another way of putting it.

Mr. SIMS. I would like to make a motion to take the sense of the House.

The SPEAKER. The Speaker would be giving recognition outside of the rules and the practice of the House.

Mr. SIMS. I have no objection to that. [Laughter.]

The SPEAKER. And that being the case, the Speaker would not be justified in recognizing the gentleman against the rules. That would be equivalent to the gentleman from Tennessee and the Speaker making a new rule, which is for the majority of the House to make.

Mr. SIMS. I will make no point of order if the Speaker will do that.

The SPEAKER. Precisely. The gentleman from Tennessee asks unanimous consent to make the motion referred to.

Mr. MANN. I object.

Mr. SMITH of Iowa. 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 fortifications appropriation bill.

Mr. SIMS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIMS. If the motion to go into Committee of the Whole House on the state of the Union, made by the gentleman from Iowa, is voted down, then will it be in order to make a motion to go into Committee of the Whole House on the state of the Union to consider bills reported from the Committee on War Claims?

The SPEAKER. Except by unanimous consent, that motion would not be in order, because the rule fixes the order of business, and if the Speaker's table was clear it would be the call of committees.

Mr. SIMS. Will it be in order to make a motion to suspend the rules to consider claims from the Committee on War Claims?

The SPEAKER. That is one of the few cases where the Speaker has a discretion as to recognition——

Mr. SIMS. Then I know I will get it. [Laughter.]

The SPEAKER. And the Speaker must exercise that discretion with a view to the public business and the will of the House. He would be, indeed, a very courageous Speaker——

Mr. SIMS. We have that character of Speaker. [Laughter.]

The SPEAKER (continuing). Who would recognize a motion to make a rule or change a rule on the request of one Member unless there was something in the temper of the House as to the consideration of business that the Speaker would feel that a majority of the House, in the condition that the House was in, desired the recognition to be given; so that the Speaker, under the circumstances, would decline to recognize the gentleman.

Mr. SIMS. I will ask but one more question. In case the motion of the gentleman from Iowa is voted down, no doubt the Speaker will take that as evidence of the temper of the House?

The SPEAKER. The Speaker would take that as the temper of the House on that motion, and then motions in order would be recognized, or the regular order of business.

Mr. SIMS. In order to get the temper of the House, I ask that the motion be voted down.

Mr. CURRIER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CURRIER. We have had one call of committees in this legislative day. Can we have another before adjournment?

The SPEAKER. There is one motion that would take precedence of a call of committees to-day. That would be a motion to go into Committee of the Whole House on the state of the Union, but in the absence of such a motion then a call of committees under the rules and practice would be in order.

Mr. CURRIER. Two on the same legislative day?

The SPEAKER. Yes; if the House does not desire to go on to the next order of business, which would be to go into Committee of the Whole House on the state of the Union.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. When the rule says that certain Fridays shall be set apart for the consideration of private claims, do not the rules contemplate a calendar day instead of what has come to be called a "legislative day?"

The SPEAKER. The Chair just read the precedent, and there are several of them, that a legislative day is contemplated by the rules of the House. Now, then, the rules of the House are what they state and are construed to be. Necessarily in parliamentary practice the rules of the House in one sense are like unto the construction of law by the courts, and these constructions of the rules have not been arbitrarily made by the Speaker, but it is now and always has been in the power of the House to proceed under the rules that the House has made—that is, for a majority to proceed, not one man. The House has free rein under the rules that it has adopted.

Mr. CLARK of Missouri. Another parliamentary inquiry, Mr. Speaker. If that ruling of the Chair is correct, then the only way for the House to get rid of last Monday as a legislative day clear up until noon of the 4th of March is when the motion is made to take a recess to vote it down and adjourn.

The SPEAKER. Absolutely, and that again depends upon the will of a majority of the House.

Mr. MANN. You can move to adjourn now.

Mr. CARLIN. Mr. Speaker, I move that we now adjourn until 12.30 o'clock.

Mr. MANN. But the gentleman can not move to adjourn to that time, and I make the point of order that that motion is not in order.

The SPEAKER. The gentleman's motion, the Chair will state to the gentleman from Virginia, is not in order, because by a standing order of the House we meet at 12 o'clock, and if we adjourn we adjourn until to-morrow at 12 o'clock.

Mr. CARLIN. I move that standing order be set aside and that we adjourn now until 12.30 o'clock.

The SPEAKER. That is not a motion in order under the rules.

Mr. SMITH of Iowa. Mr. Speaker, I call for the regular order.

Mr. SIMS. Mr. Speaker, I move to amend the motion of the gentleman from Iowa by substituting that we go into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. MANN. I make the point of order that that motion is not in order.

The SPEAKER. The gentleman can not amend a privileged motion by a nonprivileged motion. That is doing indirectly what can not be done directly under the rules. The question is on the motion of the gentleman from Iowa——

Mr. KIMBALL. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. That motion is in order, that the House do now adjourn.

Mr. MANN. To meet to-morrow noon.

The SPEAKER. The question is on the motion of the gentleman from Kentucky that the House do now adjourn.

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. If the motion of the gentleman from Kentucky should prevail and the House adjourn until to-morrow, would to-morrow be Tuesday or Friday? [Laughter.]

Mr. MANN. It would be neither.

Mr. GARRETT. I mean Saturday.

The SPEAKER. To-morrow would be the calendar day of Saturday and the legislative day of Saturday.

Mr. SIMS. And Friday would be gone?

The SPEAKER. Friday would be gone so far as the legislative day is concerned.

Mr. MACON. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MACON. If the gentleman from Kentucky [Mr. KIMBALL] will couple with his motion to adjourn that the clock be set back fifteen minutes and we then adjourn, will it not be Friday?

The SPEAKER. The gentleman has asked the question——

Mr. MANN. It would take more than fifteen minutes to adjourn.

The SPEAKER. The sun was at one time stopped by Joshua [laughter], or, rather, by the Lord at Joshua's request. The gentleman from Kentucky moves to adjourn.

Mr. KIMBALL. Mr. Speaker, I withdraw the motion.

Mr. MACON. In response to what the Chair has said, permit me to say that I have seen the House set the clock back and proceed with its work.

The SPEAKER. The Chair has never seen the House set the clock back. [Renewed laughter.]

Mr. MANN. The gentleman from Arkansas is too watchful.

The SPEAKER. The question is on the motion of the gentleman from Arkansas, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the fortifications appropriation bill.

The question was taken.

Mr. SIMS. Mr. Speaker, I demand the yeas and nays, in order to see who wants war claims considered.

The SPEAKER. The gentleman from Tennessee demands the yeas and nays. All in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Seventeen gentlemen have arisen. Those opposed to ordering the yeas and nays will rise and stand until counted. [After counting.] One hundred and ninety-two gentlemen have arisen. The yeas and nays are refused. The ayes have it, and the motion is agreed to.

### FORTIFICATIONS APPROPRIATION BILL.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the fortifications appropriation bill (H. R. 27054), with Mr. TOWNSEND in the chair.

Mr. SHERLEY. I yield fifteen minutes to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Chairman, "the child of to-day is the Nation's ruler of to-morrow." The children of the present are the citizens of the future. Our civilization advances in exact proportion to that which we do to put the children upon a plane a little higher than that on which their parents stood. It is the glory of our civilization that we are more and more considering the welfare of the child. No taxes are levied, no public money is spent, with greater popular approval than the vast sums contributed for education by the States, while private benevolence directed to the same end is always warmly applauded. But there are many problems of child life outside of the educational problem, questions that call for authoritative answers, for a proper understanding of which every possible facility should be afforded. It is therefore proposed to establish in the Department of the Interior a children's bureau.

Each year Congress produces masses of legislation upon subjects too extended to enumerate. Of all subjects to be considered, can one be found in a representative government so important as the individual—the citizen on whose intelligence and mental and moral health the whole nation rests? The problem of our children is one that can no longer be treated by guesswork, or by casual movements inspired by local feeling and directed perhaps by warm hearts, but too often by untrained vision. The study of children is becoming a science, and its students need information and data for analysis. To-day the most vital questions affecting our children are decided on a lack of information that in no other subject would for a moment be tolerated.

It is to urge upon Congress as a remedy for present conditions the importance of some such action as the creation of this children's bureau that I speak to-day.

OBJECTS OF THE BILL.

The objects of the bill are stated clearly in the bill itself. I quote from section 2:

The said bureau shall investigate and report upon all matters pertaining to the welfare of children and child life, and shall especially investigate the questions of infant mortality, the birth rate, physical degeneracy, orphanage, juvenile delinquency and juvenile courts, desertion and illegitimacy, dangerous occupations, accidents and diseases of children of the working classes, employment, legislation affecting children in the several States and Territories, and such other facts as have a bearing upon the health, efficiency, character, and training of children. The chief of said bureau shall from time to time publish the results of these investigations.

The bureau, upon the principle of first aid to the injured, shall, in brief, collect such facts as have a bearing upon the health, efficiency, and character of the children of the Nation, our future citizens and rulers.

NATIONAL SUPPORT OF THE BILL.

In advocating this measure its advocates in this House have a unanimity of intelligent support, impressive as it is rare, in the advocacy of national measures of this character.

The President has recently sent to Congress a message urging the establishment of this bureau. The Secretary of the Interior has written a letter earnestly advising that this action be taken. Several national organizations which have been formed for the purpose of dealing with the various classes of unfortunate children have been advocating the passage of a bill similar to this for several years. There assembled recently in Washington a conference on the subject of dependent children, representing nearly every State in the Union and every important religious body, without distinction of creed. That conference unanimously indorsed this bill, recognizing the limited knowledge even of those who have been studying this particular problem, and recognizing also that the National Government is the only agency that can effectively organize such a bureau of information as is desired. The names of the members of this conference and the various organizations they represent in the care of children are so significant and stand out as so vitally in touch with the problem of children's care that I invite the attention of this body to these names.[a]

These men and women, actively engaged in philanthropic work, ask us to save the waste of means and energy involved in the present absence of authoritative knowledge by creating the bureau that is proposed. Several of these advocates of the cause of the children appeared before the committees of the House and Senate, to which this bill was referred, both these committees having made a favorable report on the bill. Their arguments before these committees are irresistible as to the need for such a bureau, and a perusal of the hearings can not fail to convince the most skeptical that there is a deeply appreciated need for some authoritative source of information. Moreover, the House committee, desiring to have all possible knowledge of the subject at their disposal, summoned Mr. North, Director of the Census Bureau; Mr. Neill, Commissioner of the Bureau of Labor; and Mr. Brown, Commissioner of the Bureau of Education, before them, to learn whether the work here contemplated could be done as effectively, or could be done at all, through existing agencies. I desire to show from extracts of their testimony that they were unanimous in saying that there would be no duplication of work now being done, although, of course, much could be accomplished by the cooperation of the present agencies with the proposed Bureau of Children.

Director North, of the Census Bureau, said:

"The Census Office is a purely statistical office. Its function is to collect the cold-blooded facts and analyze and interpret them, and leave to the public at large the duty of drawing the ethical or moral or industrial conclusions which those facts convey. I feel very strongly that if any legislation is enacted which in any way modifies the function of the Census Office in that regard it will be highly detrimental to the work of the office. Such statistics as the bureau finds it necessary to collect the Census Office would collect for it. We do now collect statistics for a number of the bureaus of the Government, and collect them in the way that they want them collected. That is the general position of the Census Office on that proposition, and I believe it is a position which is scientifically correct; that it is a position which it is necessary for the office to maintain if it is not to lose its standing as a purely statistical bureau. We do not want to divert our energies into studies of physical degeneracy, of orphanage, of juvenile delinquency and juvenile courts, and all that class of questions, which are not statistical questions."

Commissioner Neill, of the Bureau of Labor, stated on the same proposition:

"I do not feel at all, Mr. Chairman, that any of this work is a duplication of the work we are doing, and it would be handled in a different way. There are only two or three things that we would touch at all, and then we would handle them in a way entirely different. I do not believe you could get the same quality of ability to do this work under the Bureau of Labor as you could if it was under an independent bureau. I think that is a point that should be considered in the concentration of government work; that is something that should be kept in view. The concentration, in my judgment, is certain to lead to a less high-grade quality of work.

"Question. You believe, then, the most practical thing and the most advisable thing is to establish a bureau?

"Mr. NEILL. Unquestionably. * * * I do not believe if the Government is going to spend money at all in this particular line, that it will be economical or that we shall get the best results if it attempts to simply make use to a limited extent of existing organizations, no one of which, so far as I know, is equipped or could equip itself without somewhat departing from its proper line of work, to study these things as thoroughly and as fundamentally as they ought to be studied."

Commissioner Brown, of the Bureau of Education, upon the same question said:

"From the point of those of us who are engaged in educational work these purposes are of the utmost importance, and it seems to us that if we are to make proper provision for the future industrial efficiency of this country or its efficiency along all social lines, it will be necessary that such investigations as those that are contemplated in this bill should be undertaken with the utmost care. There is, then, on the part of those who are connected with the Bureau of Education and those with whom the Bureau of Education has most to do, a very strong sense of the importance of this measure. It certainly looks to the conservation of the character of our people in ways in which I am convinced we shall have to look to it with the utmost care within these coming years.

"Referring now more particularly to this bill, I should say that for such work as the Bureau of Education has to do it is important that such work as is here defined should be done somewhere. We can not deal properly with the large questions of the education of children without a more detailed and accurate knowledge than we now possess as to the actual conditions surrounding the child life of the country, such conditions as are referred to in this bill.

"I think the best way to accomplish this end is by the passage of such a bill as this and the establishment of a separate bureau."

OPERATION OF THE CHILDREN'S BUREAU.

In its operation this bureau would concern itself chiefly with infant mortality, diseases of children, child labor, and infant delinquency. Take the question of infant mortality, for example, a problem that relates to the very existence of children after they are brought into the world.

The Census Bureau reports a very low rate of infant mortality for some communities; a very high rate for others. Now, it is not the business of the Census Office to inquire into the causes of a relatively high or low death rate for infants. It is true that some communities, if the facts happened to come to their knowledge, might institute such inquiries. It might be done more or less scientifically by local agencies. But other communities would not be able to do that. So it would be the duty of this children's bureau to make an intensive study in certain selected localities for the purpose of ascertaining why so many infants died in some localities and so few in others. The facts thus ascertained and the remedy suggested for such conditions as resulted in a high rate of infant mortality would be published and through government bulletins would be at the service of a thousand communities with similar conditions, with the result, reasonably to be expected, of the saving of thousands of infant lives. So that this proposition, at this small amount of expenditure, is seen to be a question of life and death. I should not like to be in the position of those opposing such a life-saving institution without excellent reasons that I could render at the bar of conscience.

Consider not only the struggle of the healthy to survive, but the awful misfortunes of the afflicted children of the various types. Take the case of the blind children. The chairman of the New York Association for the Blind, Mr. Sherman, writes:

It is an established fact that a large percentage of blindness is due to the lack of simple, preventive, medical treatment of the eyes of infants. This neglect is due almost wholly to ignorance. If the proper data and information were collected and disseminated by a national bureau, the public ignorance of this subject would be dispelled and health officials aroused to proper action, and thereby much unnecessary blindness prevented, with its consequent deprivations and the distress of caring for blind children; and children with diseased eyes are defective owing to the lack of statistical data and of a proper dissemination of information.

Think of the truth and pathos, as applied to many of our children, of Mrs. Browning's words:

"It is good when it happens,"
Say the children,
"That we die before our time."

A government bulletin, prepared by some medical expert of long experience, could be sent into every quarter of the Nation, just as our agricultural bulletins are sent out. Our blind asylums are now full of children, supported at great expense to the States and to private philanthropy, who could have been saved their fate in early infancy, except for the general ignorance on this subject. How they must wish that there had been knowledge instead of ignorance. But hundreds of children are being born every year who will not be saved from blindness without a proper knowledge of causes and the remedies. Let not future generations curse us for our neglect or indifference as to their fate! Let us not postpone the organization of a government bureau to give this needed information to our people. Take the subject of the occupational diseases and accidents to children. Surely it is important for us to know, as we do not know now, whether certain occupations in which grown people may work

[a] See appendix at end for list of names, etc.

with impunity are in themselves harmful for children. I see it is asserted in one of the hearings before the House committee that in one occupation the accidents to children were 400 per cent more in number than the accidents to adult workers.

The State of Michigan is one out of the five States which give the ages of those who are injured in accidents, and its last report shows that 1,100 per cent more accidents occurred to children 16 years of age and under, who came under the occupations reported, than occurred to children and grown people over that age.

The general question of the employment of children, which has been so prominently brought before the people of the States, constitutes still another justification for the establishment of this bureau. The latest authoritative information that we have is based on the census of 1900. There was an analysis of that census made in 1907, but the statistics were then 7 years old. That analysis showed, among other things, that 10 per cent of the operatives of the New England cotton mills were under the age of 16, and that 40 per cent of southern mill operatives were under that age. Every State is anxious to correct this abuse of childhood. Since 1900 several of the New England States have raised the age limit for the employment of children from 12 years to 14 years. All of the Southern States have passed child-labor laws or amended those already existing. An aroused public sentiment is sternly demanding that our state legislatures give this subject attention, and it may reasonably be presumed that better conditions as regards this evil prevail now in both sections of the country. We may suppose similar progress after 1910.

One chief reason for the establishment of the bureau of children at this particular time is that it may become properly organized for the study of the census statistics of 1910 so far as they relate to the welfare of children, and thus bring about mutuality in the results achieved locally.

But the census will stand as the only authority on that subject for ten years more, perhaps to our discredit as a Nation, unless we have some agency charged especially with inquiring into the reason for such differences as may exist as respects this evil, whether the laws are defective or not well enforced in one State or another, and to record the advances that are being made. In short, we shall be able to get the information necessary for every State to correct its own abuses, not from the writers in the magazines intent upon making a sensation, but from an authorized bureau of this Government belonging to all the people, so that the people directly concerned, without a feeling of resentment at an exaggeration of the conditions, may go about the work of correcting abuses known to prevail and the righting of the wrongs of childhood.

Consider another problem that has been widely studied within the last few years, the problem of juvenile delinquency and reform. Some of the principles of dealing with the child criminals, if we may call them such, have been established by such men as Judge Ben B. Lindsey, of Denver, Judge Julian W. Mack, of Chicago, and others. Both these gentlemen are earnest advocates of this bureau. Judge Lindsey declared that it took the time of two stenographers in his office to answer the questions that came to him regarding his children's court. But why should people be compelled to write to Denver, rather than to Washington, to find out from one locality where conditions may be peculiar concerning the proper method of dealing with delinquent children all over the country?

While a member of the judiciary committee of the Massachusetts state senate, I helped investigate the question of establishing in that State the juvenile court which is now in operation there. The lack of a body to turn to for proper information as to what other States were doing was to our work a great hindrance, and a bureau of this kind could have rendered assistance of the greatest value.

I understand that a national organization was formed (?) for the purpose of studying this problem, but that it was given up on account of the lack of funds for its expenses. It was brought out in one of the hearings by a speaker from the South that, in the absence of correct information about this problem of juvenile reformatories, both South Carolina and Georgia had established reformatories on their prison farms, on the premises where adult criminals were detained, and that more recently, recognizing that this was a blunder, new reformatories had to be built away from the associations of the penitentiary. In the meantime, the children sent to these reformatories suffered from the blunder, and the States were put to additional expense from the want of any central source of information on this subject.

NO INFRINGEMENT OF STATE JURISDICTION.

Each of our States has sought in its own way, without the benefit of the common experience, to protect its children by legislation in their behalf. The States are recognizing more and more the responsibility which they have for the care and uplift of their children, and each is endeavoring to give to these problems a more intelligent understanding. The need most acutely felt by those engaged in the study and solution of these various problems of childhood is to have adequate and full information as to the conditions to be met, and as to what has been done by other States in meeting these conditions. It is not only the duty, but the high privilege of the National Government to furnish this desired information, to the saving of waste and misapplied energy, to the curbing, sometimes perhaps, of undisciplined zeal, and to the stimulation of every community to the recognition of the abuses of childhood that these abuses may be ended.

It would be as difficult for the States, even if they could all be persuaded to act together, to secure this needed information as it would be for them to take a census under 46 different varieties of standards of the population of the United States.

That publicity through a national children's bureau would tend to bring views and methods into harmony concerning these humane questions can not be doubted. The present laws respecting neglected children, delinquent children, the children who toil, the unfortunate children of every kind who make the appeal of their helplessness to the State or the community, are conflicting and confusing. It should be the function of this bureau, in studying the legislation of the different States, to present expert opinion as to the best standard of legislation to be adapted by each State to its local conditions. The experience of all will be the guide of each.

No one, Mr. Chairman, could be more jealous than I to preserve to the States their sovereign rights over their people. The constitutional objections to a national child-labor law I fully recognize, and to such a measure I am unalterably opposed, but, Mr. Chairman, a bureau of this nature is the strongest force in preserving to the States their rights over their own citizens. Its power to enable the States to obtain information on this subject will strengthen and uphold their hands in progressive legislation, and by increasing their efficiency in dealing with their citizens will be the strongest force against the encroachment on the States by the federal power. It is claimed the States are not meeting the full responsibilities to their citizens. No greater aid than this could be given them to do so. Absolutely opposed to national regulation, I support no less firmly the collection of national information.

EUROPEAN NATIONS IN ADVANCE OF US.

Far beyond the United States other nations have already advanced in this important matter. Perhaps the nations of Europe feel the pressing need of the care of the children more keenly than we do, from the fact that these children are to be the future defenders of the nation in the war that always threatens those nations, who must be kept in a state of continual defense.

The experience of England during the Boer war, on account of the degeneracy of a large part of her population, especially the factory population, was a bitter one. One of the results of the investigations of this subject, which fill a whole series of "blue books," was the recent enactment by Parliament of a "children's charter," as it is popularly called. It has the double function, under the British system of government, of investigation and administration. The children's bureau, outlined in this bill, is confined to the first duty alone, except that it may report such facts as Congress may legislate upon within proper federal jurisdiction in the District of Columbia and the Territories. To the States must be left the duty of administration. Germany also, with an eye to its future citizens and soldiery, has a very complete and thorough system of research and publicity concerning all the facts relating to child life. Our own students of these problems have been compelled to gather their information about many of these questions from foreign sources, with more or less applicability to American conditions.

While Europe is an armed camp, this Republic is at peace. It is an even nobler duty to prepare for the victories of peace than to provide for the exigencies of war.

Self-preservation is spoken of as the first law of nature; and when the welfare of a nation rests, as ours, on universal suffrage, the care and bringing up of the children to healthy men and women can assume to no other duty a second place.

It is objected that we already have too many bureaus. There are in the nine great departments represented in the Cabinet 117 bureaus and divisions, as follows:

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|---|---|
| State Department | 9 |
| Treasury Department | 19 |
| War Department | 17 |
| Department of Justice | 6 |
| Post-Office Department | 5 |
| Navy Department | 22 |
| Interior Department | 9 |
| Department of Agriculture | 15 |
| Department of Commerce and Labor | 15 |

But the argument is the other way. If we have not neglected the creation of any bureau dealing with material things, what further excuse have we for neglecting the most precious asset of national life, the children?

COMPARATIVE STATEMENT OF APPROPRIATION REQUIRED.

If it is a question of expense let us look at the outlay which this last year has been authorized by the Government in some of the bureaus tabled above, and contrast that as a whole, or item by item, with the amount asked for under the present bill.

The Bureau of Animal Industry, for example, last year expended $301,415 for a single item, "Eradication of scabies in sheep," and $50,000 for the inspection of southern cattle. May not we ask ourselves, Is not a man better than a sheep; are not the children of more importance than cattle? There has been appropriated for the fiscal year ending June 30, 1909, for the eradication of ticks in cattle the sum of $250,000, and for this year the sum of $300,000 is asked for that purpose. Yet some are unwilling to spend one-sixth of this amount for a children's bureau! We appropriated last year for the investigation of insects injurious to vegetables, fruit, tobacco, field crops, and so forth, $158,800, and this year $199,800 is asked for the same purpose. We have already appropriated for the year 1909 $1,330,860 for the Bureau of Animal Industry, $1,341,676 for the Bureau of Plant Industry, $826,720 for the Bureau of Chemistry, $234,700 for the Bureau of Soils, and $434,960 for the Bureau of Entomology.

Contrast with these generous sums the amount required for the children's bureau.

Considering the confessed lack of knowledge on the vital questions concerning American children which I have briefly indicated and the importance of reliable information about them for the use of all public and private agencies that are attempting to deal with these problems, the expense involved is insignificant. The bill provides for 33 officials, a chief and his assistants and clerks, at an expense of $49,820, together with office rent and equipment, $2,000 more, a total of $51,820.

The study of bugs no doubt has its importance, but we can at least afford to spend one-eighth of the amount we expend on bugs for the study of the problems of our children.

It is admitted that with increased appropriations and the specification of new duties some of the already established bureaus might deal with some of these questions, but none of them is fitted to deal with them all. One of the most powerful reasons for concentrating such work in one bureau, with its significant name, "The Children's Bureau," is that the general public would know at once where to apply for the needed information. For example, one official of the Marine-Hospital Service is believed to have discovered the cause of a very common and debilitating disease among the children of certain sections of the South, and a very simple and cheap remedy for the affliction. But the unsophisticated would hardly think of applying to the Marine-Hospital Service for information about a disease of the children of inland Carolina. We increase the opportunities for valuable publicity many fold by centering the information about children in one bureau, whose very name is an index to the character of its work.

Public sentiment is arousing itself on this subject, and each day more and more interest is evinced in the objects of this bill. The press of the entire country, with scarcely an exception, is advocating the support of this measure, and letters and petitions from every part of the land have been rushing to the hands of Members of this body. There are no selfish or mercenary interests behind this measure, and the expression of opinion which is reaching us is the outgrowth, spontaneous and sincere, of the feeling for the children of our country.

The exploitation of childhood and the withering of little lives must stop, and to stop it the first and most necessary step is to proceed with intelligence and understanding.

NECESSITY FOR IMMEDIATE ACTION.

Mr. Chairman, it must be remembered that whatever we do for the children of the present we must do at once. The opportunity for aiding the children of any year or decade is a present opportunity, for the children so soon pass beyond the reach of the influences that are helpful to childhood. Others will come on and take their places, but these children that we are concerned with to-day, that may be helped if we pass this bill at this session, will be beyond the reach of help if we postpone action. Another Congress may create the children's bureau, but it will be for the help of other children than those with which we are concerned to-day. I have no doubt that it will be created. The need for it is too great, the demand for it too insistent, for it to fail of establishment among the bureaus of this Government. Why shall we not accept this responsibility and this privilege? Why shall we wait for others to help the children of to-morrow? Why shall we not aid the children that are, as well as the children that are to be, the children of to-day and of all the to-morrows in the history of this great Nation of ours? The question ought to be not, Shall we pass this bill, but why did not some Congress pass it long before, that the States might to-day be using the knowledge and experience that has been acquired? We can not remedy the past. The present is ours. Let us take now the final step in offering to the children the assistance of this measure.

Political equality and civic rights, obtained through years of struggle, have brought with them great responsibilities as well, and the future of our country depends upon the way our citizens will assume the responsibilities so placed upon them. Democratic government can not exist by itself, and the proper exercise of the suffrage and the development of the ideas of the framers of our Constitution necessitate the active interest of all the people of the country. Upon the quality of that citizenship the strength of our Government will depend, and the standard can never rise above the aims and ideals on which it rests. A good government can never be legislated by us or upon us. The only sure basis on which to rest our Government and from which we can look to the future with calm confidence is the basis of high and enlightened citizenship. To insure the preservation of our national ideals we must have citizens healthy and active, both in mind and body, and to develop from our children the highest types of men and women must be the first duty of our State, and it is a duty which this bill will help each State to perform. Let us take now the final step in offering to the children, our future citizens, the assistance of this measure.

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APPENDIX.

PERSONNEL OF THE CONFERENCE ON DEPENDENT CHILDREN.

Hon. George S. Addams, Cleveland, Ohio; judge juvenile court.

Miss Jane Addams, LL.D., Chicago, Ill.; president Hull House.

William J. Ahern, Concord, N. H.; secretary State Board of Charities and Correction.

Bernard C. Amand, 120 East Nineteenth street, New York City.

Judge George W. Atkinson, United States Court of Claims; president West Virginia Children's Home Society.

William C. Ball, 1138 South Fifth street, Terre Haute, Ind.; member board of control, Indiana Reform School for Boys.

Rev. Brother F. S. C. Barnabas, 417 Broome street, New York City; superintendent of N. Y. C. P. Placing Out Bureau for Dependent Children; superintendent of Somer Agricultural School for Dependent Children; director of St. Philip's Home for Friendless Working Boys; member of New York State Conference Committee on Dependent Children.

Mrs. Kate Waller Barrett, Alexandria, Va.; general superintendent National Florence Crittenton Mission.

Dr. S. J. Bassford, Biddeford, Me.; president York County Children's Aid Society.

Ludwig B. Bernstein, Ph. D., One Hundred and Fiftieth street and Broadway, New York City; superintendent Hebrew Sheltering Guardian Orphan Asylum.

Ernest P. Bicknell, War Department, Washington, D. C.; president National Conference of Charities and Correction; secretary National Red Cross Society; formerly general superintendent, Chicago Bureau of Charities; secretary Board of State Charities of Indiana.

Robert Biggs, law building, Baltimore, Md.; president St. Vincent de Paul Society.

Hon. Robert W. Bingham, Louisville, Ky.; president Kentucky Children's Home Society; president Board of Children's Guardians for Louisville and Jefferson County; formerly mayor of the city of Louisville.

Charles W. Birtwell, 43 Hawkins street, Boston, Mass.; general secretary Boston Children's Aid Society.

Hon. Samuel L. Black, Columbus, Ohio; judge of the juvenile court.

Mrs. Joseph Tilton Bowen, Chicago, Ill.; president juvenile court committee.

Charles Loring Brace, 105 East Twenty-second street, New York City; secretary New York Children's Aid Society.

H. S. Braucher, city building, Portland, Me.; general secretary Associated Charities.

Dr. Elmer Ellsworth Brown, Washington, D. C.; United States Commissioner of Education.

Julius A. Brown, 2317 West Ninth street, Los Angeles, Cal.; president California Children's Home Society.

William B. Buck, 1506 Arch street, Philadelphia, Pa.; secretary Children's Bureau; superintendent Seybert Institution; formerly secretary Cuban Orphan Society, New York; secretary New York county committee, State Charities Aid Association; superintendent of inspection New York State Board of Charities.

Hon. John M. Burnett, 2022 Sutter street, San Francisco, Cal.; president Particular Council of San Francisco, Society of St. Vincent de Paul.

Thomas G. Bush, Birmingham, Ala.

Amos W. Butler, State House, Indianapolis, Ind.; secretary state board of charities; formerly chairman committee on children, National Conference of Charities and Correction; president National Conference of Charities and Correction; chairman section on anthropology, American Association for the Advancement of Science.

Edward B. Butler, 3408 Michigan avenue, Chicago, Ill.; president of the board of directors of the Illinois Manual Training School Farm.

Edmond J. Butler, 44 East Twenty-third street, New York City; tenement house commissioner; corresponding secretary Superior Council of New York, Society of St. Vincent de Paul; vice-president Particular Council of New York, Society of St. Vincent de Paul; director Ozanam Association of City of New York; formerly director and member of executive committee of the Catholic Home Bureau of New York; member of committee on dependent children, Charity Organization Society of New York.

Andrew Carnegie, New York City.
Richard Carroll, Columbia, S. C.; manager South Carolina Industrial Home for Destitute and Dependent Colored Children.
C. C. Carstens, Boston, Mass.; secretary Massachusetts Society for Prevention of Cruelty to Children.
A. W. Clark, Omaha, Nebr.; superintendent Child Saving Institute of Omaha; formerly superintendent Boys and Girls' Aid Society of Omaha; general secretary associated charities of Omaha; member Nebraska state board of charities; member Nebraska child labor committee; president Sociological Club of Omaha.
Dr. William Bullock Clark, Johns Hopkins University, Baltimore, Md.; president Children's Aid Society of Baltimore
Hon. Allen B. Conover, Madison, Wis.; member Wisconsin state board of control.
Rev. John F. Corcoran, New Haven, Conn.; St. Francis Orphan Asylum.
Richard Crane, Ingalls Building, Cincinnati, Ohio; secretary Particular Council, St. Vincent de Paul Society of Cincinnati; president St. Xavier Conference, St. Vincent de Paul Society of Cincinnati; treasurer St. Xavier Parochial School of Cincinnati; trustee St. Joseph's Orphan Asylum of Cincinnati.
Meigs V. Crouse, 312 West Ninth street, Cincinnati, Ohio; superintendent Cincinnati Children's Home.
Miss Frances Greely Curtis, 28 Mount Vernon street, Boston ,Mass.; member Massachusetts state board of charities and chairman committee on minor wards.
O. K. Cushing, 37 Seventh street, San Francisco, Cal.; state board of charities.
Robert W. De Forest, 30 Broad street, New York City; president New York Charity Organization Society; vice-president Russell Sage Foundation; formerly president National Conference of Charities and Correction.
Hon. William H. De Lacy, 1816 F street NW., Washington, D. C.; judge of the juvenile court; director St. Joseph's Male Orphan Asylum; vice-president Southeast Boys' Club; president Society of St. Vincent de Paul for the District of Columbia.
C. C. Desmond, Spring and Third streets, Los Angeles, Cal.; president Particular Council of Los Angeles, Society of St. Vincent de Paul.
Dr. Edward T. Devine, 105 East Twenty-second street, New York City; editor Charities and The Commons; general secretary Charity Organization Society; professor of social economy, Columbia University; formerly president National Conference of Charities and Correction.
James Hardy Dillard, 2 Rector street, New York City; president Jeanes Foundation (headquarters in New Orleans); member of board of Home for Destitute Boys, New Orleans; member of board of the New Orleans Free Kindergarten Association; formerly dean of Tulane University, New Orleans.
John A. Doyle, 624 West St. Catherine street, Louisville, Ky.
M. F. Doyle, 1731 South Eighteenth street, Philadelphia, Pa.; vice-president Particular Council of Philadelphia Society St. Vincent de Paul.
Theodore Dreiser, Spring and Macdougal streets, New York City; editor of the Delineator.
Rev. J. P. Dysart, Loan and Trust Building, Milwaukee, Wis.; superintendent the Children's Home Society of Wisconsin.
John Joy Edson, Ninth and F streets NW., Washington, D. C.; president of the board of charities of the District of Columbia; member of the President's special commission on penal and reformatory institutions in the District of Columbia; treasurer of the Associated Charities.
Mrs. William Einstein, 121 East Fifty-seventh street, New York City; president Federation of Sisterhoods; president Emanuel Sisterhood; vice-president United Hebrew Charities; formerly member committee on dependent children, Charity Organization Society.
Rev. C. Eissfeldt, Wauwatosa, Wis.; general superintendent Lutheran kinderfreund societies.
Prof. D. Emmert, Huntingdon, Pa.; general secretary Home for Orphan and Friendless Children; study of child placing, Russell Sage Foundation, central Pennsylvania.
Mrs. Martha P. Falconer, 900 North Twenty-second street, Philadelphia, Pa.; superintendent Girls' House of Refuge; formerly assistant superintendent Illinois Children's Home and Aid Society, Chicago; probation officer juvenile court, Chicago.
Hon. N. B. Feagin, Birmingham, Ala.; judge of the inferior criminal court; member of the national child labor committee.
James E. Fee, State House, Boston, Mass.; superintendent division of minor wards, state board of charities; member of St. Vincent de Paul Society.
Miss Katherine C. Felton, 628 Montgomery street, San Francisco, Cal.; general secretary Associated Charities.
Parker B. Field, 277 Tremont street, Boston, Mass.; superintendent Boston Children's Mission to the Children of the Destitute; superintendent of Barnard Memorial (a work with children); superintendent of Boston Floating Hospital (for infants); assistant at Boston Children's Aid Society; formerly executive agent of Pauper Institutions Trustees of Boston.
Rev. Mallick J. Fitzpatrick, 357 Lafayette street, New York City; rector Mission of Immaculate Virgin; vice-president and trustee of the Mission of the Immaculate Virgin.
Samuel S. Fleisher, Philadelphia, Pa.; director Jewish Orphan Asylum; trustee Baron de Hirsch fund of America; vice-president Juvenile Protective Association, Philadelphia; director National Conference of Jewish Charities; director Jewish Foster Home and Orphan Asylum, Philadelphia; chairman Baron de Hirsch Agricultural School, Woodbine, N. J.; trustee Young Women's Union, Philadelphia; founder and sole director Graphic Sketch Club, Philadelphia (free art school and club house).
Bernard Flexner, Louisville, Ky.; chairman Juvenile Court Board, Louisville; treasurer International Juvenile Court Society.
Homer Folks, 105 East Twenty-second street, New York City; secretary State Charities Aid Association; president State Probation Commission; vice-chairman National Child Labor Committee; formerly Commissioner of Charities of New York City.
Hugh F. Fox, Plainfield, N. J.; president State Board of Children's Guardians; editor New Jersey Review of Charities and Corrections; formerly president New Jersey Children's Protective Alliance; member of the National Child Labor Committee.
Rev. Francis A. Foy, East Nutley, N. J.; executive chairman the Catholic Children's Aid Association of New Jersey; supervisor of charities for the Catholic diocese of Newark; secretary New Jersey State Charities Aid Association.
Henry L. Frank, 90 Washington street, Chicago, Ill.; president Jewish Orphan Society.
Lee K. Frankel, 105 East Twenty-second street, New York City; Russell Sage Foundation; formerly manager United Hebrew Charities of New York; secretary Joint Committee on Jewish Dependent Children, New York.
Dr. William S. Friedman, Denver, Colo.; rabbi of Temple Emanuel, Denver; president State Board of Charities; founder National Jewish Hospital for Consumptives; vice-president Colorado State Conference of Charities; formerly vice-president Charity Organization Society of Denver.
Dr. Almah J. Frisby, 661 Jackson street, Milwaukee, Wis.; member State Board of Control of Reformatory, Charitable, and Penal Institutions.
Dr. H. B. Frissell, Hampton, Va.; principal of Hampton Institute.
Richard C. Gannon, 52 Throop street, Chicago, Ill.; president Central Council of Chicago, Society St. Vincent de Paul.
Hon WASHINGTON GARDNER, House of Representatives; Member of Congress from Michigan; president Michigan Children's Home Society.
W. T. Gardner, Station C, Portland, Oreg.; superintendent Boys and Girls' Aid Society of Oregon.
Rev. Francis H. Gavisk, 126 Georgia street W., Indianapolis, Ind.; member State Board of Charities.
Mrs. John M. Glenn, 152 East Thirty-fifth street, New York City; formerly secretary of the Charity Organization Society of Baltimore, Md.
John M. Glenn, 105 East Twenty-second street, New York City; secretary and director Russell Sage Foundation; formerly president Supervisors of City Charities, Baltimore, Md.; member Child Labor Committee of Maryland; president National Conference of Charities and Correction.
Lawrence Gonner, Dubuque, Iowa; president Particular Council of Dubuque, Society St. Vincent de Paul.
Miss Jean M. Gordon, 1800 Prytania street, New Orleans, La.; factory inspector of New Orleans.
Nathaniel G. Grasty, City Hall, Baltimore, Md.; secretary Supervisors of City Charities; director House of Reformation for Colored Boys; Sunday-school superintendent, Maryland School for Boys; visitor to Female House of Refuge; general director National Junior Republic.
Francis B. Griffin, 161 West Sixty-first street, New York City; treasurer New York Infant Asylum.
Miss Josephine M. Griswold, 60 Brown-Tomson Building, Hartford, Conn.; secretary Connecticut Children's Aid Society.
Edward A. Hall, 66 Spring street, Springfield, Mass.; president Central Council, St. Vincent de Paul Society of Springfield; probation officer for superior court of Massachusetts; director Boys' Club, Springfield; director Playground Association.
Frank D. Hall, Tenth street and Eighth avenue S., Fargo, N. Dak.; superintendent Children's Home Society.
Mrs. Harry Hart, 4639 Drexel Building, Chicago, Ill.; Juvenile Court Committee.
Dr. Hastings H. Hart, LL. D., 79 Dearborn street, Chicago, Ill.; superintendent Children's Home and Aid Society of Illinois; chairman Study of Child Placing for Russell Sage Foundation; formerly secretary Minnesota State Board of Corrections and Charities; general secretary National Conference of Charities and Correction; secretary National Children's Home Society; president National Conference of Charities and Correction.
Seymour J. Hathaway, Marietta, Ohio; trustee Children's Home; formerly president Ohio Children's Home Convention; chairman Committee for Revising Laws Relating to Children's Homes in Ohio.
Sumner W. Haynes, 152 East Market street, Indianapolis, Ind.; superintendent Indiana Children's Home Society.
Robert W., Hebberd, foot East Twenty-sixth street, New York City; Commissioner of Public Charities; formerly secretary of the State Board of Charities of New York; superintendent of the Charity Organization Society of the City of New York.
Prof, Charles Richmond Henderson, Ph. D., University of Chicago, Chicago, Ill.; professor of sociology, University of Chicago; president National Children's Home Society; formerly president National Conference of Charities and Correction.
Hon. Myron T. Herrick, Cleveland, Ohio; ex-governor of Ohio.
Michel Heymann, 1321 Valence street, New Orleans, La.; former superintendent Jewish Orphan Home.
Charles D. Hilles, Chauncey, N. Y.; superintendent New York Juvenile Asylum; formerly superintendent the Boys' Industrial School of Ohio; secretary national Conference on the Education of Backward, Truant, and Delinquent Children.
Rabbi Emil G. Hirsch, D. D., Chicago, Ill.; rabbi Chicago Linai Congregation; member of the Board of Commissioners of Charities of Illinois; vice-president Jewish Home-Finding Society of Chicago.
Jacob H. Hollander, Johns Hopkins University, Baltimore, Md.; professor of political economy.
Rev. Walter Reid Hunt, 124 Essex avenue, Orange, N. J.; president Children's Aid and Protective Society of the Oranges; director State Conference of Charities and Correction; minister of the First Unitarian Church of Orange; formerly secretary of the State Conference of Charities and Correction and chairman of the Orange Conference of Charities and Correction.
Timothy D. Hurley, Chicago, Ill.; president Visitation and Aid Society.
Prof. A. J. Hutton, Waukesha, Wis.; superintendent Industrial School for Boys.
Thomas W. Hynes, 327 Schermerhorn street, Brooklyn, N. Y.; deputy commissioner of charities, New York City; president Society of St. Vincent de Paul, Brooklyn; formerly commissioner of corrections, New York City.
James F. Jackson, Cleveland, Ohio; superintendent Associated Charities; formerly secretary Associated Charities, St. Paul, Minn.; secretary Minnesota State Board of Corrections and Charities; assistant secretary Charity Organization Society, New York City (secretary committee on dependent children); manager Minneapolis Associated Charities.
A. T. Jamison, Greenwood, S. C.; superintendent Connie Maxwell Orphanage.
Miss Mary D. Jarrett, Saco, Me.; general secretary York County Children's Aid Society.
Alexander Johnson, Indianapolis, Ind.; secretary National Conference Charities and Correction; formerly superintendent School for Feeble Minded, Fort Wayne, Ind.; secretary state board of charities of Indiana; president National Conference of Charities and Correction.
George L. Jones, Baltimore, Md.; general secretary Henry Watson's Children's Aid Society.
Charles P. Kellogg, Waterbury, Conn.; secretary state board of charities.
J. J. Kelso, Parliament building, Toronto, Ontario, Canada; state superintendent neglected and dependent children.
Rev. Dr. William J. Kerby, Catholic University, Washington, D. C.; professor of sociology; formerly resident chaplain at Fresh Air Home, Baltimore.

Sherman C. Kingsley, 51–53 La Salle street, Chicago, Ill.; general superintendent Chicago Relief and Aid Society; director Children's Hospital Society, Chicago; chairman executive committee milk commission, Chicago; formerly agent Boston Children's Aid Society; general secretary Boston Children's Friend Society.

Miss Julia C. Lathrop, Rockford, Ill.; member state board of public charities.

Miss Florence Larrabee Lattimore, New York City; Study of Institutional Children, Russell Sage Foundation; former connections, committee on physical welfare of school children, New York City; Seybert Institution for Poor Boys and Girls, Philadelphia; the Pittsburg Survey of "Charities and Commons."

George A. Lewis, 31 Erie County Savings Bank, Buffalo, N. Y.; chairman committee on children, Charity Organization Society of Buffalo.

Adolph Lewisohn, 42 Broadway, New York City; president Hebrew Sheltering Guardian Society.

Eugene T. Lies, Minneapolis, Minn.; general secretary Associated Charities.

Dr. Walter Lindley, 1414 South Hope street, Los Angeles, Cal.; chairman committee on public health.

Samuel McCune Lindsay, Philadelphia, Pa.; professor of social legislation in Columbia University; director of New York School of Philanthropy; vice-chairman national child labor committee; formerly commissioner of education for Porto Rico; secretary of the national child labor committee.

Hon. Ben. B. Lindsey, Denver, Colo.; judge juvenile court.

Frank D. Loomis, 10 Academy street, Newark, N. J.; general secretary of children's bureau; formerly special assistant to the general secretary of the Brooklyn Children's Aid Society.

Rev. William DeLoss Love, Ph. D., Hartford, Conn.; president Connecticut Humane Society.

Owen R. Lovejoy, 105 East Twenty-second street, New York City; general secretary national child labor committee.

Miss Minnie F. Low, 4906 Indiana avenue, Chicago, Ill.; superintendent bureau of personal service; member of executive committee of several of the local branches of Juvenile Protective League; member of executive committee of Jewish Home Finding Society; organizer of Woman's Loan Association of Chicago; formerly district probation officer of juvenile court of Cook County; member of board of directors of juvenile court committee; member executive committee of Cook County Child Saving Conference.

Solomon C. Lowenstein, Amsterdam avenue and One hundred and thirty-seventh street, New York City; superintendent Hebrew Orphan Asylum; formerly head worker Jewish Settlement, Cincinnati; superintendent United Jewish Charities, Cincinnati; assitant manager United Hebrew Charities, New York City; secretary National Conference of Jewish Charities.

V. Everit Macy, 68 Broad street, New York City; treasurer national child labor committee.

Mrs. H. B. F. Macfarland, The Marlborough, Washington, D. C.; member board of children's guardians.

Hon. H. B. F. Macfarland, The Marlborough, Washington, D. C.; president Board of Commissioners of the District of Columbia.

Hon. Julian W. Mack, Chicago, Ill.; judge of circuit court, Cook County; member of executive committee, National Conference of Jewish Charities; member of executive committee, National Conference of Charities and Correction; member of executive committee, juvenile court committee, Cook County; member of executive committee, Jewish Home Finding Society of Chicago; vice-president, Associated Jewish Charities of Chicago; vice-president Jewish Orphan Society of Chicago; president League for the Protection of Immigrants; formerly judge of juvenile court of Cook County; president National Conference of Jewish Charities.

J. William Magruder, 101 West Saratoga street, Baltimore, Md.; general secretary of the Federated Charities; formerly president Associated Charities, Portland, Me.

B. Pickmann, District building, Washington, D. C.; president board of children's guardians; formerly member of board of managers of Associated Charities; secretary board of children's guardians.

Martin A. Marks, Cleveland, Ohio; director Jewish Orphan Asylum.

Rev. William J. Maybee, 2605 East Franklin street, Richmond, Va.; superintendent Children's Home Society of Virginia.

John E. McCarthy, 30 Tremont street, Boston, Mass.; general agent children's institutions department, city of Boston.

Miss Theresa E. McCarthy, San Francisco, Cal.; agent children's agency.

Arthur W. McDougall, 10 Academy street, Newark, N. J.; superintendent and secretary bureau of associated charities; director children's bureau of Newark; executive secretary charities endowment committee of Newark; formerly general secretary, Orange bureau of associated charities; director Children's Aid and Protective Society of the Oranges.

Dr. Charles F. McKenna, 50 Church street, New York City; secretary Catholic Home Bureau; member Superior Council of New York, Society of St. Vincent de Paul; vice-president New York state probation commission.

A. J. McKelway, 604 Century Building, Atlanta, Ga.; secretary for the Southern States national child labor committee; author of Oklahome compulsory-education law, containing provision for education of children and support of dependents.

Rev. William McMahon, Cleveland, Ohio; editor Catholic Universe.

Rt. Rev. Mgr. D. J. McMahon, 237 East Twenty-first street, New York City; supervisor Catholic charities in New York.

Galen A. Merrill, Owatonna, Minn.; superintendent Minnesota State Public School for Dependent and Neglected Children; formerly state agent of the Michigan State Public School for Dependent Children.

Hon. Herman A. Metz, 280 Broadway, New York City; comptroller of New York City.

William H. A. Mills, 415 South Fifteenth street, Philadelphia, Pa.; general secretary Pennsylvania Society to Protect Children from Cruelty.

James Minnick, 201 Warren avenue, East Providence, R. I.; general manager of the Providence Society for Organizing Charity; formerly superintendent stock yards district, Chicago Bureau of Charities; superintendent west side district, Chicago Bureau of Charities.

Max Mitchell, 43 Hawkins street, Boston, Mass.; superintendent Federated Jewish Charities.

John Barrett Montgomery, Coldwater, Mich.; superintendent Michigan State Public School.

Rev. O. S. Morrow, Topeka, Kans.; superintendent Kansas Children's Home Society.

Hon. Jacob M. Moses, court-house, Baltimore, Md.; judge juvenile court; president Maccabean Social Settlement; director Federated Jewish Charities; director United Hebrew Charities; directing counsel Legal Aid Bureau.

Hon. Thomas M. Mulry, Emigrant Savings Bank, New York City; president St. Vincent de Paul Society of the United States; formerly president of the National Conference of Charities and Correction.

Judge Frank J. Murasky, San Francisco, Cal.

Daniel B. Murphy, 122 East Main street, Rochester, New York; ex-president New York Conference Charities and Correction; member board of managers, Craig Colony, Sonyea, N. Y.

Hon. Charles P. Neill, Ph. D., 3560 Macomb street NW., Washington, D. C.; United States Commissioner of Labor; formerly vice-president board of charities of the District of Columbia.

N. W. O'Brien, 523 Jefferson street, Detroit, Mich.; president Particular Council of Detroit, Society St. Vincent de Paul.

Miss Mary Boyle O'Reilly, Boston, Mass.; secretary Children's Institution Department; member of board of prison commissioners of Massachusetts.

Thomas Mott Osborne, Auburn, N. Y.; New York public-service commissioner for second district; president George Junior Republic Association; member of Charities Aid Association; member executive committee New York Prison Association.

William H. Pear, room 32, 43 Hawkins street, Boston, Mass.; general agent Boston Provident Association; director Society for Helping Destitute Mothers and Infants; chairman Paine fund committee, Cambridge; formerly assistant secretary Boston Children's Aid Society.

Charles H. Peckham, Providence, R. I.; secretary board of state charities.

Hon. Arthur Peter, Louisville, Ky.; judge juvenile court.

Hon. M. W. Pinckney, Chicago, Ill.; judge juvenile court.

Hon. Rutherford H. Platt, 13 East State street, Columbus, Ohio; member of the Ohio board of state charities.

J. Hall Pleasants, M. D., 16 West Chase street, Baltimore, Md.; president supervisors of city charities; manager Henry Watson's Children's Aid Society.

Dr. Charles P. Putnam, 30 Tremont street, Boston, Mass.; chairman of trustees for children.

Thomas C. Rapier, New Orleans, La.; manager the Picayune.

Rudolph R. Reeder, Ph. D., Hastings-on-Hudson, N. Y.; superintendent New York Orphanage; corporate member of the Illinois Children's Home Finding Society.

Theodore P. Rees, Philadelphia, Pa.; children's agent, department of public health and charities.

Rt. Rev. Mgr. J. L. Reilly, Schenectady, N. Y.; chairman committee on dependent children, Schenectady Charities Association.

Richard M. Reilly, 122 East King street, Lancaster, Pa.; president particular council of Harrisburg Society of St. Vincent de Paul; member board of directors of Lancaster Charity Society; secretary St. Mary's Orphan Asylum, Lancaster, Pa.

Mrs. William B. Rice, 17 West Sixteenth street, New York City; member Russell Sage Foundation; vice-president State Charities Aid Association; member of executive committee and Central Council, Charity Organizatien Society; formerly chairman committee on children, State Charities Aid Association; member committee on the care of motherless infants, State Charities Aid Association.

Jacob A. Riis, 524 North Beech street, New York City.

Mrs. F. A. Rising, 351 West Broadway, Winona, Minn.

George B. Robinson, 415 Broome street, New York City; president New York Catholic Protectory; member of St. Vincent de Paul Society; member of executive committee of National Conference of Charities and Correction; formerly secretary New York Catholic Protectory; member of committee on children of National Conference of Charities and Correction at Washington, Detroit, Portland, Oreg., and Philadelphia.

Julius Rosenwald, 4901 Ellis avenue, Chicago, Ill.; president of Sears, Roebuck & Co.; president Associated Jewish Charities; director Jewish Home Finding Society.

Very Rev. Joseph Ruesing, V. F., Westpoint, Nebr.; dean and rector of St. Mary's Church; member Nebraska child labor law committee; manager St. Joseph's Home for the Aged and Orphans; formerly member Nebraska state board of charities and correction.

Michael J. Scanlan, 51 Chambers street, New York City; president Catholic Home Bureau for Dependent Children.

Jacob H. Schiff, 52 William street, New York City; member board of trustees, Jewish Orphan Asylum, New York City.

Mrs. Frederic Schoff, 3418 Baring avenue, Philadelphia, Pa.; president National Congress of Mothers; president Philadelphia Juvenile Court and Probation Association; formerly manager Philadelphia Society for Organizing Charity.

Miss Louisa L. Schuyler, 37 Madison avenue, New York City; vice-president State Charities Aid Association.

Mrs. Cora H. Seaton, 5 Astor Building, Jacksonville, Fla.; superintendent Florida Children's Home Society.

George L. Sehon, 2116 Von Borries avenue, Louisville, Ky.; state superintendent Kentucky Children's Home Society; president Kentucky State Conference of Charities and Corrections; vice-president National Conference of Charities and Correction; vice-president American Prison Association; secretary board of children's guardians, Louisville; trustee, Midway Orphanage for Dependent Girls, Midway, Ky.; first assistant secretary American Prison Congress.

Max Senior, Mitchell Building, Cincinnati, Ohio; ex-president National Conference Jewish Charities.

Newton M. Shaffer, M. D., 28 East Thirty-eighth street, New York City; surgeon in chief New York State Hospital for the Care of Crippled and Deformed Children; clinical professor of orthopædic surgery, Cornell University Medical College; formerly surgeon in chief New York Orthopædic Dispensary and Hospital; attending orthopædic surgeon St. Luke's Hospital, New York.

W. B. Sherrard, Sioux Falls, S. Dak.; superintendent National Children's Home Society; state superintendent South Dakota Children's Home Society; founder Newsboys and Bootblacks' Home, Chicago.

Mrs. Lucy M. Sickels, Adrian, Mich.; superintendent State Industrial Home for Girls.

C. W. Skinner, 2525 Wisconsin avenue, Washington, D. C.; superintendent Industrial Home School of the District of Columbia.

Rev. W. H. Slingerland, 2340 East Ninth street, Des Moines, Iowa; superintendent Iowa Children's Home Society.

Edwin D. Solenberger, 1506 Arch street, Philadelphia, Pa.; general secretary Pennsylvania Children's Aid Society; formerly district superintendent Chicago Bureau of Charities; general manager Associated Charities, Minneapolis, Minn.; secretary Minnesota State Conference of Charities and Correction.

Mrs. Hattie E. Sowers, 43 Federal street, Pittsburg, Pa.; president Children's Aid Society of Western Pennsylvania.

Dr. William P. Spratling, 1110 North Charles street, Baltimore, Md.; editor Transactions of the National Association for the Study of Epilepsy; professor of nervous diseases, College of Physicians and Sur-

geons, Baltimore, Md.; formerly medical superintendent of the Craig Colony for Epileptics.

Rev. C. C. Stahmann, Margaretta and Newstead avenues, St. Louis, Mo.; state superintendent Missouri Children's Home Society.

Louis Stern, 34 West Twenty-third street, New York City; president Hebrew Orphan Asylum of New York; formerly trustee, Hebrew Technical School; trustee, Educational Alliance.

Hon. William R. Stewart, 31 Nassau street, New York City; president state board of charities of New York.

Seymour H. Stone, 48 Rutland street, Boston, Mass.; general secretary Boston Children's Friend Society; secretary Massachusetts State Conference of Charities; formerly placing-out agent of the Boston Children's Aid Society; superintendent New Jersey State Board of Children's Guardians; superintendent Joint Application Bureau of New York Charity Organization Society.

Mrs. Frank S. Streeter, Concord, N. H.; chairman State Board of Charities and Corrections of New Hampshire; first vice-president Concord Charity Organization Society; secretary Concord District Nursing Association; trustee, Church Settlement Association of New Hampshire; formerly chairman of committee on dependent children of New Hampshire State Conference of Charities and Corrections; president Concord Charity Circle.

William Bement Streeter, A. B., Greensboro, N. C.; state superintendent of the Children's Home Society in the Carolinas; formerly state agent of Michigan State Public School for Dependent Children; state agent Indiana State Board of Charities.

David F. Tilley, 60 Devonshire street, Boston, Mass.; member, State Board of Charity; president particular council, Society of St. Vincent de Paul of Boston.

Rev. W. H. Thompson, 719 Furgeson Block, Pittsburg, Pa.; superintendent Children's Home Society of Pennsylvania.

Henry W. Thurston, Chicago, Ill.; chief probation officer juvenile court.

Rev. Charles Virden, Springfield, Ill.; agent Illinois state board of charities.

G. Halfred Von Koch, of Sweden; editor Sociological Review and National Charity Review; president children's aid department of National Charity Society; formerly director parish board of guardians; member, Central Council, Charity Organization Society.

Hon. W. J. Van Patten, 386 Pearl street, Burlington, Vt.; president Kurn Hattin Homes, Westminster, Vt., and Saxtoris River, Vt.

Miss Lillian D. Wald, 265 Henry street, New York City; founder and head worker the Henry Street Settlement; member, executive committees of the national and the New York State child labor committees; member, executive committee, New York Charity Organization Society; member, New York State immigration commission.

Arthur E. Wakeman, 72 Schermerhorn street, Brooklyn, N. Y.; general secretary Brooklyn Children's Aid Society; formerly visitor, placing-out department, Boston Children's Aid Society.

Thomas F. Walsh, Denver, Colo.; president Colorado Humane Society.

Dr. Booker T. Washington, Tuskegee, Ala.; president Tuskegee Institute.

Charles F. Weller, Pittsburg, Pa.; secretary Associated Charities of Pittsburg; warden Neighborhood House, Washington, D. C.; formerly secretary Associated Charities, Washington, D. C.

James E. West, 1343 Clifton street NW., Washington, D. C.; secretary National Child-Rescue League.

Alfred T. White, 40 Remsen street, Brooklyn, N. Y.

Rev. William J. White, D. D., 98 Richards street, Brooklyn, N. Y.; supervisor of Catholic Charities of Brooklyn; director of Catholic Home Bureau of New York.

Robert Treat Whitehouse, Portland, Me.; United States attorney for the district of Maine; president Children's Protective Society, Portland; chairman of commission on creation of state board of charities and corrections; attorney for the Associated Charities of Portland.

George W. Wilder, Spring and Macdougal streets, New York City; president Butterick Publishing Company; president National Child-Rescue League.

Mornay Williams, 56 Maiden lane, New York City; chairman New York child labor committee; president New York State Conference of Charities and Corrections; president New York Juvenile Asylum; formerly president National Conference on Education of Backward, Truant, and Delinquent Children.

Clarence V. Williams, Trenton, N. J.; superintendent New Jersey Children's Home Society; superintendent Delaware Children's Home Society.

Mrs. Emily E. Williamson, 310 North Broad street, Elizabeth, N. J.; president New Jersey State Charities Aid and Prison Reform Association; chairman executive committee and treasurer New Jersey State Board of Children's Guardians and probation officer of Union County; member of state committee on child labor; member executive committee, New Jersey Children's Alliance; secretary board of managers of State Institution for Feeble-Minded Women and Girls; formerly commissioner on dependent children; member of commission on dependency and crime.

Hon. John W. Willis, Globe building, St. Paul, Minn.; president particular council of St. Paul, Society St. Vincent de Paul.

George S. Wilson, District building, Washington, D. C.; secretary Board of Charities of the District of Columbia.

Simon Wolf, Fourteenth and G streets NW., Washington, D. C.; founder and president Hebrew Orphans' Home, Atlanta, Ga.; one of the founders of the Cleveland (Ohio) Hebrew Orphans' Home, and of the German Orphan Asylum of the District of Columbia; formerly president Board of Children's Guardians, District of Columbia; member Board of Charities of the District of Columbia.

Dr. S. Wolfenstein, Cleveland, Ohio; superintendent Jewish Orphan Asylum.

Miss Helen A. Woods, 821 Main street, Worcester, Mass.; superintendent Worcester Children's Friend Society.

Mrs. S. W. Woodward, 2015 Wyoming avenue, Washington, D. C.; member board of Washington City Orphan Asylum.

Mrs. Annie L. Young, Salt Lake City.

Mr. SMITH of Iowa. I yield twenty minutes to the gentleman from Vermont [Mr. FOSTER].

Mr. FOSTER of Vermont. Mr. Chairman, I have been interested during the past few weeks in the discussion we have had upon that always interesting subject, the rules of the House. I listened with peculiar interest to the illuminating and altogether admirable address of the gentleman from Pennsylvania [Mr. OLMSTED] upon this subject. He made it apparent that the present rules of the House are the growth of years; that each revision of the rules embodied the best judgment of the membership of the House at the time as to the needs of the times; that the adoption of each of these rules was not for the purpose of centralizing power in the hands of any one man, but to enable the House more successfully and more effectively to perform its legislative functions; that the various revisions of the rules stand as milestones along the highway of progress, indicating the advance we have made as a legislative body. The one thing that should be uppermost in our minds in connection with this discussion is that this progress must go on. We must not be content to live in the twilight of the day which is past.

> New occasions teach new duties; Time makes ancient good uncouth.
> They must upward still and onward who would keep abreast of Truth.

For one hundred and twenty years we have been advancing as a legislative body, but everyone familiar with existing conditions in this House knows that we are still far from the highest point of perfection. Progress is slow of foot and her pathway is often the mountain trail. It is still our high privilege, our sworn duty, to revise and perfect the rules, in order that the House may continue to be in a yet larger degree the exponent and representative of American civilization and that it may give just and ample expression to the progressive spirit of the American people.

In all this discussion we have had our attention called many times to the assertion that under the present system the Speaker of the House is the autocrat, the czar, the tyrant. But I wish to emphasize the fact that the real tyrant with which the House of Representatives has to contend is the House itself. Until we control this tyrant, until we master ourselves, we shall continue to be "cribbed, cabined, and confined" by rules that make us appear ridiculous to a large proportion of our constituents.

The gentleman from Iowa [Mr. HEPBURN] the other day showed how the Members of the House, by the revision of the rules in 1880, were deprived of the right to be recognized by the Speaker. But that change was made, that right was taken from the Members, not because anyone desired to exalt the Speaker or to centralize power in his hands, but because of the abuse of the right by Members of the House to such an extent as greatly to impede, and at times absolutely to prevent, the constitutional functions of the House. The gentleman from Pennsylvania [Mr. OLMSTED] in the course of his instructive remarks showed conclusively why, in the Reed rules, the motion to take a recess was stripped of its privileged character. He illlustrated the conditions which then existed by showing that on one occasion nearly the whole afternoon, nearly the whole session of the House, was wasted by a Member moving alternately to adjourn and to take a recess. And a careful study of each of these rules will show conclusively that it was adopted in order to enable the House to control itself more effectively, and so to enable it to legislate with less of dilatory tactics and with less of senseless performance of various kinds.

We are frequently told and we frequently declare that this is the great legislative body of the world. We come here as the personal representatives of 80,000,000 American sovereigns. There never was a time when the general average of membership was as high as it is to-day. There never was a time when the demands upon the Members of the House were so great and so exacting as they are to-day. There never was a time when the Members were required to devote themselves so exclusively to their public duties as to-day. There never was a time when their intelligent and careful attention was more needed on the floor of the House in connection with the enormous work we have to do than at present. And yet, Mr. Chairman, I respectfully submit that our manners and the conduct of the House, as a whole, are simply abominable. To illustrate, let me call the attention of the committee to what has just occurred.

The gentleman from Massachusetts [Mr. PETERS], who just addressed the committee, brought to our attention a subject of great national importance, a subject in which many good people all over our land are interested. He called our attention to the importance of a national children's board. This subject was recently considered here in Washington by a conference of philanthropic people gathered from all parts of the land by President Roosevelt. But so great was the confusion during his interesting and instructive remarks that it was utterly impossible for anyone to hear a word he said unless he was within a few feet of him. During the past few days I have sat here in deep humiliation as I have witnessed the Speaker shrieking at the top of his voice in his efforts to secure, not order, but the merest semblance of order, that the House might discharge its constitutional functions with some degree of intelligence.

I remember an occasion earlier in the session which would have humiliated any of our constituents who could have wit-

nessed it. The special embassy from the ancient Empire of China occupied the diplomatic gallery, and the members of that distinguished embassy looked down upon the utter confusion of the House, a confusion so great that even those in the gallery who were entirely familiar with the procedure of the House could not possibly determine what we were attempting to do.

These are but illustrations of what occurs here daily. The House is composed of gentlemen, and yet the scenes of disorder witnessed here every day, where legislation of great importance is before us, are disgraceful.

But it is unnecessary for me to enlarge upon the conduct of the House. The existing conditions are only too familiar to us all. And I respectfully submit that, before we enter upon any genuine attempt to liberalize the rules of the House, it is absolutely essential that we radically reform the House itself. [Applause.] It goes without saying that it ought not to be necessary for the Speaker or the Chairman of the Committee of the Whole House on the state of the Union to spend time and effort in order to secure sufficient order to permit us to dispose of the business before us in a proper and businesslike manner.

We have greatly improved our manners as a legislative body during the past twenty-five or thirty years. We are frequently told of the conditions that formerly existed. It is said that twenty-five years ago the principal use to which these desks were put was as a resting place for the feet of Members; that Members thought nothing of coming in, taking off their coats, lighting their cigars, and sticking their feet upon the desks in front of them while the business of the House was being proceeded with. And the membership of the House has greatly improved in many other respects. This ancient gentleman (referring to Mr. Chauncy) who has been an employee of the House for over half a century, "an heirloom," as our friend here suggests, has frequently related instances of the old days, when it was not uncommon for Members to come into the House so badly under the influence of intoxicating liquor that they had to be assisted home.

We have changed all these things. To-day no Member would be tolerated here for a moment whose wits were befuddled. To-day it would be bad form for a man to come here and attempt to smoke his cigar or take off his coat or rest his feet upon the desk in front of him. But, having accomplished this much, we are bound now by every consideration of decency and propriety to go forward and insist upon that degree of order in the House that is essential to its orderly procedure and that is in keeping with its dignity as a great legislative body. We come from 46, soon to be 48, States. Every one of us knows that there would not be tolerated for a moment in the legislative bodies of any one of these States such conditions as we daily find here.

In order to bring about this new order of things in the House we must join hands to make it bad form for a Member to conduct himself in the House as he would not conduct himself elsewhere. I respectfully submit that when as a Member of this House I come here during the discussion of an important legislative measure by some other Member and fail to give him that respectful attention which I would give him everywhere else, I am forgetting my position as a gentleman, I am forgetting my dignity as a Member of this great legislative body, I am unmindful of my responsibilities as the representative of the people of my district. [Applause.]

Mr. MARTIN. I would like to ask the gentleman a question. Will he yield?

Mr. FOSTER of Vermont. I yield.

Mr. MARTIN. Does the gentleman consider that the rule or practice permitting under general debate speeches on all varieties of subjects may contribute somewhat to this general disorder into which the House has fallen?

Mr. FOSTER of Vermont. Mr. Chairman, that is undoubtedly true. And yet I should dislike exceedingly to have this practice of general debate abolished.

Mr. MANN. Or this speech relating thereto.

Mr. FOSTER of Vermont. Or this speech relating thereto.

Mr. MARTIN. Does not the gentleman think that if it were insisted that only the subject under consideration should be discussed, that general debate should be limited to matters germane to it? That a rule or practice of this kind would contribute not only to the interest of the Members of the House, but to the orderly procedure of business?

Mr. FOSTER of Vermont. I do not doubt that much of the carelessness and indifference of Members as to the conditions on the floor of the House results from this practice of general debate, where speeches are delivered upon every conceivable subject excepting the one under discussion. But I am complaining of the conduct of the House, not when it is listening, not when its time is occupied with the delivery of some perfunctory speech, but when we are attending to legislation; when we have important business before us which should be accorded the careful consideration of every Member.

Mr. MARTIN. I desire to entirely disclaim any suggestion that may be made as to this important discussion, for I think it is one of the most interesting and important discussions that I have heard upon the floor of the House.

Mr. OLLIE M. JAMES. And I would like to suggest that subjects are discussed in the House that are of great importance to the House, subjects that could not be discussed in any other way, and upon which we should have no other way of giving our views to the country.

Mr. FOSTER of Vermont. The gentleman is entirely right. Some of our greatest political questions have been discussed and finally determined in these general debates in the Committee of the Whole House on the state of the Union. We all recall a notable instance of this fact in the Senate. The question whether we are a whole Nation or a mere federation was not determined when Lee surrendered his sword at Appomattox. That question was decided for all time when Webster replied to Hayne.

That historic debate took place in the Senate when in the Committee of the Whole House on the state of the Union. Many instances could be cited of historic debates that have occurred in the course of general debate in the House when in Committee of the Whole House on the state of the Union.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. I yield five more minutes to the gentleman.

Mr. FOSTER of Vermont. It seems to me that the time has come when we should rearrange the House of Representatives as an aid to better order. These desks belong to the olden time. They have outlived their usefulness. They have no business in this Hall, occupying so much space and preventing those Members interested in the proceedings of the House from gathering in a compact body. They ought to be taken out.

They were placed here when Members of the House had no clerks; when they did much of their writing here; when they did much of their work here; when all of their manuscript had to be written out, and much of it was written here; when his spare time was spent by the Member industriously at his desk. The desks were then used for legislative purposes and not as a center for personal and political gossip when others were attempting to carry on the important business of the House. [Applause.] To-day it is a rare occurrence for a Member to write a letter or anything else in longhand. He has a clerk who does all this work. Each Member has his office, where his work is done. Only in rare instances can a Member be found who makes even occasional use of his desk.

Then, too, we ought to have more room in the lobby. We have many visitors. Our constituents call to see us. They have the right to see us, and they should have the opportunity to see us under favorable conditions. That portion of the House wing now occupied by the Committee on Appropriations and the Committee on Pensions ought to be given up to the lobby of the House, where Members can take up with their constituents matters in which they are interested. We should have such facilities as will enable us to meet our friends and constituents, and to discuss with them pending measures in which they may be interested, and to consult with them upon any matter in which they are interested.

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

Mr. FOSTER of Vermont. I will.

Mr. BATES. In the most interesting and valuable remarks which the gentleman is making, will he also favor a proposition by which this Chamber could be so arranged that we would not have to breathe secondhand air all the time during the legislative session, so that we could have at least some windows by which sunlight and fresh air could be enjoyed in this Chamber? As the gentleman well states, we represent all the States of the Union. No Representative would like to wear a secondhand hat or a secondhand coat or secondhand clothes, and yet we are compelled to sit here six hours every day and breathe secondhand air.

Mr. FOSTER of Vermont. Mr. Chairman, the matter to which the gentleman refers is a very important matter. I hardly have time to discuss it now. I think we have a Committee on Ventilation and Acoustics, have we not? That committee ought to be given, if necessary, a session clerk in order that it may take up this matter. We are certainly entitled to better ventilation than we now have. But this is hardly germane to the question I am now discussing.

Mr. EDWARDS of Georgia. Mr. Chairman, I ask for order. We would like to hear the speech of the gentleman.

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

Mr. FOSTER of Vermont. I yield to the gentleman from Ohio.

Mr. DOUGLAS. I have listened with great pleasure to what the gentleman says. Does he not think that the fact that each gentleman of the House has his own desk, that it is numbered, that a plan of it is made, that his constituents in the gallery can see whether he is present or not, has a wholesome influence on the attendance of the House?

Mr. FOSTER of Vermont. I regret to say that in my judgment such is not the fact. If we had a rule compelling Members when on the floor of the House to keep their seats, and if we enforced that rule, the question of better order in the House would be solved.

Mr. DOUGLAS. There is a rule that requires the attendance of Members in this House unless necessarily absent.

Mr. FOSTER of Vermont. But the rule does not go to the extent of compelling Members to keep their seats when on the floor.

Mr. CAPRON. Mr. Chairman, I would like to ask the gentleman one question, and that is whether he considers that the quorum of the Committee of the Whole House should be changed from its present number to any less number?

Mr. FOSTER of Vermont. It has been suggested that with the changed condition this might properly be done. Now, that we have our Office Building, where a large amount of work is done which was formerly done in the House, it may be found best to consider whether the number necessary for a quorum should not be reduced. It seems to me, however, that under ordinary circumstances we ought to have one-fourth of the membership present when we are taking legislation in the Committee on the Whole House.

Mr. BARTLETT of Georgia. It is now only 100.

Mr. DAVIS. Mr. Chairman, the gentleman's observations are certainly as interesting as any I have heard on the floor of the House this session, and I think as important. The gentleman, however, has simply stated what we all know to be a fact—that disorder of the worst kind prevails. The gentleman also has stated that the Speaker attempts many times during the day to obtain better order, but it seems impossible for him to do so. Now that a revision of the rules apparently is in the air, could the gentleman suggest any remedy? Would it not perhaps aid some for the Speaker, when attempting to obtain order, if he observes a collection of gentlemen from the various sections conversing loudly, to make it a matter of record to call attention to the gentlemen by name who are thus causing this disorder and standing in aisles to please take their seats? Would not that conduce to better order? It would make those gentlemen ashamed of themselves to be mentioned in the RECORD.

Mr. FOSTER of Vermont. I have no doubt it would. But the gentleman knows that the Speaker of the House, and every Member of the House whom the Speaker calls to the chair to act as Chairman of the Committee of the Whole House, dislikes extremely to call attention in this conspicuous manner to a Member's conduct. If he calls him by name, it goes into the RECORD.

Mr. DAVIS. Let us make a rule to that effect.

Mr. FOSTER of Vermont. We all understand that much depends upon the presiding officer. But it seems to me that the fundamental difficulty is with the Member himself. It should be wrought into his very system that he should conduct himself on the floor of the House as he conducts himself elsewhere.

Mr. DAVIS. But how can we do it?

Mr. FOSTER of Vermont. First of all, we should cooperate with the Speaker. We have a Republican floor leader and a Democratic floor leader. Each of these gentlemen has his "whip." We have our force of employees. The floor leaders with their "whips" and with this force of employees could be of very great assistance in cooperation with the Speaker in maintaining order. I would favor a conference of the entire membership of the House at the opening of the next Congress to take up this question of better order in the House. I would favor a resolution at that conference calling upon the Republican floor leader, who is always in his seat unless his committee work detains him, and upon the minority floor leader, who is always in his seat unless unavoidably absent, to cooperate with the Speaker in securing and maintaining order on their respective sides of the House.

Mr. CANNON. Will the gentleman allow me——

Mr. FOSTER of Vermont. Certainly, Mr. Speaker.

Mr. CANNON. Touching the matter of naming a gentleman, when I came into the House Mr. Speaker Blaine was Speaker. In cases of great disorder, where Members did not obey the gavel when calling for order, occasionally Mr. Speaker Blaine said, "Unless gentlemen are in order, the Chair will be forced to name gentlemen who are not in order." I asked Mr. Speaker Blaine, "Why do you not name them?" I wanted to know. "Oh," he said, "to name a man who is not in order would be resented by him, as well as by the other Members, unless it was a case where the Chair was compelled, in justice to the House, to name him." For instance, it would go all over the country; it would go to his district. I do not now recall such an instance. It may be that I have seen the Chair naming somebody who was not in order—but I do not now recollect an instance of the Chair having named anyone. It occurs to me, in the case of Mr. Speaker Crisp, when there was confirmed disorder on the part of one Member, who was a big Member, who did not obey the mace, that he was marched in front of the mace to his seat. That man was big enough to stand it; but I should very much dislike to have a Speaker do that to me. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SMITH of Iowa. Mr. Chairman, the bill under consideration is so perfect I believe it needs no defense from me, so I will yield the rest of my time to the gentleman from Vermont.

Mr. FOSTER of Vermont. I thank the gentleman from Iowa for his courtesy. I thought, Mr. Chairman, that I understood fully the attitude of the Speaker with reference to this subject. It is certainly a very disagreeable task for anyone who occupies the Speaker's chair, either as Speaker or as Chairman of the Committee of the Whole House, to name a Member as being out of order and as neglecting to be in order after repeated calls for order from the Chair. This is particularly true in view of the fact that the condition which we find here is wholly the result of thoughtlessness and indifference rather than of any intentional purpose on the part of anyone to disturb the procedure of the House.

Let us, therefore, at the opening of the next Congress have a conference of the entire membership of the House. There we can discuss the proposition to remove these desks and to remodel the House. The Committee on the Library has had this matter under consideration for many months. And I understand that it has two plans nearly ready to submit for our consideration.

Mr. HAMILTON of Michigan. Does not the gentleman remember that in the closing days of the last session the Committee on the Library did propose some sort of a rearrangement, and it was voted down?

Mr. FOSTER of Vermont. I remember that fact distinctly. The gentleman from Michigan doubtless recalls the conditions under which the proposition was brought before us. It was during the last days of the long session. The extremely hot weather was extremely oppressive. The Members of the House were tired out with the experience through which they had passed.

Mr. HAMILTON of Michigan. They were not so weary but that they discussed it at considerable length.

Mr. MANN. They were not so weary but that they could and did defeat it. It was foolish——

Mr. FOSTER of Vermont. Yes; they defeated it, and it may be that the gentleman from Illinois would not approve any plan that contemplated the removal of these desks and the remodeling of the House. There is, it is true, much sentimental objection to the remodeling of the House; and I would certainly give much weight to the judgment of the gentleman from Illinois upon the question, for it will be admitted that the gentleman from Illinois, as a Member of this House, is an example worthy of emulation. If the rest of us followed him, there would be no occasion for these remarks. He is almost invariably in his seat; his industry is proverbial; his unflagging attention to the business of the House is unequaled. I have watched him for eight years, and I would commend his career to the thoughtful consideration of those who believe that the Speaker is the only man in the House who really shapes legislation.

I suggest this change in the House because it is my judgment that such a change would result in a great improvement in many respects. But it may be that the gentleman from Illinois can suggest a better plan.

Mr. MANN. I can suggest a remedy in ten words.

Mr. FOSTER of Vermont. I yield.

Mr. MANN. Reduce the representation from your State to one and cut down the Members one-half.

Mr. FOSTER of Vermont. Would you keep me in or leave me out? [Great laughter.]

Mr. MANN. I have no doubt that would determine whether the gentleman would be in favor of it. [Renewed laughter.]

Mr. HAMILTON of Michigan. Would the gentleman proceed to divide Illinois on the same basis?

Mr. MANN. I said so.

Mr. FOSTER of Vermont. The suggestion of the gentleman from Illinois of a remedy in ten words is utterly impracticable. The House will not be reduced in size. Even if it were practicable to reduce the House by one-half, I would doubt the wisdom of the remedy. We have a vast country, and, for one, I

believe that each community should be represented in the great Council of the Nation. But any discussion of any such remedy would be utterly academic, and what I am looking for is results. And I believe that the best way to secure these results is to see to it that each Member is constituted a committee of one to cooperate with the Speaker and with the Chairman of the Committee of the Whole House on the state of the Union in maintaining that high degree of order that in a legislative body of our size is essential to wise and deliberate action.

Mr. PAYNE. I want to say, Mr. Chairman, that the defeat last session of the proposed change in the House really was based on the fact that it was a plan to build a box within a box, in which the Hall was so that we had two inclosures outside of the box in which the House was. It was on that basis that the House voted the proposition down. At the time it was pending I made remarks to the effect that I would be very glad to see the Hall removed to one end or the other of this building, or somewhere so we could get near outdoors and have daylight and windows. A resolution was passed instructing the Superintendent of the Capitol to prepare a plan and report it to the House, and I hope something will come of that.

Mr. HAMILTON of Michigan. I desire to say that I understand the Committee on the Library will submit a plan for a change within the House of Representatives within a very short time.

Mr. BOUTELL. Its report is on file.

Mr. FOSTER of Vermont. I can only hope that this report will come before the House when it will have time and opportunity to consider it. If it comes before us in the closing hours of the session, as did the proposition last June, it will be difficult to secure proper attention for it. I have no pride of opinion respecting the methods I have suggested. Nor am I committed to any one proposition. All I ask is that we may bring order out of chaos; that we may set the country an example of law and order; that we may conduct the business of the great Republic in a manner compatible with our dignity and its importance. It is my profound desire to have conditions such on the floor of the House that our constituents, coming to the Capitol and sitting in the galleries and looking down upon us, may carry away with them the impression that the membership of the House is made up of earnest, thoughtful, high-minded men, who are devoting themselves to the single purpose of legislating in an orderly and judicial manner for 80,000,000 of people. [Loud applause.]

Mr. MANN. The gentleman has given an illustration of the fact that if Members want to be heard they are.

Mr. FOSTER of Vermont. I thank the gentleman for his implied compliment. And, Mr. Chairman, I am glad to testify to the simple truth that when a Member has a message to bring before the House he finds an attentive and appreciative audience here. But I insist that that man who believes he has a message for the House or who desires to bring to the attention of the House any matter in which his sovereign constituents are interested is entitled to the treatment of free speech and fair play which is granted the American citizen everywhere in the United States outside the House of Representatives.

One thing more. Members differ as to the wisdom of the practice of general debate during which we are permitted to speak upon any subject we see fit. My contention is that as long as the practice prevails every Member who finds that he is not interested in the address that is being delivered should exercise the privilege that is his and retire to the cloakroom or to his room in the Office Building. He is not compelled to remain in the House. If he does remain, common courtesy should prompt him to give his colleague respectful attention rather than to annoy him by loud conversation and boisterous laughter. But I am contending more particularly for order in the House and in the Committee of the Whole House on the state of the Union when we are attempting to legislate, when we are conducting our business as the representatives of the American people. Then we should follow the example set us by the gentleman from Illinois [Mr. MANN]. We should be at our desks, giving our attention to and participating in the business before us, and demonstrating the truth that in the House of Representatives he is the greatest leader who renders the most faithful service. [Loud applause.]

In the brief moments that remain to me, Mr. Chairman, let me call the attention of the committee to two important changes in the rules which, in my judgment, are necessary in order to enable the House to have and to maintain a firm grasp upon all pending legislation. Throughout this session I have labored earnestly to bring about these changes. In the first place, we need greater facility for securing consideration of the bills favorably reported by the various committees and placed upon the House and the Union calendars. In order to make it possible to secure consideration for every bill on these calendars which a majority of the House desire to consider, I would have what should be known as "Calendar Wednesday." I would provide by a change in the rules that on each Wednesday of the session no business should be in order except the consideration of bills on these two calendars under a call of the committees of the House, unless the House at the time determined otherwise by a majority vote upon the question, "Shall this order be suspended for this day?" In this connection, I would restore its privileged character to the motion to recess.

Then, if at the hour of adjournment on any calendar Wednesday the House had come to no resolution respecting the bill under consideration, it would be in order to move to take a recess until the following day. It would thus be possible for a majority of the House, if they so desired, to continue any calendar Wednesday as long as there remained on either calendar any bills which they wished to consider. When these changes are made, and I believe they will be made before the 4th of March, the House and Union calendars will cease to be the graveyards of so many important measures; the House will have that complete control over bills favorably reported which it ought at all times to exercise; and the Committee on Rules, except in rare cases, would be put out of business. This, too, would do away very largely with legislation by unanimous consent and under suspension of the rules. Both of these methods, as has been frequently pointed out, are extremely undesirable, except in the case of bills of a purely local character and of lesser importance.

With these modifications in the rules, the House would still lack that grasp upon bills of a public nature pending in the various committees which it ought at all times to have. To-day the committees of the House are its masters and not its servants. It not infrequently happens that a committee to which an imporant public measure is referred neglects or refuses to report the bill either favorably or unfavorably. To be sure, in the great majority of cases where a favorable report can not be had, an adverse report is not desired. But I have known instances during my service in the House where committees have arrogated to themselves the right to say that the House should have no opportunity to consider bills once referred to them. I have known cases where a committee has absolutely refused to report a bill adversely, although requested to do so when it was found impossible to secure a favorable report. The function of the committees of the House is necessarily a most important one. In a great majority of instances they have the power of life and death over bills referred to them.

We all know how strong the tendency of the House is to follow the judgment of its committees; but this fact furnishes an additional reason why the majority of the House should have the right to recall any bill pending before any committee of the House which neglects or refuses upon request to report it either favorably or adversely. I am not entirely certain as to the best method of enforcing this right. It would seem to me that the most feasible method is to provide by a change in the rules that on suspension days every Member of the House shall have restored to him the right of recognition, in order that he may move to suspend the rules, discharge the committee to whom the bill was referred, and to place the bill upon the proper calendar. With these changes in the rules we will have gone far toward rehabilitating the House as a great deliberative body.

The objection that doubtless would be urged most strongly against this proposition is that on "suspension days" there would be a very large number of Members on their feet clamoring for recognition. I for one have no fear of that. With such a rule in force no committee would care to be given the unenviable record of attempting to smother a bill of a public nature, and the provision should apply only to such bills. There would be a keener appreciation in many quarters of the fact that committees are instrumentalities of the House. On the other hand, the House could be depended upon to treat every committee fairly. It could be relied upon not to take this drastic action as long as the committee in question could assure it that it was giving the bill proper and considerate attention, to the end that wise action might be taken upon it in due time.

In my judgment, therefore, with such a provision in force the occasions for invoking it would be infrequent and would grow more infrequent with the passing sessions.

Another argument which would probably be directed against the proposed change is that it would result in the reporting of many bills that never ought to be reported. If the time has come when the committees should be the final arbiters as to what bills the House may consider, I concede that this argument is unanswerable. But has that time come? If the gentleman from Iowa [Mr. HEPBURN] is correct in the assertion made by him yesterday that we have passed the period when we were at the mercy of the "irresponsible mob," has not the time come

when the House of Representatives is called upon by the American people to assume and discharge the responsibility that properly belongs to us? Much of the popular outcry to-day against the House is due in no small degree to the widespread conviction that from one motive or another one of the chief functions of these committees is to hold up legislation and so relieve the House of responsibility.

Mr. SHERLEY. I yield twenty-five minutes to the gentleman from Missouri [Mr. SMITH].

Mr. SMITH of Missouri. Mr. Chairman, it is usual for a speaker to announce his subject for discussion. My subject is somewhat intermittent. At the present time it seems to be in articulo mortis. I hardly think, however, that it is either dead or dying. Every two years, or about that time, it assumes an acute stage, and in order that the House may understand just precisely the former acuteness of my subject I shall, in order to be accurate, read in part what I took the precaution to write, after the Socratic method.

Why all this talk that we hear of in certain quarters about the oppressions of the federal judiciary, caused by the abuse of the prerogative writ of injunction to prevent even-handed justice from being enjoyed by millions of our workmen; and why all this clamor about the denial of free speech, free press, and free assemblage? Of some of the causes of this more than apparent unhappiness I want to make some remarks, and I know of no way of showing the importance of my subject better than to call to mind the mixture of discussion, cheap and grave, among Members of Congress last session in the hotels, cloak rooms, and on this floor concerning legislation for the working classes.

The many hearings before the different committees and the extensive hearings before the Judiciary Committee on the anti-injunction bill, and the measure to amend the Sherman anti-trust law, and the bill to enact virtually the statutes of Victoria relating to and limiting conspiracy affirm the importance of my subject.

Moreover, there were Republican congressional caucuses over this question. The Chicago convention that nominated Mr. Taft for President made its bow to them, but merely courtesied and passed on to more important issues. The Denver convention wrote a plank in the Democratic platform pledging the party to thorough anti-injunction labor legislation. This, however, all took place while the presidential election was pending before the people for a decision, and it might be conjectured that the capturing of votes had some influence on what was done in and out of the presidential nominating conventions.

I would not make this last observation if Congress had not been so very somnolent at this session as to these matters that were so acute six months ago. And this, notwithstanding the threatened imprisonment of President Gompers, Vice-President Mitchell, and Secretary Morrison for the alleged contempt for violating the injunctive process, decreed by Justice Gould in December, 1907, in the Buck Stove and Range Company—American Federation case. This court proceeding has attracted wide attention in business and political circles throughout the country. The big newspapers have played it and given the opinions in the celebrated case a wide fame and notoriety, and generally have commended them, and especially do I note that one of the metropolitan papers, speaking of Judge Wright's opinion, speaks in this wise:

That its Blackstonian clearness, vigor, and precision of statement is remarkable.

Occasionally, however, above the din of plaudits, a note of censure is discovered at the Jeffries bearing and temper displayed by this noble judge when reading his opinion, and especially when sentencing the culprits at the bar to jail punishments. Permit me to say, in this connection, that the metropolitan press, the defenders of the Constitution, and the money lords of the country, have done more than all other influences to precipitate this to-be-historical conflict between these heroes and martyrs, who are striving to resurrect plain, simple justice for the many and downtrodden against the opposition of the organized forces of wealth and power, acting under the forms of law, and protected by its tribunals—the Sanhedrins of these modern but degenerate days.

CAPITALISM IN COMBINATION.

Combination is the watchword in all business at present, and will continue to be so in the future, without a break, for yet how long to come no one can tell. Almost everything that man must have in order to live is controlled by some quasi monopoly. His food is made by one and sold by another, at monopoly and trust prices, and I use the terms "monopoly" and "trust" as interchangeable in meaning. His clothing, of whatever quality, is likewise trust made and the price controlled by the trust. The house that shelters him and his family, of whatever material, is made by a trust, and the prices which enter into its construction controlled by it. If he takes a dose of medicine, he pays a royalty to the encroachment of trust monopoly. If he travels, he pays tribute to the monopolistic ingenuity and greed which is all the work of unlimited, grasping capital.

Invention and capital have brought the modern factory, which is but an organization of human beings and machines. Combination enables men who have money or control it to own the factory and hire the laborers to operate it. The combination of such organized energy may be described thus: As a single moving force that animates and drives machinery and that sets in motion a collection of various agencies, each of which contributes its part toward the accomplishment of a certain definite result. In obedience to this force the machinery thus organized, the human beings cooperating in the common purpose, is also set in motion, and the men and the machines combine their movements to produce a definite work. Each part of each machine must perform its function or the work ceases. Each human being sinks his individuality in the performing of this specific work to effectuate the plotted object, and unless this mechanical condition is absolutely maintained the operations can not proceed and the creation of the product will be interrupted. Man and the machine are merged together in the one all-absorbing task.

Looking at it from this standpoint the wheel or other parts of the machine, cooperating with each other, must feel, sorrow, and grieve when a colaboring wheel or some other part is broken or slips a cog; or when some part of the belting snaps it must bleed, suffer, die, have a funeral, and go to heaven or perdition just as a man would. The latter goes home to his family; he finds his wife or child sick with fever, with a hard bed, with nothing or but little to alleviate the suffering; and, of course, carrying out the simile, the wheel and pulley must do the same and in their chastisement wonder if the kingdom of God will ever come here on earth. So, commercially, the man and the machine in the business world are the same, and the courts that look after business so hold, and solemnly decide that they are divinely the same, and that is the end of it, however unfair it may seem.

If a legislature, whether state or federal, takes a different view of the subject and indicates a disposition to make different laws to govern each, certain legislative guardians of the Constitution, of which there are plenty and to spare, straightway object from their constitutional pinnacle, and cry out that there is a plot on hand to destroy the rights of property and engulf in anarchy life and liberty, and overturn constitutional government.

A constitution and precedents made a generation ago under totally dissimilar commercial and industrial conditions from those existing to-day shall constitute, "without shadow of turning," the rule of action by which the modern industrial dispute shall be determined. The conditions of to-day are squeezed into a Constitution made more than one hundred and twenty years ago and into the formulas of the middle ages. The common-law doctrine of "good will and restraint of trade" must govern in all its narrowness when first originated and applied. Then trade was limited and its methods primitive compared with the laws of trade to-day, and competition was free and untrammeled and the governing principle of trade, that regulated the price of wages as well as the price of merchandise. To-day we have no competition, for the trust monopoly has destroyed it, and the power of combination in the form of monopoly first shackles the laborer, then hires him at its own price, and to hide its roguery storms about conspiracy, high tariff, high wages, and plenty of jobs, forever.

MAN IN THIS MODERN INDUSTRIAL COMBINATION IS ONLY A MERE COMMODITY.

When I say that the invention of labor-saving machinery has revolutionized our industrial world, I utter but a truism which all students of economic conditions know. The laborer is no longer a man possessed of a will when at work, for he does but mechanical work, which in every part of the plant must be done in fractions of the whole by a man or a tool.

The only reason that he is in the factory at all is because the inventor has not yet displaced him by some machinery made of iron or steel. As soon as that can be accomplished the machine made of bone, muscle, and blood will be released to tramp as others of the millions of the unemployed. The capitalist will have no further use for him, for the machine made of steel or iron will do the work cheaper.

The treatment of the man and the machine which he operates is identically the same. The employer buys oil to lubricate the one; the other he pays a wage that the man may feed himself. The machine is kept in repair and working condition, oiled up as it should be, run with necessary belting, wheels, and pulleys, as it should be, by the machinist or engineer. The

laborer is kept in working condition by the wages paid him to clothe and feed him. The rented cottage, you know, in which he lives is an appurtenance to the plant. The pitiable feature of it all is that the courts complacently accept this hard commercial rating of the man, treat him as a machine and as a part of the plant.

The man and the machine, or any part of the machine, is commercially a commodity to be bought and sold at will, as a fraction of the great industrial plant, and his labor is bought with just as little thought as the raw material to feed the plant, or is sold the finished product from which the profits come.

Bone, muscle, and brains are goods and chattels; the wife and children of this goods and chattels are but the incumbrances of this slave that belongs to another by a sort of moral duress and industrial despotism.

If a labor union or a combination of labor unions should decide on a programme to forestall a reduction of wages, and in the effort to carry out such programme it became necessary to declare a strike or boycott, or both, and out of such a strike or boycott, initiated to secure justice, should spring an industrial clash seriously affecting interstate commerce, such strike or boycott would unquestionably be denounced by the courts as an unlawful conspiracy under the terms of the Sherman antitrust law or the federal conspiracy statute, notwithstanding the fact that the boycott or strike was declared only for the purpose of thwarting the doing of veritable injustice and of promoting, as far as possible, simple justice. Thus we have this paradox arising out of present-day industrial conditions—that of the courts actually protecting the injustice of the employer done his employee, and of suppressing the struggle for justice by the employee against his employer, and to the sore hurt of the destitute employees.

In other words, the law is invoked to protect industrial abuse and hoary-headed wrong, which it does; and the same law that has wrought this strange paradox boastingly asseverates that it can not be amended under the Constitution, but must remain as it is, and I am not sure but technically that contention is correct.

Such seems to be the condition of the law affecting labor in this country at this time.

LIBERTY, AND SACREDNESS OF CONTRACT MADE BY THE COURTS ALLIES OF CAPITALISM.

I am well acquainted with that hoary old crêed of the law, misnamed "freedom of contract," and how it has been deified by the courts on the altars of the makers and stretchers of the Constitution.

The constitutional veil that surrounds the personal liberty and "due process of law" clauses, like the veil of the temple, has been by these worshipers of the sacredness of property almost rent asunder, and another generation of such devotion to mammon worship, and the veil will be rent and the unrighteousness of the inner sanctum completely exposed.

Yea, the freedom of contract includes every human being under heaven within its unfathomable range and depth, except the adjudged lunatic, the fettered married woman, and the irresponsible infant.

The millionaire, in complete harmony with a perfect environment of person and will, and the unwashed tramp, without a sou, ragged, hungry, broken in spirit, and the abject menial of his untoward conditions, when contracting for work to buy bread, before the law are equals in every particular—equals before that very law which Mammon says "old Moses brought down from the peaks of Sinai."

If the millionaire pleases to give 50 cents per day, and the laborer takes it rather than starve, the question of whether the rich man took advantage of his poor brother's condition to rob him can not be considered and can not be regarded as an ingredient of that contract of employment. The conditions under which it was made constitute no part of the contract.

At the bottom of such a contract no one will dispute for a moment that the old serpent of selfishness lies in perfect peace and security, and why not? Is that serpent not protected by the Constitution and the serried hosts of wealth?

Seriously, such, however, is the legal measure of all individual contracts of employment to-day, during the first decade of the twentieth century. This is the standard, and no other can be found as promulgated, the courts say, under the Constitution.

Hence the effort of labor in every clime to get together and organize, to bring forth the new principle of even-handed justice for use in every contract of employment, and to put it to work in life, and the affairs of life—that kind of justice based on the Declaration of Independence, and the fundamental teaching of Christianity—the brotherhood of man—and bring to pass an enactment of it in the law of the land, and the administering of it by the courts of the country. This is the tremendous task that organized labor has set for itself, aided by a considerable body of well-meaning persons whom the socialistic writer calls "intellectuals," but whom I would call "economic missionaries in a good cause."

By the workers organizing themselves into a body in any trade, which puts them in possession of their labor that they have to sell, they can say to the employer: "It is true that you own and control the tools with which we have to work and the capital to hire us, yet we control the labor that you must have before you can use your tools and make any profit; and our labor, being a part of us, of our bone, muscle, and very life, and inseparable from us, we have, by unionizing our class, agreed to fix the price of labor, which you call a commodity and which the law treats as such, and we propose to fix the price, so that we can divide the profits with you on a righteous basis. We are willing that you should have a reasonable and just profit for your investment and management of the business, but anything more than that we are unwilling you should have, and whatever profit is left, after allotting so much to you, we, as laborers who make it, claim as our own and shall try to get."

However, to bring this result about for themselves, the combination of unions must be so comprehensive as to include practically all men who work in that line, and, instead of contracting as individuals, they must contract as a class. In other words, they must resort to and use the collective contract instead of the individual contract. By such unity of organization, they can take advantage of their economic difficulties and coerce, so to speak, the making of just contracts.

COLLECTIVE BARGAINING BY LABOR.

What honest objections can be raised to collective bargaining or contracting by the labor class in its efforts to secure a fair price for its labor and an equitable division of the profits to which it contributes so largely to produce?

It is admitted on all hands that to organize is correct and the proper thing to do; and if so, then the collective contract is sound in principle, and its fruits should be gathered and realized by those producing such fruits.

And here is the rub, for I claim that such a realization will from time to time necessitate the strike and boycott. The strike and boycott, as I see it, are absolutely necessary as conditions are to-day to enforce the collective contract, and that is the only kind of contract by which labor can ever expect to obtain a fair wage. I assert this, first, for the reason that the courts so far have done nothing to help labor in the least. They do not issue injunctions to prevent corporations and railroads from cutting wages or laying off their employees when they desire; and, second, because Congress and the legislatures of the States, through the lobbying of powerful interests, fail to enact legislation favorable for the protection of the rights of the laboring class.

To issue injunctions to prevent reduction in wages or any like purpose would interfere with personal liberty, as decided in the Adair case, which even holds that a railroad company, for pique or policy, may discharge a union man simply because he is a union man, thereby carrying the right of personal liberty to the very verge of anarchy.

It matters not whether the discharge of employees by corporations will effect a free flow of interstate commerce or not, or whether a congestion of traffic or trade for months will result; the people must take care of themselves.

Nor do the courts issue injunctions to compel the corporations to give their employees an honest and just wage, that they may thrive and live comfortable and have no occasion to strike or boycott to secure an honest wage. To do so, they hold, would infringe the right of personal liberty and freedom of contract. Petitions for such a purpose would be laughed at, and a decree to that end would be an utter impossibility.

But let the employees quit work for ever so just a cause, say to hinder an unjust reduction in wages, as in the Ann Arbor and Toledo Railroad cases in 1893, and let some labor federation take part in the contest, and by its chief officers make an order or a rule asking or commanding the employees of the same federation on other railroads to quit work, that a concert of action might be obtained for strength and influence to compel a retention of the old wage, and note how quick the courts can act, and the good reasons promptly assigned for the injunctive process:

First, a violation of the interstate-commerce act; second, a violation of the general conspiracy statute; and, third, a violation of the common law regulating conspiracies in restraint of trade. Different laws are called into vigorous action in order that the altruistic sympathizing business public should not be required to undergo any inconveniences and that the free flow of interstate trade should not be disturbed, and that the railroads be not deprived of the profits of business and forced to suffer

irreparable damages or loss because of the conduct of a lot of irresponsible and indigent employees.

INJUNCTION WRIT USED SOLELY TO PROTECT PROPERTY.

This wholesome and beneficent rule, however, does not apply to these indigent railroad employees when discharged without any fault of theirs and against their protest. They can tramp, go hungry, and beg, without any help from a court of equity. The beneficent beauties of the present holy writ of injunction was not invented to get jobs for the unemployed, and if it was invented to protect the poor from the oppressions of the rich, as it was, that use of the writ has long since become obsolete and been abandoned, for it is only now used to protect property and so-called "property rights" of corporations.

And I think it may be very appropriately added that equity has not yet discovered any method whereby the laboring man can get anything more as an individual than the man who employs him wants to give him, irrespective, as I have commented, whether the price paid for his labor is just or unjust. The question of justice or injustice does not enter into the bargain at all. It is simply a question of employment at the cheapest price possible, and so far, the courts of equity have been incompetent to help the laborer, but its powers are mighty to help the employer.

This is the breadth of its powers when engaged in protecting property and certain vague property rights of corporations; such as that one man may have a property right in another man's business or custom, or the right to do business at a certain place and in a certain manner, quoting from Justice Brewer, who said:

I believe most thoroughly that the powers of a court of equity are as vast, and its processes and procedure as elastic, as all the changing emergencies of increasingly complex business relations and the protection of rights can demand.

Under this broad statement of equity powers why could not the injustice done the employees or workers by short, dishonest wages, or by an arbitrary, dishonest reduction of wages, or by an arbitrary and dishonest discrimination of wages against union laborers, or on account of unsafe or brutal surroundings in which employees are compelled to work be set up in the answer to the petition for the injunction and the whole case submitted to this court of these searching and exhaustive powers for an equitable decree and a complete settlement of these varied and complex business relations and rights demanding protection? On this point, and in conclusion, I might say that the boycott and strike should be legalized in this country as in England, and it will be; but just when, I shall not undertake to prophesy.

The law regulating the strike and boycott should be rigid, to the end that when conducting either it should be done quietly and peaceably, without any physical violence whatever, and without any violence of conduct or language whatever. Briefly stated, "Let all things," in any way affecting the strike or boycott, "be done decently and in order."

Whatever labor should demand or oppose being done should be accurately understood and as accurately stated in writing and submitted to the employer, and if refused then, upon the justice of its contention stubbornly stand, pleading its cause in court and out of court by free speech and free press and free assembly, if needs be, but in all things pleading and acting "decently and in order."

DEFENSIVE OF THE INDUSTRIAL BOYCOTT OR CONSPIRACY.

I desire to make a few observations upon the proposition that a single person can do an act which is neither immoral nor unlawful, but becomes immoral and unlawful if done by two or more persons in concert and for a well-considered purpose, although for a good purpose and for their general benefit, yet if in doing the act injury or damage results collaterally, the commission of the act under those circumstances becomes an unlawful conspiracy or an unlawful boycott, for which the doers thereof may be punished by indictment or restrained by an injunction or sued for damages. And if they persist, after an injunction has been issued against them, in the performance of the same act, whatever be the methods thereof, and injury or damage results collaterally, as mentioned, they, or any of them, may be arrested for contempt, tried without a jury, and imprisoned at the discretion of the judge who issued the writ, and acting as legislator, prosecutor, and judge in his own case.

It will be noted that it makes no difference how peaceably such persons may act in the execution of their common purpose, yet to them and their class beneficial, still the courts, dealing with such cases *hold*, That the benefits to the members of the combination are so remote as compared with the direct and immediate injury inflicted on the nonunion men or the company that the law does not look beyond the immediate loss and damage to the innocent parties, to the remote benefits that might result to the organization.

It is worthy of note that the law declines to see anything but what it terms the immediate and direct consequences of the strike or boycott, which result collaterally and generally from a stubborn refusal on the part of the company to do even-handed justice.

Yet, notwithstanding this, the law closes its eyes to the millions of working people and refuses to help them because the benefits which they seek are said to be too remote. And these are the solemn decisions of courts of equity, which I have always been taught to believe had the power and were disposed to administer justice to the remotest parties, provided they had a tangible and valuable justice or equity in the most novel situations.

While a boycott or a strike initiated for a righteous purpose might result in a collateral way in the destruction of even an individual fortune, or the property of a certain company, yet, if its results, though remotely, should be to change an economical condition to the benefit of tens of thousands of the needy and oppressed, it seems that the boycott or strike should be protected, in order to prevent as little injury as possible, and in a guarded way be permitted to achieve the real object for which it was initiated, that of justice to the thousands and tens of thousands. In support of my view of the industrial boycott or strike, I desire to call attention to the British act of Parliament amendatory of Thirty-eighth and Thirty-ninth Victoria of 1875, entitled the "Trades Dispute Act, 1906," which became a law in the Kingdom of Great Britain December 21, 1906. But first let me say that the main purpose and effect of this act of 1906 was to override the principle laid down by the House of Lords in the Taff Vale Railway Company *v.* Amalgamated Society of Railway Servants (1901, A. C., 426; 70 L. J. K. B., 905), *which held that a trade union might be sued so as to be liable in tort for the acts of its officials.*

By the act of 1906, a trade union in England can no longer be sued in tort and *held* liable for the acts of its officers; the only liability that attaches for tort are personal, as the law now stands.

Victoria 38 and 39, chapter 86, changed the law, so that agreements or combinations by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen should not be indictable as for a conspiracy if such act committed by one person would not be punishable as a crime.

The indictable common-law conspiracy (Vict. 38 and 39, 1875) was eliminated from trade disputes, and this is but common justice and in recognition of the great principle for which the laboring people the world over are fighting—industrial freedom, a fair contract, and a just, prosperous wage, one from which by economy money can be saved for the culture of the home and family.

The act of 1906 is a noble piece of modern, up-to-date legislation, *patriotic and statesmanlike*, that originated in the House of Commons, the true representatives of the people, unfettered by constitutional checks, to be explained hereafter.

LEGALIZES PEACEABLE BOYCOTT.

The following section of the act practically legalizes the peaceable and thoughtful boycott inaugurated for justice and sets a sound precedent for the bill that I introduced at the first session of this Congress.

The section is as follows:

An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

This section frees from civil liability all persons engaged in a trade dispute, i. e., boycott or strike, unless they would be liable, if not engaged in a trade dispute, and acting individually. It is not intended to relieve against personal acts of violence or personal torts or personal crimes.

It is intended to foster trade disputes initiated to overtake and coerce justice from the unwilling hands of the employer.

The following section in behalf of peaceful picketing is interesting:

It shall be unlawful for one or more persons, acting on their own behalf, or on behalf of a trade union, or of an individual employer or firm in contemplation or furtherance of a trade dispute *to attend at or near a house or place where a person resides or works or carries on business or happens to be*, if they so attend merely for the purpose *of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from working.*

This kind of legislation would be a bitter pill to the president of the National Association of Manufacturers and men who think on industrial questions as he does.

If Mr. Van Cleave lives long enough, he will have to take the medicine, and I hope that he will possess his soul in peace in the meantime.

Another section of this act that ought to be penciled in gold over the doors of the great industrial plants of America:

An act done by a person in contemplation or furtherance of trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment, or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or labor as he wills.

This section in this country would likely be held as unconstitutional, because of the inviolability of contracts, under section 10 of the Constitution, which section has been worked over time ever since the famous Dartmouth College case, which decided that the charter of a corporation was in the nature of a contract and could not be interfered with, behind which the doctrine of vested rights has been so extended as to embrace vested wrongs. I have digressed. The section, however, removes all liability for interfering with another person's trade, business, or employment, even though such interference should result in the breaking of a contract of employment. This is justified on the ground of the importance of industrial conflicts or disputes, which are economical and general, affecting not only a class, but the welfare of the entire country. A settlement on a just basis of the relations between employer and employee, that has been so long neglected, to the great injustice of the laboring people in all countries, is demanded, and the English act entitled "Trade disputes act, 1906," is the longest step in the right direction yet taken so far as my knowledge goes.

EXEMPTS UNIONS FROM LIABILITY.

The last section deserves particular attention, for it and the Sherman antitrust statute are complete antipodes in legislation, and what is law in England is anarchy in America, and yet they worship the same God and have the same common law. This is the section:

An action against trade unions, whether of workmen or masters, or against any members or officials thereof, on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court. (Annual Stat., 1906, Edward VII, 947, 948.)

This section exempts trade unions absolutely from liability for any kind of tort, even libel, though the actual tort feasor would be personally liable, except the act complained of was done in good faith in contemplation or furtherance of a trade dispute. In that case such tort feasor would be under the act without legal liability or fault, but under the Sherman antitrust statute as interpreted by the Supreme Court in the Danbury Hatters' case (208 U. S., 274) the labor or trades unions would be subject to an action which could be maintained for threefold damages.

I have explained this English statute in order that it may be better understood, for it needs but to be understood to be appreciated and admired. England is to-day a freer country than ours, but I can not stop to give reasons why this is so, but they are not occult and may be read of him who runs.

Justice Gould, in the case of the Buck Stove-American Federation case, in discussing the doctrine that a single person can do an act which is neither immoral or unlawful, but becomes both when done by two or more persons in execution of a common purpose that results in injury to third persons, quotes from the case of Curren *v.* Galen (152 N. Y., 33), in which it is said:

The social principle which justifies such organization is departed from when they are so extended in their operation as either to intend or to accomplish injury to others.

It is earnestly contended by defendants' counsel, however, that as each one of the defendants has the right to refuse to patronize the customers of plaintiff unless such customers will discontinue handling plaintiff's stoves, that therefore they may combine in their refusal; in other words, that there can not be an unlawful combination where each member thereof might do individually the thing contemplated without responsibility to the law therefor. *This contention has much of plausibility.* It is undoubtedly difficult to formulate the legal basis of the proposition that what is lawful for one to do becomes unlawful when done in combination. It seems to evade accurate analysis. This feature is brought out in the dissenting opinion of Mr. Justice Holmes in Vegelahn *v.* Guntner, supra, although he adds: "It would be rash to say that *some as yet unformulated truth may not be hidden under this proposition*," and admits: "That whatever may be the law in the case of a single defendant, that when a plaintiff proves that several persons have combined and conspired to injure his business, and have done acts producing that effect, he shows temporal damage and a cause of action, unless the facts disclose or the defendants prove some ground of excuse or justification, and I take it to be settled, and rightly settled, that doing that damage by combined persuasion is actionable, as well as doing it by falsehood and force." But however unsatisfactory may be the statement of the "as yet unformulated truth" hidden under the proposition, the proposition itself is too firmly engrafted upon both the civil and criminal law to be ignored. (Washington Law Rep. 35, vol. 806.)

This authority is cited to show that the light is dawning on the ultraconservative judicial mind, which means that the legislator, even in the United States, ought to wake up out of his Rip Van Winkle century sleep.

COMBINATION OF ACTION OF NO WEIGHT.

Anent this abstruse and illogical theory invented and enlarged to protect property, the court said in the leading case of Lindsay & Co. *v.* Federation of Labor (96 Pac. Rep. 130).

There can be found running through our legal literature many remarkable statements that an act perfectly lawful when done by one person becomes by some sort of legerdemain criminal when done by two or more persons acting in concert, and this upon the theory that the concerted action amounts to a conspiracy.

But with this doctrine we do not agree.

If an individual is clothed with a right when acting alone, he does not lose such right merely by acting with others, each of whom is clothed with the same right.

If the act done is lawful, the combination of action is not an element which gives character to the act.

It is the illegality of the purpose to be accomplished or the illegal means used in the furtherance of the purpose which makes the act illegal. (National, etc., Association *v.* Cummings 170 N. Y., 315).

Other cases holding that the legerdemain of converting an innocent act when done by one into a criminal act when done by two or more, or an actionable conspiracy, is not sound and will not stand the test of time, and, further, will sooner or later be so modified in this country by legislative enactment (or judicial decision), as has already been done in England by the "trade disputes act, 1906," as not to destroy the evolution in the labor world from dependence to independence, from industrial slavery to industrial freedom, and, finally, from a life of comparative ignorance to one of enlightenment and the sweetness of culture.

If I am not very much mistaken, Mr. Littlefield, in his speech last May in this Congress, failed to comment on the late English act which I have given in full, but confined himself to the antiquated trades dispute act of 1875, which was modified in part and repealed in part by the act of 1906, which I have explained.

THE ANCIENT WRIT OF INJUNCTION—ITS USE AND ABUSE.

But a word or two on the use and abuse of the ancient writ of injunction. To recite the history of this hoary old writ of kingly prerogative would not now serve any valuable purpose. Most lawyers know its history, and anyone can learn it with but little trouble or expense. Its origin was natural and inevitable in the construction of national jurisprudence. It was born in the march of civilization out of the very womb of oppressive conditions, and intended to ameliorate them, and was called into use to put natural justice into the affairs of men, and not to suppress it, as it is used to-day. Undoubtedly it is the jus honorarium of the civil law that was based on the edicts of the Roman pretors, which had more to do with the growth of the equity of the civil law of Rome than any other single influence, and from which source the early chancellors of England drew copiously.

Moreover, this powerful writ is not nearly so dangerous in England as in this country, for the reason that under our form of government the federal courts are practically unlimited in their power and jurisdiction, and their power is being extended every day.

The Federal Supreme Court, within the range of its ever-increasing jurisdiction, is omnipotent, and its range is political, economical, judicial, and, I will say, social. Its members play the rôle of the statesman as well as the judge, and its promulgations are decrees that govern the Nation. In all fairness to the great and illustrious men who compose this august tribunal, remembering, however, that they are just men, of like passions and prejudices as other men, their powers are too great and should be withdrawn and distributed, in part, to the lower House of Congress and the legislatures of the various States. The power to autocratically, but seemingly judicially, declare any act of Congress or of any state legislature void without the least responsibility to any power on earth or referendum of any kind smacks too much of a despotism. Nor, in my opinion, can it stand against the ever-inflowing tide of democracy, which is going forward in spite of the Herculean efforts of a money aristocracy, as evidenced by the secret ballot, the direct primary, the publicity of campaign contributions, the election or nominations of United States Senators by the popular vote, the initiative and referendum. These and other democratic influences in sight may by and by cause the Supreme Court to reverse itself and let the people have a chance.

Let me remark that the injunction of to-day and of a century ago in purpose and use are as different as day and night. Its ancient purpose and use was to restrain the arbitrary and oppressive judgments of the common-law judges, to hold in check such tyrants as Lord Coke, and to protect the weak against the strong. (Marsh's History of the Court of Chancery, pp. 47, 48.) At the beginning equity was intrusted to the prelates of the church, who loved mercy, trust, and justice unrestrained through the cobwebs of technical precedents and who knew but little of the positive law of the courts. Further, it was used to

arrest threatened injury to real property and rights growing out of it, and sometimes to protect personal property from social piracies of the heirloom sort.

Woe to him whose daring hand profanes
The honored heirlooms of his ancestors.

It could not have been and never was intended to be used as an executive order born of the chancellor's discretion, which, like his foot, might be long or might be short, instead of a statute to govern millions and to stay the onward and upward march of the oldest and greatest economic struggle of the ages, the end of which shall be the fulfillment of God's command given to Adam:

In the sweat of thy face shalt thou eat bread.

But this divine command the modern industrial, governmental injunction is, and has for some time, been striving to annul and to write in its stead:

In the sweat of labor's face the favored few shall eat bread and live triumphantly.

The old command will persist, and the new one will in due time perish from off the face of the earth, the federal judiciary to the contrary notwithstanding.

THE MODERN INDUSTRIAL INJUNCTION, AND FREE PRESS, ETC.

The injunctive order made in the case of the Buck Stove and Range Company *v.* the American Federation of Labor and others, is a fair sample of this extreme judicial effrontery in vogue, particularly in the federal courts.

This order I want to embalm in the RECORD, so that it can hereafter be read and deprecated, as it will be, particularly for its ruthless assault on the first amendment of the Federal Constitution and other provisions of the instrument, and every state constitution of the Union, guaranteeing to all free speech, free press, and free assembly.

The first amendment of the Federal Constitution declares:

Congress shall pass no law * * * abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble—

And so forth.

Here is the order in full, issued by Justice Ashley M. Gould, December 18, 1907, that overrides this constitutional amendment:

This cause coming on to be heard upon the petition of the complainant for an injunction pendente lite as prayed in the bill, and the defendants' return to the rule to show cause issued upon the said petition, having been argued by the solicitors for the respective parties, and duly considered, it is thereupon by the court, this *18th day of December, A. D.* 1907, ordered that the defendants, The American Federation of Labor, Samuel Gompers, Frank Morrison, John B. Lennon, James Duncan, John Mitchell, James O'Connell, Max Morris, Denis A. Hayes, Daniel J. Keefe, William D. Huber, Joseph F. Valentine, Rodney L. Thixton, Clinton O. Buckingham, Herman C. Poppe, Arthur J. Williams, Samuel R. Cooper, and Edward L. Hickman, their and each of their agents, servants, attorneys, confederates, and any and all persons acting in aid of or in conjunction with them or any of them be, and they hereby are, restrained and enjoined until the final decree in said cause from *conspiring, agreeing, or combining* in any *manner to restrain, obstruct,* or destroy the business of the complainant, or to prevent the complainant from carrying on the same *without interference from them or any of them,* and *from interfering in any manner with* the sale of the product of the complainant's factory or business by defendants, or by any other person, firm, or corporation, and from declaring or threatening any boycott against the complainant, or its business, or the product of its factory, or against any person, firm, or corporation engaged in handling or selling the said product, and from abetting, aiding, or assisting in any such boycott, *and from printing, issuing, publishing, or distributing through the mails, or in any other manner any copies or copy of the American Federationist, or any other printed or written newspaper, magazine, circular, letter, or other document or instrument whatsoever, which shall contain or in any manner refer to the name of the complainant, its business or its product in the "We Don't Patronize," or the "Unfair" list* of the defendants, or any of them, their agents, servants, attorneys, confederates, or other person or persons acting in aid of or in conjunction with them or which contains any reference to the complainant, its business or product in *connection with the term "Unfair" or with the "We Don't Patronize"* list, or with any other phrase, word, or words of similar import, and from publishing or otherwise circulating, whether in writing or orally, any statement, or notice, of any kind or character whatsoever, calling attention of the complainant's customers, or of dealers or tradesmen, or the public, to any boycott against the complainant, its business or its product, or that the same are, or were, or have been declared to be "Unfair," or that it should not be purchased or dealt in or handled by any dealer, tradesman, or other person whomsoever, or by the public, or any representation or statement of like effect or import, for the purpose of, or tending to, any injury to or *interference with the complainant's business,* or *with the free and unrestricted sale of its product,* or *of coercing or inducing any dealer, person, firm, or corporation,* or the public, not to purchase, use, buy, trade in, deal in, or have in possession stoves, ranges, heating apparatus, or other product of the complainant, and from threatening or intimidating any person or persons whomsoever from buying, selling, or otherwise dealing in the complainant's product, either directly, *or through orders, directions, or suggestions to committees,* associations, officers, agents, or others, for the performance of any such acts or threats as hereinabove specified, and from in any manner whatsoever impeding, obstructing, interfering with, or restraining the complainant's business, trade, or commerce, whether in the State of Missouri or in other States and Territories of the United States, or elsewhere wheresoever, and from soliciting, directing, aiding, assisting, or abetting any person or persons, company or corporation to do or cause to be done any of the acts or things aforesaid.

And it is further ordered by the court that this order shall be in full force, obligatory, and binding upon the said defendants and each of them, and their said officers, members, agents, servants, attorneys, confederates, and all persons acting in aid of or in conjunction with them, upon the service of a copy thereof upon them or their solicitors or solicitor of record in this cause: *Provided,* The complainant shall execute and file in this cause, with a surety or sureties to be approved by the court or one of the justices thereof, an undertaking to make good to the defendants all damage by them suffered or sustained by reason of wrongfully and inequitably suing out this injunction, and stipulating that the damages may be ascertained in such manner as the justice of this court shall direct, and that, on dissolving the injunction, he may give judgment thereon against the principal and sureties for said damages in the decree itself dissolving the injunction.

This constitutional amendment—the first—was proposed by the First Congress under the Constitution, and promptly ratified by all the then States, and the people will have no judicial tinkering with it. These rights cost too much suffering and they were too hard to wring from arbitrary power to be jeopardized in the least—a jot or tittle—by any power, whether covered by the ermine or the purple or the homespun—all the same.

For the abuses of these guaranteed rights and liberties the law has provided penalties and punishments, but not injunctions or restraints of any kind.

The idea of freedom of speech, or publication and responsibility therefor in damages, or by fine and imprisonment, and the other idea, of prohibiting free speech or publication, or peaceable assemblage, as the case may be, are contradictory and noncoexistent. If speech is free, it is free and not hampered; if abused, punishment should follow.

CONSTITUTION COVERS ALL.

Certainly no one will contend for a moment that the judge can do what the legislature is prohibited from doing; that is, enjoin free speech and free publication. That the Constitution was made for the lawmaker, but not for the law interpreter, to restrict the one within due bounds and to license the other according to his caprices, egotism, and prejudices, is absurd.

I invite attention to the turgid discussion of this first constitutional amendment by Justice Wright, in his opinion in the Buck Stove Company case. But before doing so I desire to quote from that great judge and constitutional writer, Judge Cooley. He says:

That the rights of free speech, free writing, or free publication were not created by the Constitution, which recognizes those rights as now existing, and that only seeks their protection and perpetuation. (Cooley's Constitutional Limitations, 6th ed., 511 et seq.)

However, according to Justice Wright, these rights do not exist in all their fullness in the District of Columbia, but the common law prevails in the District, and constitutional liberty is subject to that law, which limits these sacred rights of a free people. This contention of Justice Wright can not be true. Everywhere in civilized countries the liberties of the press and the liberties of the people must stand or fall together, and the District of Columbia is no exception. Not being able to defend his position on constitutional grounds, he attempts to shield his arbitrary *dictum* under the cloak of the common law, and he mistreats that old law by not letting it speak for itself, for he cites no authority in support of his contention. This opinion will stand as a monument of a judge's folly in trying to override the Constitution and constitutional law from all quarters by a strained interpretation of the common law, and of his imagining that he and his job were of the same size—a good illustration of Æsop's famous fable of the toad and ox. The order of injunction already mentioned and so much of the opinion as follows will give clearly the court's views as to free publication and free speech:

In defense of the charges now at bar, neither apology nor extenuation is deemed fit to be embraced; no claim of unmeant contumacy is heard; persisting in contemptuous violation of the order, no defense is offered save these:

That the injunction—

1. Infringed the constitutional guaranty of freedom of the press.
2. Infringed the constitutional guaranty of freedom of speech.

These defenses do not fill the measure of the case; the injunction was designed to stay the general conspiracy of which the publication of the "Unfair" and "We Don't Patronize" lists were but incidents; the injunction interferes with no legitimate right of criticism or comment that law has ever sanctioned, and the respondents' intimation that it does so is a mockery and a pretense.

Upon looking into them for examination there first puts forward that while the Constitution ordains (Am. 1) "Congress shall make no law * * * abridging the freedom of speech, or of the press," yet there occur also within it certain analogies as well as in legislation all time acquiesced in, nay, demanded by the people, certain illustrations which demark the meaning of the provision.

Thus (Const., am. 2) * * * "the right of the people to keep and bear arms shall not be infringed;" yet who disputes the validity of laws throughout the land penalizing the carrying of concealed weapons? Or if one kept an array of firearms so persistently trained against his neighbor's dooryard as to terrorize all persons from coming out and going in, thus impairing the utility of his dwelling, who will be found declaring that an injunction to remedy such condition of things is a "violation of constitutional rights?" The Constitution itself confers upon the people no right to bear arms; the right is aside from the Constitution. The Constitution does no more than inhibit Congress from, in the name of the National Government, infringing the right, as elsewhere defined and ascertained, leaving the right to be regulated or even prohibited by the several States, within their respective dominion, if such be agreeable to the judgment of their people.

So with respect to the inhibition against abridging the freedom of speech or of the press. The Constitution nowhere confers a right to speak, to print, or to publish; it guarantees only that in so far as the Federal Government is concerned its Congress shall not abridge it, and leaves the subject, as the other, to the regulation of the several States, where it belongs. Who can be persuaded that the penalizing of false and malicious libels upon the integrity of honorable men, or slanders upon the virtue of chaste women, is an outrage upon "the constitutional rights" of the vilifier?

Do those of thoughtful and sincere reflection escape the unharmony between claims for a right of utter license in speech and press and the punishment by law of libels and the mulcting of slanders? Let us turn over this matter. Libel being punished criminally, it is because that publication was against law, therefore unlawful, therefore without right. If in civil actions slanders are mulcted by law, it is because that speech was an infraction of the rights of another, therefore a wrong by the first. No "right" to publish either the libel or the slander can be sustained, except upon the theory of a "right" to do "wrong." Let it be true that the common law had fully evolved a "right of freedom of speech and of the press," yet in evolving this right it also identified it; identified and maintained not only the "right" of free speech, but as well identified and condemned the "wrong" of it, and identified the "wrong" of it not alone in "libels" and in "slanders," but in some other regards. No claim to "right of free speech" has served him who by the freedom of his speech obtained money by false pretenses, nor has a "right to print whatever one will" been ever of avail to forgers and counterfeiters. Howsoever, the people of the several States, by their several constitutions and laws, have found it best to retain, to broaden, or to restrict the common law in this field, which, as above pointed, the Federal Constitution abandons to their charge. Yet the common law still maintains in this District here, for I know of and have been pointed to no legislation therein on the subject; and I therefore pursue its principles a little further in their application to the particular matter, being concerned to identify an established subject of equitable intervention rather than subjects which are confessedly outside the limits of its legitimate scope.

It is no more suspected by the observant that courts of equity enjoin the commission of mere threatened crimes than they are suspected to hesitate in enjoining certain infractions of property rights, although happening to be conceived or involved in crime. These infractions are limited to infractions of such a particular nature as that after their perpetration the law has no remedy adequate against their results.

Finding in the common law that not all writings, not all speakings are lawful, that some are unlawful, and looking about for the particular rule which is competent to distinguish the lawful from the unlawful, I deduce it, from all considerations, to be this: Whatever in writing, print, or speech violates a legal right of another is unlawful, whether in itself alone it accommodates that result or whether it be but one instrument in a concert tuned to that end. If such a writing, printing, or speaking is unlawful, the rest is clear. It ought to be enjoined in advance if either it alone or the concert so invades rights of property as that the law affords no remedy adequate to compensate for the results. Nor would I yet be thought to consider that the process of injunction of right should go no further, that the inestimable advantage of a good name may not thus be rescued from preconceived despoilment, but of such questions when they come.

An elaboration of these arguments would usually be quite agreeable to my desire, yet these suggestions sound the hollowness of the defense, and to essay more might savor of an inquiry into the correctness of the injunction ordered by Mr. Justice Gould, a duty already taken up and discharged by abler hands than mine.

While the foregoing considerations put away the contention that the injunction invades the right of free speech and of the press, yet the position of the respondents involves questions vital to the preservation of social order, questions which smite the foundations of civil government, and upon which the supremacy of law over anarchy and riot verily depend. Are controversies to be determined in tribunals formally constituted by the law of the land for that purpose, or shall each who falls at odds with another take his own furious way? Are causes pending in courts to be decided by courts for litigants, or the view of each distempered litigant imposed upon the courts?

Are decrees of courts to look for their execution to the supremacy of law, or tumble in the wake of unsuccessful suitors who overset them and lay about the matter with their own hands, in turbulence proportioned to the frenzy of their disappointment?

You will note the sweet judicial calm of the opinion and the swell and epic swing of the language.

JUDGE PARKER'S OPINION.

I present a few citations from well-considered, apt, cases by eminent judges in support of the unrestrained free press, free speech, and so forth. I first refer to and insert as part of my speech an extract from Judge Parker's opinion, when judge of the New York court of appeals, in the case of Martin Fire Arms Company *v.* Shields (121 New York, p. 385):

The constitutional guaranty of freedom of speech and press, which in terms provides that "Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; *and no law should be passed to restrain or abridge the liberty of speech or of the press*," has for its only limitations the law of slander and libel. Hitherto, freedom of speech and of the press could only be interfered with if the speaker or writer offended against the criminal law or where the words amounted to a slander or libel of a person or corporation or their property, and the guaranteed right of trial by jury entitled the parties accused of slander or libel to have 12 men pass upon the question of their liability to respond in damages therefor and to measure such damages. *But the precedent which the plaintiff seeks to establish would open the door for a judge sitting in equity to establish a censorship not only over the past and present conduct of a publisher of a magazine or newspaper, but would authorize such judge by decree to lay down a chart for future guidance*, in so far as the plaintiff's property rights might seem to require, and in case of the violation of the provisions of such a decree, the usual course and practice of equity would necessarily be invoked, which would authorize the court to determine whether such published articles were contrary to the prohibitions of the decree, and, if so found, punishment should, for contempt, immediately follow. Thus a party could be punished for publishing an article which was not libelous, and that, too, without a trial by jury.

TWO MISSOURI OPINIONS.

I here refer to two opinions of my own State by two very able, learned, and patriotic judges of national reputation. The first is the case of the Life Association of America *v.* Boogher, reported in Third Missouri Appeal Reports, page 173. This action was brought to enjoin the publication of a libel:

The Life Association of America, a corporation engaged in the business of life assurance at St. Louis, filed its petition charging that Boogher and one Taylor had been for a long time engaged in the composition, publication, and circulation of false, slanderous, malicious, and libelous statements respecting the plaintiff; and that they threatened still further to circulate and publish, orally, in writing, and in print, said false, slanderous, malicious, and libelous statements, for the purpose of injuring and in order to levy blackmail on the plaintiff; but the said Boogher and Taylor were wholly insolvent and irresponsible, and the plaintiff had, therefore, no available recourse but an action for damages; and it asked for a restraining order to prevent the further publication of the libel and the infliction of irreparable injury thereby. * * *

The plaintiff dismissed the suit as to Taylor. The demurrer assigned for reasons that the petition showed no case for equitable relief; that it prayed for what the constitution of the State forbade; that a court of equity had no jurisdiction to restrain the publication of a libel; and that the application for a restraining order was not seasonably made, etc. * * *

It is obvious that if this remedy be given on the ground of the insolvency of the defendant, the freedom to speak and write which is secured by the constitution of Missouri to all its citizens, will be enjoyed by a man able to respond in damages to a civil action and denied to one who has no property liable to an execution. * * *

No case is cited by the learned counsel for appellant in which the jurisdiction here claimed has been exercised. All that they venture to suggest is that the various English courts who have refused to exercise such a jurisdiction have placed their refusal on grounds which do not make such refusal certainly apposite to the circumstances shown by the petition. The refusal has been uniform. The reasons assigned for it have been various, according to the peculiarities of the cases in which they were given. To argue from the qualifications of so many concurring refusals that it might be inferred that but for the qualifications the refusals would not have been made, would be an exceedingly unsafe line of argument anyway. In Missouri, where we are expressly forbidden by the constitution to assume the power we are asked by the plaintiff to exercise, our answer can not be doubtful. It is hardly necessary to quote the familiar language of our own organic law, which has always declared "that every person may freely speak, write, or print on any subject, being responsible for the abuse of that liberty."

If it be said that the right to speak, write, or print thus secured to everyone *can not be construed to mean a license to wantonly injure another, and that by the jurisdiction claimed it is only suspended until it can be determined judicially whether the exercise of it in the particular case be allowable, our answer is that we have no power to suspend that right for a moment or for any purpose.* The sovereign power has forbidden any instrumentality of the government which is instituted to limit or restrain this right except by the fear of the penalty, civil or criminal, which may be with it on abuse. The general assembly can pass no law abridging the freedom of speech or of the press. It can only punish the licentious abuse of that freedom. *Courts of justice can only administer the laws of the State, and, of course, can do nothing by way of judicial sentence* which the general assembly has no power to sanction.

In the recent boycotting case of Marks & Haas Jeans Clothing Company *v.* Watson, One hundred and sixty-eighth Missouri Reports, the defendant company sought to enjoin defendants from declaring or enforcing a boycott against it, to induce its customers and others who might become such, from dealing with it.

To carry the "boycott" into effect, circulars were issued and freely circulated by defendants.

The circulars published were of like nature and for the same purpose as in the Buck Stove Company case. Judge Sherwood wrote the opinion—a great lawyer, and a profound student of the Constitution of the Jefferson type of thinking. He said:

*Wherever the authority of injunction begins, there the right of free speech, free writing, and free publication ends. No halfway house stands on the highway between absolute prevention and absolute freedom.*

In concluding his opinion he further said:

If these defendants are not permitted to tell the story of their wrongs, or, if you please, their supposed wrongs, by word of mouth or with pen or print, and to endeavor to persuade others to aid them by all peaceable means in securing redress of such wrongs, what becomes of free speech, and what of personal liberty? The fact that in exercising that freedom they thereby do plaintiff an actionable injury, such fact does not go a hair toward a diminution of their right of free speech, and so forth, for the exercise of which, if resulting in such injury, the Constitution makes them expressly responsible. But such responsibility is utterly incompatible with authority in a court of equity to prevent such responsibility from occurring.

We do not, of course, pass upon questions not involved in this record, such, for instance, as the power of a court of equity to enjoin the destruction of property or threats to do so, threats from which present ability to be carried into execution amount to verbal acts, nor threats of personal violence made with the view to intimidate, in its ordinary sense, employers or their employees; but we do hold that, upholding, as we must, the constitutional provisions heretofore quoted, the defendants can not be enjoined by a court of equity from exercising those rights of free speech, and so forth, guaranteed to them by the constitution of this State.

The case of the State ex rel. Liversey *v.* Judge (34 Louisiana Ann. Repts., 744) will be found to be directly in point and to absolutely confound Judge Wright's constitutional argument.

The entire case should be read, and I invite its reading. I quote the following portion of the opinion:

It would establish a complete censorship over the press so enjoined. No legal distinctions are nicer than those concerning libelous and defamatory publications. Some are privileged and others nonprivileged. How should defendants determine whether their publications were innocent or offensive? What they consider innocent the judge might consider libelous. There would be no safe course, except to take the opinion of the judge beforehand, or to abstain entirely from alluding to the plaintiff. What more complete censorship could be established? Under the operation of such a law, with a subservient or corrupt judiciary, the press might be completely muzzled and its just influence upon public opinion entirely paralyzed. Such powers do not exist in courts, and they have been constantly disclaimed by the highest tribunals of England and America. It has passed into a settled rule of jurisprudence that "courts of equity will not lend their aid to enjoin the publications of libels or works of a libelous nature, even though the libelous publication is calculated to injure the credit, business, or character of the person against whom it is directed. * * *

The injunction was held to be absolutely void, and the contempt proceedings that grew out of it was held likewise void, of course.

Mr. Webster, against executive usurpation, in the course of his great speech on that important question, said:

Given a free press, we may defy open or insidious enemies of liberty. It instructs the public mind and animates the spirit of patriotism. Its loud voice suppresses everything which would raise itself against the public liberty, and its blasting rebuke causes incipient despotism to perish in the bud.

* * * * * * *

The contest of the ages has been to rescue liberty from the grasp of executive power. On the long list of champions of human freedom there is not one name dimmed by the reproach of advocating the extension of executive authority.

At the present time it would seem as if the judiciary, inadvertently, would aid the Executive.

Listen to the Earl of Shaftesbury, whom Macaulay lauds as one of the very greatest of English statesmen, on the freedom of the press:

*The wise men to whom we owe the constitutions under which we live did much to set free the press from the control of the law; much, indeed, do we owe them for the benefits they have conferred. But the leaven of ancient prejudice is still at work, even in this land of freedom; and in many cases the constitution of the country guarantees a right which the want of general information renders unpopular in its exercise. Those who love truth because it is necessary to human improvement ought to unite in their efforts to unfetter it.*

WILL ULTIMATELY WIN FIGHT.

In conclusion on this question, than which none is greater and more important, I desire to say that Mr. Gompers and Mr. Mitchell are engaged in a tremendous battle, which they or those who come after them will ultimately win.

They are, in my judgment, right, and have demeaned themselves with becoming dignity, and have given to the order of Justice Gould such consideration as it was entitled to, believing as they did, that it was absolutely void, because it took away from them and all others situated as they were personal rights guaranteed them by the Constitution, it is not the first time that brave men have dared to brook arbitrary power, and it will not likely be the last time.

These men are not lawbreakers, but they are for the enforcement of law and the exercise of their rights and personal privileges under it. The order is a complete embargo against free speech and free publication, which the Constitution guarantees and the lovers of liberty and free country have always defended. As long as the liberty of the press is safe, all other liberties can be assured by its power to animate the feeble and retrieve the lost.

Gompers and Mitchell, by their decent behavior and yet manly defiance of a tyrannical court order—void absolutely—will start the country to thought. Wednesday, December 23, 1908, will no doubt mark a crisis in the struggle of labor for a nobler vantage ground. The crisis must come sooner or later, and the sooner the better. Let us pray the starting of the tide from then that shall sometime and somehow sweep industrial despotism into the sea and set labor free—freer than the gold that rules to-day.

I have no doubt but that the press and speech and peaceable assembly, notwithstanding the assaults made on them by a subsidized press and a truculent judiciary, will remain free, as now, and that by and by they will spread their wings for flight into a nobler freedom—the freedom of charity, of brotherhood that made Lincoln the beloved of his kind who lived above—

The whips and scorns of time,
The oppressor's wrong, the proud man's contumely.

They, like John Hampden, like Samuel Adams, like Savonorola, like Galileo, who, before them, fought hydra-headed tyranny in one form and another, will succeed and freedom's battle win. The old liberty-loving Dutchman and the brainy young coal miner will help to vindicate the reality of liberty, and they will help to vouchsafe its enjoyments and blessings to millions of serfs and wage slaves who have never yet tasted its promptings to higher hopes and aspirations.

LITTLEFIELD'S CONSTITUTIONAL ARGUMENT FOR THE INJUNCTION.

I desire to notice, in passing, the able argument made in the first session of this Congress by Congressman Littlefield, in which he argued at length that under sections 1 and 2 of Article III of the Federal Constitution the federal courts had plenary power to issue all kinds of writs of injunction known to the procedure of the English courts of chancery to punish for contempt—direct or indirect—in all cases without the intervention of a jury, and that Congress had no power to interfere, and that any interference on its part by legislation would be unwarranted and void, because unconstitutional.

I am disposed to believe, with Mr. Littlefield, that Congress would have no power under the Constitution to change the equity practice as to injunctions and contempt proceedings ancillary thereto, provided the Supreme Court shall continue to stand for a technical construction of the constitutional law and hold fast to the practice of the English courts of chancery at the time of the adoption of the Constitution.

However, I do not believe that the Supreme Court of the United States, as a coordinate branch of the Government, and possessed of all the judicial power that could be cast upon it, could not, as an inherent quality of its sovereignty, and in the plenitude of its original power, originate equity doctrines meeting the conditions of the age and remodel the practice required to carry into full execution such new equity principles.

A quotation heretofore made from Justice Brewer in this speech bears out this contention, and is in the spirit of the original nature of the principles of equity and their enforcement. A serious objection to Mr. Littlefield's argument is that he shuts his eyes to the new conditions, and talks as if living three hundred years ago. He takes no note of the present factory system, the transportation system, and other great changes to which I have heretofore adverted, and which, then, were not even dreamed of by the greatest. Hence he starts out blindfolded, because he willfully puts himself in the midst of the dark ages of industrialism. While he strikes with the strength of a giant, he misses the mark and the scales stand dead still.

Jurisprudence is a progressive science, and expands and adjusts itself to the growing conditions of civilization, and if it does not, must inevitably sink into a despotism of arbitrary precedents. His speech is a constitutional argument in favor of the most unlimited use of the writ of injunction in industrial disputes.

He pleads for its use to control absolutely, and suppress by imprisonment, if need be, these great industrial battles waged on one side for simple justice and on the other for old conditions, and all the profits and favoritism.

These conflicts are but economic upheavals produced by the dynamics of spiritual justice—a justice akin to charity, a full-grown justice that will stop short of nothing but an equal division, founded on equality of creation and opportunities. This kind of special pleading may answer for a while, but the statesman must take the place of the specialist. He must open up the highways of our growing democratic civilization and let it sweep on and on to higher levels and nobler victories for the sons and daughters of men.

Mr. Littlefield is certain that he is on a rock foundation and that he is right. He is a conservative of the conservatives.

JUDGE JENKINS AS ONE CRYING IN THE WILDERNESS AND WITHOUT HOPE.

Judge JENKINS prints, in his speech of January 29, some of the bills introduced in this Congress for the relief of labor, occasioned from the hard stress that it is in on account of recent adverse opinions of the federal courts. He propounds sundry questions which were no doubt suggested by these bills. From them you would think that society and constitutional government were in great danger of being destroyed, and certainly so if these proposed measures should become laws. He said:

Congress is asked to surrender its protective power over trade and commerce *in order that crime, if committed, may go unpunished;* to deprive the court of the power to protect the citizens in the enjoyment of life, liberty, and property; to declare that what is now a crime against persons and property shall not be criminal, in order to permit persons so disposed to interfere with constitutional rights of the citizen to enjoy life, liberty, and property; to declare that what has always been considered vested, valuable, personal, and property rights, guaranteed by the Constitution, shall not be entitled to protection; to deprive the citizen of the power to protect his property; to tear away the very substructure of government erected to protect the citizen in the enjoyment of life, liberty, and property.

These questions, of course, are intended to expose the dangerous character of this proposed legislation and to make clear

that it threatens the security of property; that it would promote crime and endanger life and liberty by breaking down constitutional guaranties for the protection of life, liberty, and property, and propounded in a destructive spirit of criticism.

Warming up to his subject for the same set purpose of discrediting all proposed labor legislation, he hurls another volley from his question catapult into the breach, touching the powers of Congress, and whether Congress can take from or even restrict the federal judiciary in the exercise of the powers conferred upon it by the Constitution; they are as follows:

Is not every citizen entitled to the full protection of the judicial power of the United States, both at law and in equity, in all cases not in conflict with the Constitution or laws of the United States, except as to rights conferred by a rule of law?

Does Congress possess power to deny any citizen the full protection of the full judicial power of the United States for his life, liberty, property, and rights, subject his life, liberty, property, and rights to the will of any person?

Is it not both possible and probable that if a court is prevented from issuing an injunction it may place it beyond the power of a court to pronounce a judgment that can be made effective? Therefore, does it not follow that to refuse a party an injunction it might amount to a denial of justice and deprivation of rights, rendering a judgment ineffectual?

Is not the granting of an injunction an exercise of judicial power vested in the courts and extended as provided in the Constitution?

Does Congress possess the power to discriminate to such an extent that the legislation would be a denial of the equal protection of the law? Can Congress deny one that which is allowed another under like circumstances?

Does Congress possess the power to say that no contract entered into between different parties, no matter what it may provide for, shall be deemed to be criminal?

Does Congress possess power to legalize crime? Does Congress possess the power to surrender its protective power over trade and commerce? Does Congress possess the power to surrender its protection over trade and commerce in order that personal and property rights may be destroyed and the citizen deprived of the power of protection to life, liberty, and property? Does Congress possess the power to regulate or in any manner interfere with contracts, unless the same in enforcement would regulate or operate as a restraint upon interstate commerce?

I think it is apparent that there is a confusion of ideas in the mind of this able lawyer and that he has given but little sincere thought to the problems of industrial conflict. Ajax-like, he undertook the tremendous task of beating into insensibility, using the Constitution as a club, the great ethical, economic principle of evenhanded justice to all alike, which is of later origin than the Constitution and which must be reckoned with in some satisfactory manner in the not far-off distant future.

It is the duty of the Government to find a way to give to every citizen, to whatever class he may belong, his personal as well as property rights or cease admitting that he has such rights, and then apologetically assert that they are too remote to be obtained and enjoyed. I charge that it is a reflection upon the legislators of the day to concede that any class or any man of a class is or may be wronged, and yet, by reason of the Constitution and decisions of the courts standing as a barrier, the rights of a class or a man of that class can not be enjoyed, is a concession that brings the law into disrespect and contempt, and the lawgivers and law interpreters must be placed in the same category.

I am sorry that Judge JENKINS is not present to hear what I am saying. Will some one tell me why the Judge did not in his able speech mention and discuss the "Trades-dispute act, 1906?" Why did he not divide the time between it and the writ of injunction, with its drastic procedure, and the common law?

These old laws challenge his admiration, and his genius corruscates brilliantly in contemplating how perfectly they buttress and brace and strengthen the Constitution, and with what effectiveness the injunction can be used to protect property and its most metaphysical rights, recently discovered, and for the protection of which the modern injunction is particularly adapted.

TRADES-DISPUTE ACT IGNORED.

He is so enamored with the new injunction and the old Constitution and the dangerous labor legislation proposed that he clearly overlooks the "Trades-dispute act, 1906," and all decisions that might help and benefit the struggling millions that must work to feed and clothe themselves and the rest of humanity.

Of the demands of labor, he says:

The labor interests of this country, *that are very dear to us all*, come here and say, "We have certain propositions which we have prepared which we submit for the consideration of the Congress of the United States, and *we insist upon having those views written* into the statute books of this country." As a Member of this House I have felt like giving consideration to the very deep and important *constitutional questions* involved, and I have no interest in this question beyond the great constitutional question involved. I want the people of this country who are interested in the perpetuity of American institutions to know what questions have been presented to the Committee on the Judiciary.

Are we not all interested in the perpetuity of the American institutions? Yes; certainly; but some of its institutions once good could be made better, in my judgment. Such acts as the "Trade-disputes act, 1906," are calculated to do more to perpetuate the institutions of this country by far than long, abstract arguments about the Constitution and how religiously it takes care of all the people and their property. I deny it. It does not take care of the helpless and oppressed and their personal rights and liberties with the same adequacy and resolution that it does of the rich and their property, and abundance of authority can be produced to substantiate the statement. His argument, summed up, means this to the working people:

Stop your striking, cease your boycotting, accept conditions as they are, for there is no help for you. I admit that you are very dear to us all, but we can not do anything for you, the glorious old Constitution will not permit it. Then, besides, it would seem as if in your blindness you wanted to tear up things generally.

In confirmation of this, read the extracts from the gentleman's speech that I have heretofore quoted in my remarks.

As much as I dislike to, I am forced to agree with Mr. Littlefield and Judge JENKINS, or rather with their conclusions, that the struggle of organized labor is about foreclosed for the present, so far as procuring results are concerned. I also agree with their further conclusion—that the Federal Constitution, statutes, and common law as *now interpreted* constitute a complete bar against organized labor getting anything of a helpful nature.

The Supreme Court of the United States will not do for labor what it did in the Dred Scott decision of the fifties for the rich slaveholders in settling that question under the Constitution that slaves were property; nor will it do for organized labor what it did for the bankers in the early seventies in the legal-tender cases; nor will it do for organized labor what it did for the millionaires of the country in the nineties in the income-tax cases. And yet there is as much authority *now*, and more justice, for amending the Constitution by interpretation in behalf of organized labor and for the protection of personal rights and liberty than there was for the protection of property decided for in the above cases.

WOULD AMEND CONSTITUTION.

But the influences in behalf of organized labor are not so great and powerful as in the cases mentioned. *However, if labor would unite in one common bond and use its influence and political* power as a balance, irrespective of party, and elect the Presidents and Congresses for the next twenty years, the Supreme Court would amend the Constitution to meet the spirit of the age so that salutary labor legislation could be enacted, giving an opportunity for a solution of the great economic question of evenhanded justice to all alike involved within the modern industrial conflicts.

I do not cite these cases in a spirit of censure, but simply for the purpose of enlightening that portion of the people not familiar with the actions of the highest court in the land, and what it may be induced to do when outside partisan pressure is potential enough. And I might note in passing that the court, under sufficient partisan pressure, by acts of Congress could be reorganized by lessening and increasing the number of judges for the accomplishment of the object premeditated and desired.

I do not approve of that method of manipulating the judiciary of the country, the capstone of our Government and highest repository of power in the Government; yet as precedents have established this method, I only raise the question in passing, and ask whether it might not be followed now, especially when it would be right to do so. And I might mention the fact that Congress has, within the last few days, circumvented the Constitution in the most subservient way by repealing, in part, an act of Congress passed at the first session of this Congress to make way for the eligibility of Senator KNOX to the office of Secretary of State, by appointment of the President. That Senator KNOX is well fitted for the position none will deny, but I hardly believe it safe to juggle with and evade the Constitution for such a personal purpose. Oh, such flimflamming, such unblushing flunkeyism—a spectacle fit for the gods.

Having said what I have about the Constitution, and not for the particular purpose of criticising it, but to inform the public that in origin, influence, and ultimate purpose it is aristocratic, and, if unamended for another century, under its protecting ægis will grow up a property aristocracy such as the world has never seen.

I desire to say a word as to how it was made and its character generally. The Constitution was framed by the finest lot of large-minded and noble-spirited aristocrats that the world has ever seen. Under the splendid genius of the great Marshall, who was the ambitious and mortal protagonist of Thomas Jefferson, author of the Declaration of Independence, the foundations of the Constitution were laid deep and strong for the protection of property to the neglect of personal rights and liberty. By him its destiny as the completest written instru-

ment for the protection of property against all encroachments of a personal character was fixed, and to-day it is the glory of the rich and powerful, and the checks and balances it puts on the majority by them are considered as divinely appointed.

First, every measure, however much wanted by the people, must pass the Senate; second, if it passes the Senate, it must be approved and signed by the President; and, third, it must run the gantlet of the veto of the Supreme Court by interpretation before it can be considered an established law of the land. By these checks on all legislation, initiated in the House of Representatives, the popular branch of the Government, such legislation is necessarily greatly modified, and very often defeated. But I have not the time to discuss this subject further in detail, and yet I wonder at the fact that the best-informed people know so little of the Constitution, its nature, and trend.

Richard Henry Lee, in opposing its adoption in the house of burgesses in Virginia, speaking of the power of the lower House, said:

> The only check to be found in favor of the democratic principle in this system is the House of Representatives, which I believe may be justly called a mere shred or rag of representation.

Martin Van Buren, in the Senate, once said, speaking with reference to the powers of the Supreme Court:

> There exists not upon this earth, and there never did exist, a judicial tribunal clothed with power so various and so important.

Mr. Boutmy, in his work on Studies in the Constitutional Law, said:

> It is one of Blackstone's maxims that in every constitution a power exists which controls without being controlled, and whose decisions are supreme. This power is represented in the United States by the small oligarchy of nine irremovable judges. I do not know of any more striking political paradox than this supremacy of a nonelective power in a democracy reputed to be of the extreme type.

Every student of constitutional law, or, for that matter, every person who has read the instrument, knows that the two methods provided for its amendment are almost impossible of accomplishment. It has been amended but twice within sixty years, and it is well known that it is next to impossible to amend it. To my mind a democratic constitution should be flexible and easy to amend, and just in proportion to its being easily amended to that extent is it democratic and no further.

One of the most prophetic indications of a better day coming is that some of the ablest writers and publicists are publishing to the world that the Constitution was actually man made, and that it is possessed of the infirmities of its creator, and that "the process of the laws" are cruelly manifesting these infirmities and at the same time suggesting changes that ought to be made in it by additions, subtractions, and divisions; that a rewriting would not be improper in many respects.

The following quotation from The Spirit of American Government, by J. Allen Smith, is apropos:

> A constitution is in no proper sense the embodiment of the will of the people unless it recognizes the right of the majority to amend. Checks which prevent legal and political readjustment are a survival from monarchy and aristocracy and are not found in any full-fledged democracy. Constitutions which are really democratic contain only such checks upon the people, if indeed they can be called checks, as are calculated to insure the deliberate expression of the popular will. Constitutional provisions designed to obstruct amendment are not only an anomaly in popular government, but they are in the very nature of the case inoperative. This follows from the fact that the law-making body, whether it be the people themselves or a representative assembly, is the final interpreter of the constitution and may enact laws which virtually amend it. To make such provisions really effective, the constitution must vest the power to prevent legislation in some branch of government not directly responsible to the people. Usually this is a king or hereditary class. Our Constitution, however, provides a substitute for these in its general system of checks, and especially in the independence of our national judiciary, which in addition to the exercise of ordinary judicial functions is also practically a branch of the legislature.

In conclusion, I wish to say that I hope what has been said will not be regarded as having been uttered in a captious and fault-finding spirit, for I assure all that it has not. I have but tried to point out the weak spots of those who are always ready to oppose the struggle going on by the working people in this country—who are using such means as they have and can contrive for the noble purpose of bettering their condition and finally extricating themselves from ages of thraldom—without offering or suggesting the least aid or even hinting at a remedy, but all the time arguing against all remedies and closing forever the door of all hope. I have had occasion to mildly criticise the laws and Constitution of the country, not to discredit, but amend and improve the same. I have tried to be clear and use language graphic and pointed enough to impress my hearers and readers so that they may not too soon forget. The right will triumph and labor will yet achieve its freedom. And I will be content to have been regarded as one of the humblest of the friends of the weak and oppressed.

This will, perhaps, be my last speech in Congress, and upon a subject very dear to my heart. [Applause.]

Mr. SHERLEY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Eighteen minutes.

Mr. SHERLEY. I thought it was twenty-three.

The CHAIRMAN. Eighteen minutes.

Mr. SHERLEY. I think the Chair is mistaken, but I yield ten minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Chairman, the origin of medicine has been contemporaneous with the origin of civilization. It is noticeable in the lower animals that when they become sick or injured, they often change their usual mode of living, seek rest, quiet, and often will seek some herb or healing substance. The savage in his primitive state, with superstition and experience; the tribe has certain habits and forms that are practiced on those who become injured or sick. There was much mystery about the practice of medicine in the olden time, and it was scarcely more than myth and superstition. It is recorded in the Scripture that Joseph, seventeen hundred years before Christ, gave instructions to his servants and physicians to embalm him when dead, thus showing that the ancients had some crude knowledge of anatomy. Moses and Solomon showed some knowledge of hygiene and of medicine. The instructions of Moses in reference to the care and treatment of those afflicted with leprosy was remarkable in that time for its accuracy in the knowledge of the disease. It is said the Egyptians placed those who became ill in a public place where anyone who happened to pass by and observing them might be able to give advice as to the best means of cure. The practice of advice has been reversed, as those who become sick in our time are visited by their friends, who usually are ready with information and advice as to the best means of cure, all free of charge. In the olden time when one who had been sick and had received treatment and recovered, he was compelled to go to the temple and there give a description of his illness and what remedy had been of benefit to him. The temples of Canopus and Vulcan at Memphis became the great public places where these records were zealously guarded. These records were kept for the inspection of the public, but the priests had charge of them, and thus collected a great amount of knowledge of more or less importance, and afterwards tried to found an exclusive practice of the art of healing. They had formed in this way what they called "Hiera Biblos," or sacred book. If they practiced according to these records and followed them closely, and if the patient died, they were held blameless, but if they departed from the rules as laid down by these records they were then punished by death. In many other instances in the Bible the question of hygiene and rules of health are given.

The Chinese are apparently the only people of all the world who have not changed to any great degree in their manners, their laws, and religious beliefs. One of the Emperors, who is supposed to have died two thousand seven hundred years before Christ, named Hwang-ti, is supposed to be the inventor of their practice of medicine, and these methods instituted by him largely serves them as their medical guide to the present day.

The Greeks furnish us with a history that is of most interest concerning medicine in an historical way. Among all the earliest Greeks in the field of medicine Æsculapius is the most eminent. He was probably the leading character of all the ancients. His success at that time was the marvel of the people. It was told that Pluto, the god of hell, became alarmed because he was receiving so few each day in his fiery place that he complained to Jupiter, who destroyed this audacious healer. Since the time of Æsculapius, the practice of medicine has undergone a gradual change and improvement. Superstitition and myth has given way to facts, and the practice of medicine is becoming more and more a matter of exact science. Yet it is not probable that the time ever will come when it can be said that it is an exact science. The changing conditions of civilization produce new problems that physicians and scientists must solve. The physician is daily having to meet new conditions of environment.

The discovery by Harvey of the circulation of the blood was a great step in the direction of a more rational understanding of anatomy. In the light of our knowledge of to-day it seems incredible that his discovery should have met with such opposition as it did at the time. One time he was almost ruined on account of the opposition to his claim of the circulation of the blood. In the early time it was difficult to get any accurate knowledge of anatomy, for the reason that the physicians were prohibited from examining the body after death. The clergy of that time thought it was a great sin to pollute that which was made in the image of God. It is recorded that an eminent physician of the early time, Ambroise Paré, won the siege of the city of Metz by gaining admission into the besieged place, and his presence so inspired confidence of the soldier whose fame

they already knew that they believed that if they became sick he would be able to save them, there being much sickness in the city at the time.

One great characteristic of this eminent physician, Paré, was that when any new discovery was made by him it was immediately given to the public, so that all might have the benefit of his knowledge. In his work on surgery he says:

I have tried to dispense liberally to everybody the gifts that God has conferred upon me and that I am not the worse for it, as the light of a candle will not be diminished no matter how many come to light their torches by it.

Galen and Hypocrates gave valuable knowledge to the world in their time on the subject of medicine, Hypocrates's writings being very voluminous at that time and probably only excelled by the Greek Hermes of an earlier date, who devoted six volumes of the forty-two to medicine, though this work was probably a collection of several writers.

Jenner in his discovery of the use of bovine vaccine and the repeated vaccination for generations since that time has removed from the world, wherever it is practiced, the terror of an epidemic of smallpox. In the olden times epidemics of contagious and infectious disease took away thousands of people, and physicians and scientists of those times were unable to stay the awful progress. The treatment of the insane of the early time was one that was very inhuman. Those so afflicted were thought to be possessed of the devil and were treated more as criminals than sick persons. They were often restrained by being tied to chairs and compelled to remain in that position, thus being compelled to suffer by the treatment.

Boerhaave, of Holland, revolutionized the clinical observation in the field of medicine. Virchow during his life did much for pathology. Haller, of Germany, was a leader in the field of physiology a generation later. John Hunter had great influence in his time in demonstrating and improving the methods of operative surgery.

The discovery of anæsthetics used in surgical operations to be performed without pain was a great boon to humanity. The claim of first discovery has been in dispute, though it is probable that it was first used by a country physician in Georgia by the name of Long, but who had not given the knowledge of his discovery to the public. It remained for Morton, Jackson, and Wells to demonstrate publicly what could be done with ether. The last century has shown greater progress and development in the investigation of the cause and prevention of disease than ever before in the history of the world. The great epidemics that used to sweep over parts of the country could hardly take place to-day in any civilized part of the world. The finding of the germs of disease and knowing where that germ is found and how it gains access to the human body will have a tendency to put disease under our control or at least reducing it to a minimum if proper means were taken to prevent the germ from infecting the healthy person. It used to be thought that malaria was produced by breathing the gases that emanated from marshes and swamps and decaying vegetable matter. Scientists have demonstrated beyond a doubt that it is only communicated by the mosquito, and in order to get rid of malaria it is necessary to stop the breeding of this carrier of the poison. Only a few years ago it was thought that yellow fever was communicated directly from the sick patient afflicted with this disease to the healthy, but it is now known through the investigation of the yellow-fever commission which went to Cuba only a few years ago that this disease is communicated by the mosquito, which has first bitten the patient sick with the disease and then transferred the infection to the healthy person. The discovery of these facts in reference to malaria and yellow fever has enabled us to go successfully into Panama and continue the great work of digging the canal. And it is probable, if this discovery had not been made, that thousands of lives would have been lost in this great work.

The yellow-fever epidemics which used to sweep over the South, producing the death of hundreds of human beings and costing millions of money, causing cities to be depopulated, in the light of our knowledge will hardly ever occur again. Too much praise can not be given to Doctors Reed, Carroll, and Lazeare, who conducted the investigation as a yellow-fever commission, and Congress did a wise thing as a reward of their faithful service in pensioning their widows. It has been ascertained that many of these infectious diseases can be avoided if proper precaution is taken. [Applause.]

Typhus fever has become a disease almost extinct, due to the fact that it was discovered that it was produced by overcrowding of people in houses and ships. The strict supervision of lodging houses has been of great benefit in stopping the spread of this as well as every disease.

Typhoid fever, which takes away so many of our people each year, the majority of whom are young and in the vigor of life, can be prevented or at least become less prevalent if the people are shown how to take proper precaution in preventing this disease. It is the duty of the officials to see that pure water is at all times supplied to the public so that this disease may not be transmitted. It is said that one case of typhoid fever in a city of the United States being treated carelessly resulted in an epidemic which produced more than a thousand cases. The prevention of typhoid fever is occupying the mind of the health authorities of every part of our country to-day. Just now the whole civilized world is awakened to the importance of finding out how to cure and to prevent tuberculosis. It is said in the United States that 150,000 people die each year as a result of this disease, and the loss in money amounts to more than $700,000,000.

Physicians and scientists are continually investigating some way whereby they may be able to cure this disease that causes the death of more people than any other one in the world. Many times it has been thought that a cure had been discovered and was heralded over the world, but so far it has each time met with failure. It is to be hoped that with continued investigation some one in the future may discover some means whereby a person so afflicted may be cured. The prevention of the disease, so far as our knowledge extends now, can be brought about by the education of the people as to the cause and means of the spread of the germ producing this disease.

We now have three branches of medical service in our National Government—namely, the army, navy, and the Marine-Hospital and Public Health. A surgeon-general is appointed at the head of each department. The Surgeon-General of the Army has control of medical subjects pertaining to the army, the Surgeon-General of the Navy has control of such in the navy, and the Public Health and Marine-Hospital Service is the civilian branch of the medical service of the Government and has control of matters of public health outside of the army and navy.

The public health department should be kept distinctly the civilian branch of the medical service, and the members should not be permitted to clothe themselves in the gold lace of uniform. They ought to be considered just doctors and scientists for the purpose of investigating disease and the best way to prevent and cure it. Each one of these departments has its own laboratory and sanatorium, and each conducting the department as best as it can and with the limited appropriation given for such work. There are able men connected with all three of these departments, and the surgeon-general of each is a physician of great learning. These departments of our Government ought to be combined in such a way as to secure better service.

The last Republican and Democratic platforms declared in favor of the establishment of a department of public health. President Roosevelt in his message to Congress urged that such action be taken as necessary for the establishment of such a department by a rearrangement of the present bureaus. I fully expect that after Mr. Taft becomes President he will urge on Congress the importance of carrying out this part of the platform, and both sides of this House will certainly be anxious to fulfill this part of the contract with the people. If a public health department were established so that all three branches of the medical service were working in unison, each would have more benefit of what the other is doing. In this way duplication of work could be prevented. A combination of these able physicians at the head of such a department would be able to do much better for the Government. It certainly would be a benefit to the people if more information could be given relative to sanitation and the best way to avoid such diseases as tuberculosis, typhoid fever, and other contagious and infectious diseases which at times are so prevalent in the country. The people, as a rule, are willing to do what they can to prevent disease when the way is pointed out to them. It seems to me when we appropriate millions and millions for the destruction of insects destroying crops—and I do not desire to question the wisdom of doing so—I also believe a certain sum should be set aside each year for use of a department of public health to investigate the cause and prevention of disease, and as a result great good would be brought about for the people. Many lives would be saved, much suffering prevented, and millions of dollars would be saved to the people. Our Nation of people would become stronger and better able to stand hardships when called on to do so, because I believe no nation can be a strong nation unless its people are a healthy people. [Applause.] In the last ten years more than $40,000,000 has been appropriated by the National Government for the purpose of preventing the destruction of crops by insects.

In the present appropriation bill for the support of the Department of Agriculture we have appropriated as much as $300,000 for the control of one kind of insect affecting the growing fruit.

The treatment of rabies by the Pasteur method has almost put an end to the outbreak of this disease in human beings. Physicians know now that many times the life of a patient afflicted with tetanus has been saved because of the knowledge of the germ giving rise to the disease and the discovery of more rational treatment with antitoxin in this malady. The discovery of the germ of diphtheria and the treatment by injection of antitoxin has reduced the mortality more than 50 per cent. Many other diseases might be enumerated which have been prevented and almost eradicated by the investigation of the cause and the best mode of treatment.

The department of health, if established and given an appropriation for the investigation of diseases of an infectious and contagious character, I have no doubt in time would be the means of saving thousands of human lives.

The Surgeon-General of the Marine-Hospital Service, in his annual report for 1907, says in reference to tuberculosis:

With regard to tuberculosis, the suppression of which is engaging the activities of all civilized countries, the operations of the General Government relate to the exclusion of immigrants thus affected, the carrying out of the President's order for the prevention of the spread of this disease among government employees, the maintenance of sanitariums for tuberculous patients of the Army, the Navy, and the Public Health and Marine-Hospital Service, and the encouragement, in so far as the General Government may participate, of all efforts of States and municipalities for its suppression.

The sanatorium for tuberculous patients conducted by this service at Fort Stanton, N. Mex., continues to give good results, 101 patients having been discharged during the past year as cured, or with the disease arrested.

[Applause.]

The Surgeon-General of the Navy has given, in a letter to me, quite an extensive account of the work being done by his department, and I desire permission to print his letter in the RECORD in connection with my remarks.

The States are now doing considerable work within their borders in an endeavor to prevent the spread of contagious and infectious diseases. But, Mr. Chairman, they can not be expected to do all this work alone, any more than they would be expected to eradicate insects affecting crops, enforce the pure-food law, or entirely manage railroad rate regulation. Some States have been doing a great work along this line, notably Pennsylvania, New York, Wisconsin, and Massachusetts, and I call your special attention to letters from the state boards of health of these States. Illinois furnishes free of charge antitoxin to all those afflicted with diphtheria, and has medical men looking after the health of the people of the State all the time. [Applause.]

The Agricultural Department is doing a good work in endeavoring to stamp out tuberculosis in cattle, which is one source of infection of human beings through the medium of milk. A strict supervision should be had over all dairies, so that no cow that is so infected should be allowed to remain in the herd and supply milk for the public.

Wisconsin has taken the lead of all the States in this line of work, and I am informed the percentage of cattle affected with tuberculosis is the smallest in that State of any in the Union.

Mr. Russell, who is at the head of the department of experimental stations, is one of the most successful in his line in the whole country. As a result of his work people go to that State more than any other to buy cows, believing that there is less chance to get one infected with tuberculosis. Every other State can do as well as this one if the men at the head of these departments will do their work as well.

These letters I desire to have printed to show what is being done by the different States so far as I have any information. In conclusion, Mr. Chairman, I desire to urge upon this body the importance of the establishment of a national board of health, with the three departments now existing in our Government, and an appropriation each year of a certain sum of money for the special investigation of the cause and prevention of contagious and infectious diseases. I believe if this were done that in a few years it will be demonstrated that it was wise legislation. I also ask, Mr. Chairman, to print in the RECORD an extract of the speech of Arthur Newsholme, M. D., medical officer to the local government board of England, delivered at the International Congress on Tuberculosis held in this city last September. [Great applause.]

DEPARTMENT OF THE NAVY,
BUREAU OF MEDICINE AND SURGERY,
*Washington, D. C.*

Memorandum prepared for the Secretary of the Navy in reply to Hon. M. D. FOSTER, M. C.

All of the operations of the Medical Department of the United States Navy are either directly or indirectly concerned with public health. Its first duty is, of course, to the naval establishment and to the territory and peoples which come within its purview as being without other proper medical surveillance and for humanitarian reasons, or the purposes of safeguarding the health of the personnel and maintaining a state of physical efficiency in the naval forces. Such general work in all the branches of medical science—medicine, surgery, and sanitation and hygiene—can not fail to widely benefit the human race, and the results constitute a continual, practical contribution to progress in the interest of human welfare. The late Secretary of the Navy, in his annual report for the fiscal year 1908, took occasion to express his pleasure in reporting "that the work accomplished in this branch of the naval organization has been of such a character as to be a matter for congratulation," and, while the routine duties and efficiency of the Medical and Hospital corps are matters of unfailing importance, many special features of progress and investigation relative to the cause and prevention of diseases that affect the human race have marked the history of the Medical Department during the past few years.

The studies, investigations, and work above referred to have all been quietly carried on in the course of the regular work of the officers and men of the Medical Department at the various stations and hospitals and on board ship, and what has been accomplished was without additional expense to the Government, so that, though the records of accumulated data and results obtained have been published from time to time in the annual reports of the Surgeon-General and the United States Naval Medical Bulletin, they have attracted but little attention beyond professional circles. A brief enumeration of some of the prominent items of the work of the Medical Department of the Navy may be pertinent to your inquiry and of interest.

The medical department stands ready at all times to assist in rendering such relief, personal and material, as may be necessary in civil communities, abroad or at home, which have been visited by catastrophies of whatever character or magnitude. The record of the past includes a long list of such instances, and the manner in which they have been performed, from every point of view, reflects credit upon the profession and the naval establishment. For example:

In January, 1907, when the country, through the navy, hastened to the relief of the stricken at Kingston, Jamaica, after the earthquake disaster, the most urgent assistance required was in medical and surgical directions. Reporting upon the work done, Admiral Davis said: "I can not speak without emotion of the work of our surgeons, headed by the fleet surgeon, H. E. Ames. The greatest physical strain and mental stress fell to their share. Their untiring devotion and energy saved many lives. Most of the good was effected by them. They have my sincere thanks."

While the U. S. S. *Paducah* and the U. S. S. *Marietta* were serving in Honduranean waters in May, 1907, the medical officers of these ships, with the assistance of others, engaged actively in the solution of health problems in the towns of Ceiba and Puerto Cortez. The energies of these officers were directed toward sanitary education, through widely distributed printed circulars; the formation of a sanitary scheme and the direction of the work involved; the treatment of the sick among the native inhabitants of the towns and Nicaraguan soldiers; and the general administrative and prophylactic medication against malaria. Much was accomplished in improving the condition of the towns named, and a great deal of suffering was relieved and prevented.

During the summer of 1907 naval medical hospitality was offered to the sick of the foreign ships visiting this country as invited guests at the Jamestown Exposition. The greatest number of cases admitted for treatment were from the Brazilian cruisers *Barazo* and *Richuelo* suffering with beriberi. While inmates of the hospital these cases were carefully studied by the medical officers with a view to determining the cause of the disease and means of preventing it. A report on this investigation was published in the Naval Medical Bulletin.

On the occasion of the fire disaster at Chelsea, Mass., in April, 1908, splendid relief was rendered to the sufferers by the members of the Medical Department of the Navy in that vicinity. The medical officer in command of the naval hospital at Chelsea early realized that relief of all sorts would soon be demanded, and necessary steps were at once taken to render any and every aid possible at the hospital and in the burning city. The work done at this time was most commendable and was so extensive and of such varied character that its value can not be properly estimated. In commenting upon the medical report, Admiral Swift said: "In the confusion which existed * * * the personal efforts, judgment, and the administrative capacity of Medical Inspector Ames were most important in relieving existing conditions and suggesting methods to the authorities of Chelsea, who found themselves confronted with a situation entirely outside of their training and experience."

Two medical officers of the navy, with supplies, were sent to the scene of the cyclone disaster which visited several of the Southern States and did great damage throughout a district some 50 miles long and about 1 mile wide in the vicinity of Purvis, Miss. During the few days that these two officers were on the ground they worked untiringly, in active cooperation with officers of the army and the state authorities and the various members of the medical profession resident in or near the district. Their energies were directed—not only in professional channels, but toward effecting organization and accumulating data, and the services performed were most creditable and of great benefit to the sufferers of the community and value to those who subsequently took charge of and carried on the work.

During the great yellow-fever epidemic that visited the Southern States, particularly Louisiana, in 1906, the Medical Department of the Navy was represented among the government officers who were rendering services in caring for the victims of the disease and seeking to prevent its spread.

In each of our island possessions under the supervision of the Navy Department, such as Culebra, Guam, and Samoa, the native populations are entirely dependent for medical and surgical relief upon the Medical Department of the Navy. Hygienic and sanitary supervision and investigation of the diseases peculiar to the different communities constitute an important part of the work in this philanthropic charge.

At Guam the medical care and supervision of the leper and gangosa colonies which have been established on that island fall to the lot of the Medical Department of the Navy, and the officers representing this branch of the service at that station have been diligently studying these two diseases—in the former with a view to its successful treatment or alleviation and preventing its spread; in the latter (a comparatively new disease), with a view to discovering its cause, preventing its spread, and establishing its treatment on a rational basis. What has been said with regard to gangosa may be also said of guha, otherwise known as "epidemic asthma," which is a new disease in the eyes of the world, common to Guam. Both gangosa and guha have been studied from all aspects, and reports have been published in the United States Naval Medical Bulletin and the Annual Reports of the Surgeon-General. The germ cause of gangosa has been discovered,

and much is being done to relieve the sufferers and prevent the spread of this dreadful disease.

At Samoa the disease of greatest prevalence is elephantiasis, and this has been the subject of careful study and successful surgical treatment at the hands of the naval medical officers on duty at that station. The disease known as "yaws" and a peculiarly destructive form of conjunctivitis, also common to this people, have been carefully studied with resulting valuable observations by the naval medical officers at this station, and, in general, the study of the pathology of this island possession and the relief of disease conditions is being carried on. Reports are to be found in the publications of the Medical Department of the Navy.

At the isolated island of Culebra, sanitary and medical supervision is had by medical officers of the navy, and, in connection with this field of professional work, studies have been and are being conducted with marked success as regards prevention and treatment of the intestinal parasitic diseases which are common to the people of this island. Original observations on such parasites have been made and reported in the Naval Medical Bulletin, particularly on bilharziosis.

In the Philippines, at Panama, and at the various other outlying stations of the United States Navy, important and valuable work has been carried on by medical officers of the service in connection with the prevention and treatment of malaria, dengue, dysentery, cholera, etc., and much light has been thrown upon the significance of the symptomatology of various vague tropical disorders by the studies of these officers. Definite contributions on the various phases of tropical diseases, such as malaria, dysentery, and dengue, have been made to the advance of medicine, also, by these officers.

In Hawaii and at San Francisco, Cal., the subject of plague prevention has been given careful consideration, and at the latter-named place a board of medical officers was organized for the detailed study of the needs of Mare Island in this connection. Its report was exhaustive and illuminating.

The great danger to which the delicate mechanism of hearing—the ear drum, etc.—is subjected as a result of heavy-gun fire in the United States Navy has been the subject of careful study by the Bureau of Medicine and Surgery, and successful effort has been made by thorough test to find some device which will protect the ears of officers and men from the disastrous consequences—such as permanent deafness—of air concussion.

The question of heat exhaustion, which is common in all maritime services among those of the engine and fire room forces who are exposed to excessive heat, has been and is being made the subject of careful investigation by medical officers of the service. The results so far are incomplete, but it is believed that in the near future illuminating reports will be forthcoming. There is very little known about the condition in question, and it is one which merits this scientific study.

All of the well-grounded advances in medical science, such as the Flexner-Jobling serum for the treatment of cerebro-spinal meningitis, are taken up by the Medical Department of the Navy as soon as given to the profession, and in this way observations which are made upon new methods and procedures serve as valuable contributions to their permanent establishment as important agents in successful medical practice.

Two years ago a medical officer of the navy was assigned to duty at the bureau of sciences, Manila, and his investigations of intestinal parasites have resulted in important contributions to the advance of medical zoology.

The medical department of the navy has for years taken an active part in the universal campaign against tuberculosis. During the last two years increased effort has been made in this direction. Greatest care is taken to prevent its spread on board ship and in naval communities, and in this connection the hospital ship at sea has already proved its value and promises to be a great boon. It is also the aim of the work of the Medical Department of the Navy that those who contract this disease within the service shall not be thrown upon civil communities to constitute a focus of infection, but that they shall be treated and cared for in naval institutions until this danger is passed. A sanitarium for the treatment of the tuberculous of the navy has been established at Las Animas, Colo., and the record of this hospital in the treatment of these cases is excellent. The method of treating this disease at that institution by the injection of mercury is the discovery of a naval surgeon, and gives promise of being a most valuable agent in the fight against the disease. So true is this that it is regarded almost as a specific. Careful experimentation and observations are still being made, and since the report of this method of treatment in the Naval Medical Bulletin and other medical journals and its presentation at the International Congress on Tuberculosis, others throughout the country have undertaken to try the treatment and are reporting very satisfactory results.

The bacteriological and chemical laboratories of the United States Naval Medical School, Washington, D. C., continue to serve useful purposes expected of them. Aside from the rôle they play in the instruction of the young medical officers in all the latest advances in medical science, they constitute the center for medical study, investigation, and experiment in the navy. Here a great deal of original work is carried on, and new methods of laboratory technique for diagnostic precision or chemical determinations of value to the service are suggested.

The United States Naval Medical Bulletin, instituted in the spring of 1907 and issued quarterly by the Bureau of Medicine and Surgery, Navy Department, is an important factor in the diffusion of medical knowledge, to the ultimate good of humanity. In this publication are printed the original articles, clinical notes, and reports of advanced studies by medical officers from all over the world, and it serves as the mouthpiece of the service to the profession at large.

P. M. RIXEY,
*Surgeon-General, U. S. Navy.*

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COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HEALTH,
*Harrisburg, January 8, 1909.*

Hon. EDWIN S. STUART,
*Executive Chamber, Harrisburg, Pa.*

DEAR SIR: As requested in your favor of the 6th, I beg to transmit herewith for the information of Hon. M. D. FOSTER, of Illinois, a brief summary of the moneys appropriated to the state department of health for the investigation and prevention of disease, as well as for the care of the consumptive poor.

The legislature of 1907 appropriated altogether to the state department of health $2,100,600. Of this amount $600,000 was appropriated under the act of May 14, 1907, providing "for the establishment and maintenance of one or more sanatoria or colonies in Pennsylvania for the free care and treatment of indigent persons suffering from tuberculosis." Copy of this act is inclosed.

Under this act a model village for the care of tuberculosis patients has been constructed near Mont Alto, in Franklin County. The present capacity for incipient cases is 460. The infirmary is almost completed and will accommodate 160. The sanatorium has been built with the idea of permitting extensions that will accommodate a very much larger number of patients. Four hundred thousand dollars of the total appropriation to the department of health for two years was set aside by the legislature "to enable the department of health to establish and maintain, at such places in the State as may be deemed necessary, dispensaries for the free treatment of indigent persons affected with tuberculosis, for the dissemination of knowledge relating to the prevention and cure of tuberculosis, for the study of social and occupational conditions that predispose to its development, and for continuing research experiments for the establishment of possible immunity and cure of said disease." Under this appropriation 107 dispensaries have been established and up to this time have treated over 8,721 patients. Trained nurses have visited these patients in their homes, teaching them and the other members of their families the doctrines of proper food, fresh air and sunshine, and how to prevent the spread of the infection.

Of the total appropriation of $2,100,600, $1,100,600 was for the general work of the department of health. This work includes the direct sanitary supervision over all territory in the 45,000 square miles in Pennsylvania, outside of cities and boroughs which under the law have their own boards of health. The State, however, is expected to assist and, if necessary, take charge of the suppression of epidemics of disease in every part of the State. For this work the department has, under the chief medical inspector, 66 county medical inspectors and 730 township health officers. These health officers, in addition to placarding all cases of communicable diseases and disinfecting the premises on the termination of the case, make regular and thorough investigations of the sanitary conditions of all schools in their district. They also investigate the sanitary conditions of all dairy farms in their territory. An important responsibility which has recently been added to their duties is the distribution of educational literature and instructions in connection with the campaign now being waged by the state department of health to enforce the provisions of the state statute for the prevention of ophthalmia neonatorum, blindness at birth.

The general fund of the department also provides for a thorough and systematic collection and recording of vital statistics, morbidity statistics, and marriage statistics. From this fund also is paid the cost of the State's free distribution of diphtheria antitoxin for the poor. During the year 1907 the department distributed in this way antitoxin for the treatment of 5,271 cases of diphtheria. Of this number 4,875 were cured, giving the remarkably low death rate of 7.13 per cent. In addition to this, 3,799 persons were immunized with state antitoxin to protect them from the disease.

The general fund also provides for the work of the sanitary engineering division. A state law provides that no sewerage system can be extended without the approval of the governor, the attorney-general, and the commissioner of health. Permits for such extensions are issued by the commissioner of health only in accordance with the department's plan to ultimately bring about the reclaiming of the waters of the State from sewage pollution. The state department of health is saving thousands and thousands of dollars to municipalities all over the State by the assistance that has been given them by trained sanitary engineers to prevent the extension of sewerage systems according to plans which would be money thrown away when a municipality was obliged to install a sewage-disposal plant. About 50 trained sanitary inspectors are constantly at work investigating the larger sources of pollution on the watersheds of the State, and the township health officers already mentioned are hunting down petty pollutions and nuisances that are a menace to public health and serving notices of abatement for the same.

The state department of health laboratories are assisting the physicians of the State in their diagnosis of cases by examinations of sputum and other pathological specimens, and assisting in the prevention of disease by the bacteriological and chemical examinations of water, milk, etc. In these laboratories, also, much scientific research work is being done under the direction of the commissioner of health, especially in tuberculosis.

Yours, very truly,
SAMUEL G. DIXON, M. D.,
*Commissioner.*

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NEW YORK STATE DEPARTMENT OF HEALTH,
*Albany, January 11, 1909.*

Hon. M. D. FOSTER, M. C., *Olney, Ill.*

SIR: Your communication of January 1, directed to Governor Hughes, has been referred to this department for reply.

I assure you that I am much interested in the proposed legislation, and I will be glad to give you any information that I can as to the work that is being done in the State of New York. I should like very much to secure a copy of the bill, and if the proposed legislation meets with approval here, I would be glad to be of assistance in securing favorable action by the representatives of the State of New York.

As to the amount of money which is spent by the State of New York for the prevention of diseases, I beg to submit full information on this point, tending to show the pitifully inadequate sums apportioned for this work in a State now having a population of over 8,000,000. The State Board of Health of New York was established in 1880 with an appropriation of $15,000. The appropriations for subsequent years are as follows:

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|---|---|
| 1881 | $20,000.00 |
| 1882 | 15,000.00 |
| 1883 | 20,000.00 |
| 1884 | 20,000.00 |
| 1885 | 33,000.00 |
| 1886 | 20,000.00 |
| 1887 | 25,000.00 |
| 1888 | 25,000.00 |
| 1889 | 25,000.00 |
| 1890 | 25,000.00 |
| 1891 | 30,000.00 |
| 1892 | 35,000.00 |
| 1893 | 47,000.00 |
| 1894 | 73,000.00 |
| 1895 | 57,500.00 |
| 1896 | 35,000.00 |
| 1897 | 35,000.00 |

| | |
|---|---|
| 1898 | $35,000.00 |
| 1899 | 37,000.00 |
| 1900 | 41,400.00 |
| 1901 | 67,422.54 |
| 1902 | 67,150.00 |
| 1903 | 68,400.00 |
| 1904 | 75,130.92 |
| 1905 | 69,760.00 |
| 1906 | 81,119.35 |
| 1907 | 129,179.07 |
| 1908 | 152,022.58 |

As to the amount of these appropriations available for the prevention of diseases: Out of this total appropriation we are obliged to pay a considerable sum for the salaries of clerks, and so forth, used in recording our vital statistics. The sanitary engineering division for work on stream pollution, and so forth, costs about $12,000. For the antitoxin laboratory and the manufacture of antitoxin for free distribution we have $18,000, and $10,000 for the hygienic laboratory for the analysis of water supplies, and so forth. For investigations we have $7,500. For suppression of epidemics of smallpox and other contagious diseases, $7,500. For tuberculosis, including the expense of our traveling exhibition, $10,000. The balance of the appropriation is divided up in small items for printing, office expenses, and other items of this character.

If there is any further information that I can give you, I would be very glad to furnish it.

Very respectfully,

EUGENE H. PORTER,
*Commissioner of Health.*

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STATE OF WISCONSIN, STATE BOARD OF HEALTH,
*Madison, January 4, 1909.*

Hon. M. D. FOSTER,
*House of Representatives, Washington, D. C.*

SIR: Your communication to Governor J. O. Davidson, of this State, has been referred to this office for reply.

For the study and prevention of diseases in Wisconsin there is an annual appropriation to the state board of health of $10,500. Six thousand dollars of this is used in collecting and classifying the vital statistics and $4,500 for general board of health work proper. In addition to this we have an appropriation of $2,500 per annum for a hygienic laboratory. The legislature of 1905 passed a bill providing for the establishment of a state tuberculosis sanatorium and the creation of a state tuberculosis commission. In 1905 there was appropriated $90,000 for lands and construction of buildings toward such sanatorium and $25,000 for the two years to be used in maintenance. The legislature of 1907 appropriated $30,000 to construct additional buildings and $40,000 for the two years for maintenance. The state tuberculosis sanatorium as it now stands has cost Wisconsin in construction $120,000. With the addition of one more shack we can house 100 patients.

The state tuberculosis commission is a separate commission from the state board of health, although the law provides that one member of the board of health be a member of this commission, so that the work along the tuberculosis line is carried on jointly between the state board of health and the special commission.

If we can be of any further service to you, it will be granted upon request.

Very truly, yours,

C. A. HARPER, *Secretary.*

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CALIFORNIA STATE BOARD OF HEALTH,
*Sacramento, Cal., January 7, 1909.*

M. D. FOSTER, Esq., *Olney, Ill.*

DEAR SIR: Your letter of January 1 to Governor Gillett asking for information as to the amount of money spent by the State of California for the prevention of disease has been referred to me for answer.

This State has made but very small appropriations in the past for the direct purpose of preventing the spread of any particular disease. Two years ago an appropriation of $2,000 was placed in the hands of the state board of health for the purpose of disseminating knowledge of means of prevention and cure of tuberculosis. This year a bill carrying a larger appropriation for investigation will be introduced.

We have an appropriation of $100,000 in the hands of the governor for emergency epidemic work. This is renewed as it gets low. The appropriation for the board of health, exclusive of pure-food work, is about $20,000 per year. The board has paid a good deal of attention to the prevention of disease and has used quite a portion of its funds for that purpose.

Yours, very truly,

N. K. FOSTER, *Secretary.*

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STATE BOARD OF HEALTH OF MICHIGAN,
OFFICE OF THE SECRETARY,
*Lansing, January 8, 1909.*

Hon. M. D. FOSTER, *Olney, Ill.*

MY DEAR SIR: Your favor of the 1st instant to Governor Warner, asking for information regarding the amount of money this State devotes to preventive work in communicable diseases, such as tuberculosis, typhoid fever, etc., has been referred by the executive department to this department for reply.

The nearest estimate of the amount of money this State spends upon the prevention of diseases is to quote the various appropriations made for that purpose. But these amounts will not truly represent what this State spends in preventive-disease work, as each local health jurisdiction (numbering about 1,600) bears the burden of much of the cost of preventing communicable diseases; and this latter there will be no way to determine, even approximately.

The state board of health in Michigan has annually appropriated for its use $24,000 for the purpose of preventing communicable diseases from spreading. The Tuberculosis State Sanatorium has had appropriated for it since the bill establishing it was passed $108,000, $88,000 of which has been set aside for erecting and equipping the sanatorium and $20,000 of which has been set apart for running expenses until July 1, 1909.

In addition to the foregoing, the dairy and food commission uses part of its appropriation in the investigation of tuberculous milk and other tuberculous products. Again, the state live-stock sanitary commission uses part of its appropriation to prevent the spread of communicable disease among cattle, such as tuberculosis, glanders, foot-and-mouth disease, etc., which are also communicable to man. It would not be practicable to say how much of their appropriations are spent in preventive work for the welfare of the human beings of this State.

All told, I think we can only quote the sums of money already stated, whose total is $132,000, which this State has spent on preventive disease work. As the state sanatorium takes annually about $8,000 for running expenses, the annual cost to the State of that institution and this department is $32,000.

Trusting this will answer your inquiry, I beg to remain,

Very truly, yours,

F. W. SHUMWAY, *Secretary.*

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STATE BOARD OF HEALTH OF KENTUCKY,
*Frankfort, Ky., January 4, 1909.*

Hon. M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Governor Willson has referred to me your letter of the 1st instant.

The State appropriates $5,000 for the state board of health. Out of this is expended $1,800 for a state sanitary inspector. Each city of over 10,000 inhabitants is required to have a salaried health officer. The State will aid the building of charitable sanitariums for the treatment of tuberculosis.

Hoping the above is the information you desire, I am,

Respectfully,

H. S. KELLER.

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STATE OF WASHINGTON,
BOARD OF HEALTH AND BUREAU OF VITAL STATISTICS,
OFFICE OF SECRETARY,
*Seattle, Wash., January 13, 1909.*

M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Your favor of January 5 to the governor of this State has been referred by him to me for reply. It is impossible to give you accurate figures as to the amount of money spent by the different cities and counties throughout the State, and that appropriated by the State would give no adequate conception of the amount actually spent, as the State only acts as an advisory and directing body, the real expenditure falling upon the counties and larger cities.

The cities of the first class, of which there are 5 in the State, probably spend a total of $200,000 per year upon all sanitary matters. The 27 counties probably spend a total of $100,000 per year upon such matters, while the appropriation for the state board of health is $11,500.

Yours, very truly,

ELMER E. HIG, *Secretary.*

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COMMONWEALTH OF MASSACHUSETTS,
AUDITOR'S DEPARTMENT,
*Boston, January 15, 1909.*

Hôn. M. D. FOSTER, M. C., *Olney, Ill.*

DEAR SIR: Your favor of the 1st instant to Ex-Governor Guild has been referred to me through the bureau of statistics of labor, which has replied in part.

I am sending you house document No. 1, of the present legislative series, on pages 20 and 85 of which you will find certain information relative to the state board of health in this Commonwealth, the duties of which are largely in the line to which you refer. The amount asked for by this board for the present year is $143,300, which will doubtless be granted. On page 41 you will find information relative to our state sanatorium, which is entirely for the treatment of incipient and curable cases of tuberculosis. Under recent legislation this Commonwealth is building three additional sanatoriums for the treatment of tuberculous patients, at a cost of $300,000—$100,000 each. They will be located in different parts of the State and will undoubtedly each cost annually as much as the present sanatorium at Rutland costs.

I trust that this information may be available for your purpose, and remain,

Yours, very truly,

HENRY E. TURNER, *Auditor.*

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COMMONWEALTH OF MONTANA,
DEPARTMENT OF PUBLIC HEALTH,
OFFICE OF THE SECRETARY,
*Helena, January 5, 1909.*

M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Your favor of the 1st instant, addressed to Governor Norris, has been referred to this department. In reply would say that the State of Montana expends $6,000 annually in the support of the work of the state board of health. In addition to this, counties and cities employ local health officers, whose salaries range from $1,200 to $100 per year. It would be very difficult to state the exact amount expended for this work in this State, but would judge, from what I have been able to learn from local health officers, that their average salary for county work is $750 per year. There are 27 counties.

About 20 cities have health officers, whose salaries range from $2,250 per year down to $100 per year. I would say the average is about $600 per year.

I sincerely trust a national board of health will be created.

Yours, very truly,

T. D. TUTTLE, *Secretary.*

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BOARD OF HEALTH OF THE STATE OF NEW JERSEY,
*Trenton, January 7, 1909.*

Mr. M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Your letter of January 1, addressed to Hon. John Franklin Fort, governor of New Jersey, in reference to amount spent in this State for the prevention of diseases, has been referred to this office for reply.

There is in New Jersey a state tuberculosis sanatorium, located at Glen Gardner, and information in regard to the amount of money appropriated for this institution may be obtained by communicating with the medical director, Dr. Samuel B. English.

The total amount appropriated for this board at the present time for all purposes is about $68,000, but this covers the work of the board in all its departments, including the divisions of food and drugs, sewerage and water supplies, creameries and dairies, vital statistics, contagious diseases of animals, etc., and it is impossible for us to estimate definitely the amount of money expended specifically in preventing the spread of contagious diseases.

Very respectfully,

BRUCE S. KEATOR, *Secretary.*

THE STATE OF TEXAS,
DEPARTMENT OF PUBLIC HEALTH AND VITAL STATISTICS,
*Austin, January 19, 1909.*

Hon. M. D. FOSTER, *Olney, Ill.*

DEAR SIR: In reply to your recent communication addressed to Gov. T. M. Campbell, which was referred to me for reply, will state that our department has approximately $45,000 for salaries and maintenance, etc. However, will state that most of our energies in the past have been expended along the lines of quarantine on coast and border and the prevention of smallpox in the State. We have a bill providing for a state board of health, which carries with it many of the features proposed by your National Board of Health movement; the incorporation of the live-stock sanitary commission, pure-food commission, and the present state health department into one board. We expect to improve the efficiency and get greater economy thereby.

The last legislature gave the live stock sanitary commission $12,000 annual appropriation for their maintenance, and the pure-food commission $3,000, making a total of approximately $60,000 for the three departments as separately maintained.

Very respectfully,

W. M. BRUMBY,
*State Health Officer.*

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COLORADO STATE BOARD OF HEALTH,
*Denver, January 6, 1909.*

M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Referring to your inquiry addressed to the governor, will say that the legislature of Colorado provides $5,000 per annum for the use of the state board of health. This covers office expenses, clerk hire, and what little sanitary work we are able to do with so little money.

Yours, very truly,

HUGH L. TAYLOR, *Secretary.*

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EXECUTIVE DEPARTMENT, STATE OF SOUTH DAKOTA,
*Pierre, January 4, 1909.*

Hon. M. D. FOSTER, M. C.,
*Washington, D. C.*

DEAR SIR: Your inquiry of the 1st instant received. There is, perhaps, no State in the Union that has done so little in the establishment of a board of health as the State of South Dakota. We have a state board of health, but the money appropriated to sustain it is a very small amount, indeed; considerably less than $1,000, I think.

We are presenting the matter of having a more efficient organization in the State to prevent the spread of tuberculosis to the legislature, which will convene to-morrow.

Yours, sincerely,

COE I. CRAWFORD,
*Governor South Dakota.*

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MISSISSIPPI STATE BOARD OF HEALTH,
*Jackson, Miss., January 5, 1909.*

M. D. FOSTER, Esq.,
*House of Representatives, Washington, D. C.*

DEAR SIR: Your letter of the 1st instant to Hon. E. F. Noel has been referred to me. In reply, beg to advise that we have an appropriation of $5,000 per year expense fund and $2,500 emergency fund.

I would be glad to see the bill pass in Congress establishing a national board of health for the investigation and prevention of diseases, such as tuberculosis and typhoid fever, etc.

Yours, very truly,

S. H. MCLEAN, *Secretary.*

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EXECUTIVE OFFICE,
*Des Moines, Iowa, January 4, 1909.*

MY DEAR MR. FOSTER: Your letter is just at hand, and I will ask the secretary of the state board of health, Doctor Thomas, to send you the information you desire. Our people are generally coming to the belief that tuberculosis is an avoidable and largely an unnecessary disease, and it is confidently predicted by some of our foremost physicians that within a comparatively short time it will be exterminated, except where the people are so grossly indifferent that they invite it to their homes. I am sure you are starting in on a most humane work, and I congratulate you and the State of Illinois on having a man who feels that it is incumbent upon him as a public official to look after the public health.

With best wishes for your success, I am,

Most sincerely, yours,

WARREN GARST.

Hon. M. D. FOSTER,
*House of Representatives, Washington, D. C.*

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MAINE STATE BOARD OF HEALTH,
*Augusta, January 4, 1909.*

Mr. COTTON.

DEAR SIR: Answering your inquiries, I would say that the regular appropriation for the state board of health is $5,000 a year. The state laboratory of hygiene has $4,500 a year, and the Maine sanatorium had an appropriation of $15,000. In addition to this, about $1,000 was spent in the protection of the State against epidemic diseases, principally smallpox.

Yours, truly,

A. G. YOUNG, *Secretary.*

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STATE OF FLORIDA,
EXECUTIVE DEPARTMENT,
*Tallahassee, January 4, 1909.*

Hon. M. D. FOSTER, M. C., *Olney, Ill.*

DEAR SIR: Replying to your letter of the 1st instant, making inquiry as to amount of money spent by the State of Florida in the prevention of disease, I beg to advise that we levy a 1-mill ad valorem tax for the support of the state board of health.

At present the 1-mill levy produces about $135,000 per annum.

Very truly, yours,

DANIEL A. SIMMONS,
*Private Secretary.*

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THE STATE OF WYOMING,
EXECUTIVE DEPARTMENT,
*Cheyenne, January 4, 1909.*

Hon. M. D. FOSTER, *Olney, Ill.*

DEAR SIR: At the request of Governor Brooks, I wish to advise you in reply to your letter of January 1 that our last legislature made an appropriation of $2,000 for the carrying on of the duties of the state board of health, this being for the two years, 1907 and 1908.

In the matter of tuberculosis, our state veterinarian has been making as bitter a fight as any one of our state officials. His appropriation was $1,500 for the two years stated above. At the International Tuberculosis Congress held at Washington this year this State was represented by the secretary of the state board of health, Dr. A. W. Barber, and our state veterinarian, Dr. W. F. Pflaeging.

Trusting that this information may be of some service to you, I remain,

Yours, very truly,

A. J. MATHER,
*Secretary to the Governor.*

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TENNESSEE STATE BOARD OF HEALTH,
*Nashville, January 6, 1909.*

Hon. M. D. FOSTER,
*House of Representatives, Washington, D. C.*

DEAR SIR: Replying to your letter of January 1, addressed to Governor Malcolm R. Patterson, I have to advise that the sum of $10,000 is appropriated for the restriction and prevention of contagious diseases in Tennessee.

Very respectfully,

STATE BOARD OF HEALTH,
By J. A. ALBRIGHT,
*Secretary and Executive Officer.*

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COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF HEALTH,
*Richmond, January 8, 1909.*

Hon. M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Your letter of the 1st instant to the governor has been referred to me for reply. I send you by the same mail a copy of all the statute laws of Virginia relating to the public health.

In the first law printed in this bulletin you will see the organization and the appropriation that is made to the department.

Our last legislature reorganized the state board of health and appropriated $40,000 a year to carry out the work.

If there is any further information that we can give you, I shall be very glad to give it.

Very truly, yours,

ENNION G. WILLIAMS,
*Commissioner of Health.*

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STATE BOARD OF HEALTH OF MARYLAND,
*Baltimore, January 8, 1909.*

Hon. M. D. FOSTER, M. C., *Olney, Ill.*

MY DEAR SIR: Your letter of January 1 has been referred to me by his excellency, Austin L. Crothers, governor of Maryland, for reply. I am sending you a report of the State board of health for 1905, on pages 8 to 13 of which you will find a statement of the amount of money appropriated to this board. The only specific disease for which we have a separate appropriation is tuberculosis, for which we receive $5,000 annually. The amount of money expended on typhoid fever comes largely out of our vital-statistics appropriation, our appropriation for food and drink, and our general-expense account. Out of the infectious-disease appropriation we also maintain a laboratory for the examination of blood for the Widal test and typhoid fever, the examination of the sputum for tuberculosis, and the examination of throat swabs for diphtheria. Our food and drink appropriation is largely applied to the examination of water, milk, and the inspection of animals killed for slaughter.

In addition to our report for the year 1905, I am inclosing you a complete set of the laws and printed matter relative to the control of tuberculosis in this State.

Very truly, yours,

MARSHALL LANGTON PRICE,
*Secretary.*

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STATE OF WEST VIRGINIA,
BOARD OF HEALTH,
*Point Pleasant, W. Va., January 8, 1909.*

Hon. M. D. FOSTER, M. C.,
*Washington, D. C.*

SIR: Your letter directed to Hon. William M. O. Dawson, governor of West Virginia, was this day referred by him to me. West Virginia is very backward in educational lines relating to contagious and infectious diseases. The State only appropriates $2,000 annually to the state board of health; they are allowed fees collected, etc., which amount to about $3,500. We are asking this legislature to give more of an appropriation sufficient to carry on educational work along hygienic matters; just what they will do it is hard to tell.

We certainly concur in your effort to establish a national board of health, and shall only be too glad to assist you in any way possible, and if there is anything I can do, or the state board of health, do not hesitate to call upon us.

Very truly, yours,

H. A. BARBEE, *Secretary.*

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IOWA STATE BOARD OF HEALTH,
*Des Moines, January 7, 1909.*

Hon. M. D. FOSTER, M. C.,
*Washington, D. C.*

MY DEAR SIR: Your communication of January 1, addressed to Gov. Warren B. Garst, has been referred to me for reply.

The Iowa State Board of Health receives an annual appropriation of $5,000 to cover all expenses of the board, and an annual appropriation of $6,000 to support and maintain the bacteriological laboratory.

Under separate cover I am sending you a copy of the Fourteenth Biennial Report of the State Board of Health and would respectfully call your attention to the opening chapter, in which will be found a statement of the finances of this board, together with a comparison of the amounts appropriated by the various States for the use of the state board of health.

In connection with national legislation concerning the department of public health I would suggest that if Congress will authorize the Postal Department to extend the franking privilege to state boards of health,

it would add greatly to the efficiency of the work done by these departments. I believe a bill providing for this will be introduced in Congress, and I would commend it to your consideration.

Very respectfully, yours,

LOUIS A. THOMAS, *Secretary.*

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GEORGIA STATE BOARD OF HEALTH,
OFFICE OF THE SECRETARY,
*Atlanta, Ga., January 8, 1909.*

Hon. M. D. FOSTER,
*House of Representatives, Washington, D. C.*

DEAR SIR: Your letter of January 1 to the governor has been referred to me for reply.

Up to about five years ago no state board of health was in existence in Georgia, the present organization having been created by an act of the legislature in 1903. The appropriation for the first two years was only $3,000, but since that time the amount has gradually risen until last year there was appropriated $16,000. This is a very meager amount, but every indication points to the probability that it will be increased from year to year until something like an adequate amount is appropriated.

Very respectfully, H. F. HARRIS, *Secretary.*

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STATE BOARD OF HEALTH OF SOUTH CAROLINA,
*Columbia, S. C., January 13, 1909.*

Hon. M. D. FOSTER, M. C.,
*House of Representatives, Washington, D. C.*

DEAR SIR: Your letter of the 1st instant to Governor Ansel has been referred to me, and I take pleasure in giving you the information desired, which is as follows:

For the prevention of disease, $15,000; for expenses incidental to the board meeting, etc., $3,000; clerk hire, $500; enforcement of pure food and drug act, $1,000.

This office will deem it a privilege to render you any assistance within its power along the lines mentioned in your letter.

Wishing you success with your bill, I am, and beg to remain,

Very respectfully,

C. F. WILLIAMS, M. D.,
*Secretary and State Health Officer.*

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STATE OF VERMONT,
EXECUTIVE DEPARTMENT,
*Montpelier, Vt., January 12, 1909.*

Hon. M. D. FOSTER,
*House of Representatives, Washington, D. C.*

SIR: In reply to your favor of the 1st instant addressed to Governor Prouty, I am directed to inform you that the State of Vermont annually expends for the investigation and prevention of diseases, $22,000. It will also expend during the next two years about $55,000 annually for the extermination of diseased cattle, which in reality is an expenditure for the promotion of the public health.

Yours, very respectfully,

J. M. HARNEY,
*Executive Clerk.*

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UTAH STATE BOARD OF HEALTH,
OFFICE OF THE SECRETARY,
*Salt Lake City, January 9, 1909.*

Mr. M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Your communication of the 1st instant, addressed to Governor John C. Cutler, has been referred to me for reply. I am greatly in favor of the establishment of a national board of health or some such federal organization for the prevention of disease, and trust you will be successful in your efforts.

The amount appropriated by the State of Utah for the use of the state board of health for the biennal period ending December 31, 1908, was $15,500. This amount is not adequate to the needs of the department, but we endeavor to make it go as far as possible.

Yours, very truly,

T. B. BEATTY, *Secretary.*

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STATE OF KANSAS,
DEPARTMENT OF THE STATE BOARD OF HEALTH,
*Topeka, January 5, 1909.*

Mr. M. D. FOSTER, *Washington, D. C.*

DEAR SIR: Your letter addressed to Governor Hoch has been referred to this department, and replying will say that during the year 1907 county health officers reported a total of $18,677 as the amount spent by the counties in the suppression and control of contagious and infectious diseases. The state board of health has a fund of $800, which is used for sanitary work. A sum of $2,500 a year is set aside for an emergency in case of epidemic. Other annual appropriations are for salaries, expenses of the board in attending meetings, etc.

Very truly, yours,

S. J. CRUMBINE, M. D., *Secretary.*

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ARIZONA BOARD OF HEALTH,
OFFICE OF THE SECRETARY,
*Tucson, January 18, 1909.*

Mr. M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Your letter to Governor Kibbey of the 1st instant has been referred to me for reply. I have the honor to inform you that the sum of $21,479.08 has been reported to me as the amount expended for public-health work in this Territory during the year 1908. I regret to say, however, that the expenditure has not been in the line of prevention, except in so far as the cost of quarantine is paid out of this sum.

Yours, very truly,

EDWARD S. GODFREY, Jr., M. D.,
*Secretary.*

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LOUISIANA STATE BOARD OF HEALTH,
*January 21, 1909.*

Mr. M. D. FOSTER,
*Tweny-third District, Illinois, Washington, D. C.*

DEAR SIR: Your letter of January 1, 1909, addressed to the governor of Louisiana, was referred by him to Dr. D. Harvey Dillon, president of our board.

I beg leave to say in reply to your request for information as to the amount of money spent by the State of Louisiana for the prevention of disease, that the legislature appropriates $20,000 biennially, $10,000 of which is intended for use yearly, with the proviso that in the event of emergency, due to widespread epidemic of any kind, the state board of health is at liberty to draw without limit on the state treasury. This we are very rarely called upon to do.

Yours, very truly, J. A. ESTOPINAL, M. D.,
*Secretary.*

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STATE OF OHIO, STATE BOARD OF HEALTH,
SECRETARY'S OFFICE,
*Columbus, Ohio, January 13, 1909.*

Hon. M. D. FOSTER, *Olney, Ill.*

DEAR SIR: Your letter of the 1st instant to Governor Harris has been referred to me for reply.

We have no way of knowing the exact amount spent by boards of health in this State in the prevention of disease. The appropriation made for this board for all purposes during the past year was $40,000, but very little of this amount is used in making inspections in contagious disease, as the work of this board is more specially directed to prevention in the way of improved water supplies and general sanitary conditions.

Yours, truly, C. O. PROBST, *Secretary.*

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MINNESOTA STATE BOARD OF HEALTH,
*St. Paul, January 14, 1909.*

Hon. M. D. FOSTER,
*House of Representatives, Washington, D. C.*

SIR: A letter from you, dated January 1, to Governor Johnson relative to information concerning appropriations for the Minnesota state board of health has been referred to me, and I beg to answer as follows:

| | |
|---|---|
| General fund | $11,000 |
| Laboratory fund | 13,000 |
| Vital statistics fund | 1,500 |
| Sanitary engineering fund | 1,000 |
| Communicable disease fund | 2,500 |
| Pasteur Institute fund | 5,000 |
| Total | 34,000 |

We are not satisfied with these appropriations, however, for we can not carry on the work of the State as it should be carried on, and we expect to ask of the present legislature appropriations as follows:

| | |
|---|---|
| General fund | $24,500 |
| General laboratory fund | 15,000 |
| Branch laboratory fund | 10,000 |
| Traveling laboratory fund | 7,500 |
| Vital statistics fund | 7,000 |
| Communicable disease fund | 5,000 |
| Pasteur Institute fund | 7,500 |
| Sanitary engineering fund | 10,000 |
| Total | 81,500 |

In addition to this, a bill will be introduced asking for $25,000 to carry on educational work against tuberculosis.

Very truly, H. M. BRACKEN.

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OKLAHOMA STATE COMMISSIONER OF HEALTH,
*Shawnee, Okla., January 13, 1909.*

Hon. M. D. FOSTER, M. C.,
*Washington, D. C.*

DEAR SIR: Your letter of January 1, addressed to Governor Haskell, has been referred to this department, with the request that we give you the information that you desire.

Up to 1907 there was an annual appropriation of $1,100 on the part of Oklahoma for the support and maintenance of its state board of health. With the meeting of the first state legislature I asked for an appropriation of $10,000 and received $7,000. This year I am asking for 1910–11 an appropriation of $17,000 per year, and fully expect to receive it.

This is not sufficient, but I feel that an appropriation of $7,000 was quite a gain over $1,000. If I can receive $10,000 next year more than this year I feel that this will place us where we can do some good work.

Yours, very respectfully, J. C. MAHR,
*State Commissioner of Health.*

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RHODE ISLAND STATE BOARD OF HEALTH,
*Providence, January 5, 1909.*

Hon. M. D. FOSTER,
*House of Representatives, Washington, D. C.*

DEAR SIR: Your request for information for material relating to a national board of health may be answered as follows:

The state board of health, consisting of seven members appointed by the governor, with the confirmation of the senate, is entirely an advisory board, having but few powers. Its work consists of a general conservation of the public health and the control and prevention of diseases, especially of a communicable class.

The general appropriation for clerical services and for salary of the chemists is $6,000 annually. The bacteriological department is also maintained by special appropriations of $3,000 for the study and prevention of tuberculosis and $3,500 for the study and prevention of diphtheria. These sums cover the expenses of bacteriologists, the free distribution of diphtheria antitoxin, the presentation of a traveling tuberculosis exhibit, and the free distribution of sputum cups.

If as ex-secretary of the State and Provincial Boards of Health of North America and as present incumbent as president of the American Public Health Association and as a member of the national committee on national legislation of the American Medical Association I can be of any further service, please command me.

Yours, truly,

GARDNER T. SWARTS,
*Secretary.*

THE CAUSES OF THE PAST DECLINE IN TUBERCULOSIS AND THE LIGHT THROWN BY HISTORY ON PREVENTIVE MEASURES FOR THE IMMEDIATE FUTURE.

[Arthur Newsholme, M. D., medical officer to the local government board of England.]

It is almost a self-evident proposition that a disease does not increase or decrease apart from factors favoring or impeding its occurrence. Of the existence of these factors we can entertain no doubt, even though they may not be recognizable; and my task is to analyze in regard to tuberculosis the evidence as to the causes of the remarkable reductions in the death rate from it experienced in the United Kingdom, the United States, and in certain other countries. Is it a disease having a "natural tendency" to decline? That, I take it, is another way of asking whether tuberculosis is declining under the influence of unrecognizable causes. Or is it a disease which is declining under the influence of causes whose character and possibly also whose extent can be recognized and identified?

Not infrequently it is contended that whatever may have been the chief causes of the decrease of tuberculosis, we need not attempt further the difficult task of unraveling them; for the disease is decreasing in many if not in most civilized countries, and that therefore we may reasonably content ourselves with aiding the increased action of the improved domestic and industrial sanitation and of the greater well-being of the population, under the complex influence of which the decrease has occurred.

Such complacent trust in vague generalities is not justified by the considerations which should influence every hygienist. It has to be remembered that the amount of money and energy available for the public service is always limited; and that of the many measures that would aid directly or indirectly in preventing or curing tuberculosis only a portion can be put into simultaneous action. To adopt any measure yielding less than the utmost value for the resources expended is equivalent to allowing an amount of avoidable disease proportionate to the relative inefficiency of the measure adopted. The rational as distinguished from the random or capricious selection of preventive measures is therefore supremely important to the public health service; and in such a selection actual experience, critically analyzed, is the safest and the final guide. Hence the importance of our present inquiry into the relative importance of the different elements of economic and sanitary environment, in their bearing on the incidence of tuberculosis in different communities.

In the heavy toll levied by tuberculosis on every community we find a further and more urgent reason for an analytical study of the causation of tuberculosis and a determination of the more fruitful directions in which time and energy can be expended. Those who look optimistically on the great declines in the death rates from pulmonary tuberculosis are apt to overlook the present enormous loss of life. In England and Wales, for instance, over 60,000 deaths are still annually referable directly to tuberculosis, 11 per cent of the total deaths from all causes at all ages. Of the deaths from tuberculosis seven-tenths are caused by phthisis and of the latter 77 per cent occur during the working years of life, from 20 to 65. Each death, furthermore, is preceded by a period of invalidity which on the average runs into years.

Such are the facts facing us as to the present loss of life caused by tuberculosis. We can not exhibit the efficiency of various measures against this disease in an exact proportion, because the conditions affecting the prevalence of tuberculosis are very complex. I think, however, that we have been able to gain some knowledge as to their relative order of importance, and it is by bearing this order carefully in mind that effort in the immediate future will have its most economical and its most fruitful effect.

THE CAUSA CAUSANS.

The problem with which we are concerned will be stated in the light of experience, which involves in the main a statistical presentation of facts. This experience must be stated in the light of our experimental knowledge of the causation of tuberculosis. We know that the tubercle bacillus is the indispensable causal element in tuberculosis. Most of us must have seen men fall victims to tuberculosis, though they were previously in robust health, and—apart from exposure to infection—had lived under excellent conditions. And most of us have had occasional experience of cases with a completely negative family history of tuberculosis, where heredity as well as an unfavorable sanitary and social environment, apart from infection, could be excluded. Nor do we know of any means for so raising the resistance of the population as a whole as to render it immune to infection. To argue that populations in which tuberculosis has declined have become more resistant to infection in virtue of the operation of natural selection not only ignores the factors of environmental improvement, but also overlooks the experience of countries in which, as in Ireland, natural selection, though similarly in action, has been associated with a stationary or an increasing death rate from tuberculosis.

The allegations as to the ubiquity of the tubercle bacillus and as to the impracticability of circumventing it save by an enhanced resistance do not diminish the practical importance of the teaching of experimental pathology, that the tubercle bacillus is the essential cause of tuberculosis and that action against this bacillus must be the most direct means for preventing the disease. More exact observations have shown that the tubercle bacillus is only present in the immediate vicinity of consumptives. Probably not more than 1 in 250 (for the calculation on which this estimate is based see p. 63 of The Prevention of Tuberculosis, by A. Newsholme, Methuen & Co., 1908) of the general population at any one time is recognizably consumptive, and of this proportion many cases are not "open." Quite erroneous inferences have been based on the detection of tuberculous lesions, chiefly arrested, at autopsies, in from one-third to one-half of hospital patients dying from other diseases. Most of these have never had symptoms of tuberculosis, and probably very few of them have been "openly" tuberculous, and these few only for a short time of their lives.

PREVENTION OF INFECTION.

We can hold fast to the undoubted fact that the prevention of tuberculosis in the final issue means the prevention of infection. To lay stress on heredity, when a family history of tuberculosis is so often obtainable in families in which there are cases of tuberculosis in the present generation, is to attach undue importance to a factor which, apart from the greatly enhanced chance of infection involved in family phthisis, must always occupy a minor position in practical preventive measures. The correctness of the view that prevention of infection is the main problem is indicated not only (a) as already shown by the pathology of the disease but also (b) by the successful extermination of tuberculosis in numerous herds of cattle in one generation by segregation, (c) by the analagous experience of other diseases, and (d) by actual experience in the diminution of human tuberculosis.

As already seen, a notable decline in the death rate from phthisis has occurred in certain countries. Two schools of thought explain this decline. One teaches that the result has been secured mainly by removing or ameliorating the conditions which increase susceptibility in a population. The other school, from the pathology of the disease and veterinary experience, declares that decline of tuberculosis must be brought about by diminishing infection. It is remarkable that, with the partial exception of Koch, the members of this school have, as a rule, not based their statement on past experience.

In his address at the London Congress on Tuberculosis in 1901 Koch expressed the opinion that "the only country that possesses a considerable number of special hospitals for tuberculous patients is England, and there can be no doubt that the diminution of tuberculosis in England, which is much greater than in any other country, is greatly due to this circumstance." In a report to the International Congress of Hygiene and Demography at Brussels in September, 1903, I showed that, although the very limited number of special hospitals for consumptives in England could not be regarded as having had so great an effect on the death rate from tuberculosis as claimed above, "If the total number of tuberculous patients treated in general hospitals, and still more those treated in workhouse infirmaries, be included, there is good reason for attaching a high importance to the removal of those patients from their relatives and to the nursing of them under conditions in which personal infection is greatly limited in amount." I propose to set out the evidence on which the above conclusion, which I have since then further extended, is based. Before doing so, it is convenient to compare the experience of tuberculosis with that of diseases in which, as in tuberculosis, a notable decline has been secured. Although each disease must be a law unto itself, it is not without advantage to consider whether in the experience of other infective diseases instances can be cited in which conditions affecting susceptibility have been more important than infection itself.

ANALOGIES.

So far as I know it is in smallpox alone that greatly reduced prevalence has been secured by rendering the human soil specifically immune against insemination by disease. Plague, enteric fever, and diphtheria are only partial exceptions to this statement.

Enteric fever has become greatly reduced. This reduction has occurred through general sanitary amelioration, a chief element in which has been the provision of pure public-water supplies. There can be no difference of opinion as to the accuracy of the statement that those measures of sanitary improvement have operated chiefly, if not entirely, by intercepting the specific infective material of enteric fever on its way from one patient to another. Omitting typhus fever from consideration for a moment, we may glance at the course of certain other diseases.

Plague has almost disappeared from America and from Europe. What link has been broken in the chain of infection-producing epidemics of this disease may still in certain respects be doubtful, but that interception of infection and not a change in the constitution of the population of these continents is the cause of their present relative immunity will, I think, be universally agreed.

So likewise with malaria, all the vague generalizations as to malarial conditions of soil and air have been ousted by the definite knowledge that the essential conditions for the occurrence of this disease are opportunity for the growth of the larval mosquito, and freedom of intercommunication between the malarious host, the mosquito, and non-malarious mankind. The experience of individual communities proves this statement, and among these may be quoted from Doctor Ross that of Ismailia, as typical of a community in which it has been practicable to adopt preventive measures against infection without the disturbing effect of migration. A similar experience in Habana is shown in the same figure. Yellow fever supplies an even more striking illustration of accurate scientific investigation followed by practical adoption of means for preventing infection. To an American audience it is unnecessary to do more than add the triumphant success of scientific administration in Habana against the *Stegomyia fasciata*.

In Malta fever we have another almost startling illustration of the law that when a specific contagion is discovered, and its operation prevented, the disease caused by it disappears. For years attempts were made unsuccessfully by improved sanitation and other general measures to diminish the immense amount of sickness caused by this disease, but with no material effect until Dr. (now Sir) David Bruce discovered that the goat was the intermediate host of the *Micrococcus melitensis*, and that by boiling all goats' milk or preventing its use, the transmission of the disease could be stopped.

Hydrophobia teaches the same lesson. No measure of any sort has been taken to increase the resistance of the population at risk. Yet with the rigid enforcement of muzzling orders this disease at once declined, increasing again when they were relaxed, and disappearing with their consistent and persistent enforcement whenever infection was possible.

Two further diseases, namely, typhus fever and leprosy, may be instanced in further detail, because of the closeness with which the circumstances of their occurrence resemble those in connection with which tuberculosis occurs.

TYPHUS FEVER.

The comparison between phthisis and typhus fever can best be elicited by contrasting the course of these two diseases in Ireland and in England, respectively. In England and Ireland typhus fever has declined almost to the vanishing point. While phthisis has been steadily diminishing in England, it has shown no such diminution and some increase in Ireland. Diminution of susceptibility, increasing personal resistance to infection, are often regarded as more potent in respect of the spread of both typhus fever and phthisis than diminution of infection. The course of typhus fever in the two countries is consistent with the view that improvement in general well-being of the two populations, associated with better nutrition, diminished overcrowding, and improved housing have, as is commonly stated, been the main determining cause of the diminished mortality from this disease. But if this be the correct explanation as regards typhus fever, and if typhus fever is not more susceptible than phthisis to the influence of improved sanitation, the reduction of phthisis must be due to some other cause, or, conversely, this explanation is erroneously given. Facts show that well-being of the population has steadily improved in both countries, though to a greater extent in England than in Ireland. Whatever part the absence of well-being may play in the causation of these two diseases, its part evidently is subsidiary to some other cause so far as phthisis is concerned. The same statement may safely be made in regard to typhus fever in view of its great infectiousness. I have elsewhere shown that

the enormous reduction of typhus fever in both countries has occurred chiefly in consequence of the immobilization of infectious patients in hospitals and of their relatives in their own parishes by the operation of local poor-law relief. Doubtless improvements in housing, diminished overcrowding, and improved nutrition of the population of both England and Ireland have been important auxiliaries of the improved medical diagnosis, treatment, and segregation of patients. The failure of phthisis to decline under steadily improving social conditions in Ireland, which will be further considered later, shows that as regards this disease the differentia between England and Ireland is that a large mass of poor consumptives are treated in England for prolonged periods in workhouse infirmaries, whilst in Ireland by far the greater portion of their illness is spent at home. ("Presidential address on poverty and disease as illustrated by the course of typhus fever and phthisis in Ireland," by A. Newsholme, Journal Roy. Soc. Med., vol. 1, p. 262, and "The prevention of tuberculosis," p. 262.)

LEPROSY.

The history of leprosy is an interesting chapter in the history of disease, more particularly so in its bearing on the history of tuberculosis. Both diseases are caused by bacilli producing granulomatous tissue changes; in both there may be a long period of latency before the signs of disease appear; and in both the disease is commonly protracted and intermittent in its progress. Both likewise are diseases to which the designation "subinfectious" has been applied, though the name is misleading, and is no more applicable to them than to syphilis, in which similar phenomena of long latency of symptoms and of protracted and intermittent course are seen, and in which, furthermore, hereditary predisposition is not known to occur. The further interest attaches to leprosy that acute differences of opinion exist as to the causes of its partial or complete disappearance from England and some other countries, recalling the similar differences of opinion as to the cause of the great decline of tuberculosis in certain countries during the last forty years.

The disappearance of leprosy has been associated with the existence on a very considerable scale of leper asylums in the countries from which the disease has disappeared. In medieval England such lazar houses were numerous, and although complete segregation of all patients was never secured, there doubtless was segregation of a large percentage of the total cases during a considerable part of their illness. Here, again, as will be shown shortly, the resemblance to what has been happening in regard to tuberculosis is striking.

There is no intrinsic difficulty in accepting it as a fact that in leprosy—in which, as in tuberculosis, infection occurs chiefly after protracted exposure of an intimate character—the isolation of lepers must, if carried out to a sufficient extent, have served to produce a steady decline and eventually disappearance of the disease. This conclusion is confirmed by the experience of Norway, which amounts almost to a check experiment. In this country, until far on in the nineteenth century, there were few leper asylums. As Dr. Van Dyke Carter put it, there never prevailed in Norway "the same systematic and rigorous opposition to the leprous pest as was aroused in Europe generally." During the first half of the nineteenth century leprosy was increasing in Norway. Thus the yearly average number of fresh cases of leprosy ascertained and registered in 1840–1845 was 43; in 1846–1850 it was 124; in 1851–1855 it was 219; in 1855–1860 it was 233; and in 1861–1865 it was 225. Even allowing for the likelihood of increasing accuracy of registration, there was no evidence of decline in this district. In 1856 notification of cases by medical men became compulsory, and for all years onward the official statistics state the total number of known cases of the disease and the number seggregated in asylums. It will be observed that the steady pursuit of an intelligent policy of segregation of leprous patients, almost entirely without compulsion (some indirect compulsion has been exercised by refusing noninstitutional relief) has been associated with a steady and continuous decline of the prevalence of leprosy. At no time has there been total segregation of all known cases. Of the total cases, about 16 per cent were segregated in 1856–1860, 27 per cent in the next period, 30 per cent in 1871–1875, 32 per cent in 1876–1880, then 36 and 46 per cent in the two next periods, the proportion of segregation in the three most recent quinquennial periods being about 52 per cent of the total known cases. In the light of our knowledge that leprosy is a communicable disease, of its history in other countries, and of the close corelation between the phenomena of segregation and diminution of disease (which is expressed by a coefficient of correlation of 0.95 for the entire period), it is reasonable to give the chief place to segregation as the means by which the diminution of disease has been secured.

PREVALENCE OF TUBERCULOSIS.

The preceding survey of successful preventive measures against infective diseases affords us only a single instance—that of smallpox—in which the most effective measure has been one raising personal resistence to infection. In this instance the means of increasing resistance are specific and not general in character.

We therefore pursue our further investigation of the prevalence of tuberculosis with the knowledge that, so far as tuberculosis has behaved like other infective diseases, the chief means of its reduction has been, and the most efficient means toward its prevention in the immediate future should continue to be, the prevention of invasion by the tubercle bacillus. This investigation can only be pursued by statistics showing the past experience of communities. We must therefore for a moment consider whether the available data can be trusted. I have considered this question in fuller detail elsewhere. It concerns itself chiefly with the point as to whether past and present statistics of the disease in a given country may be compared without serious error. The experience of England and Wales is significant on this point. The most probable transfer is between bronchitis or pneumonia and phthisis. Evidently there has been no such considerable transfer between these diseases as would vitiate comparisons between past and present.

The same conclusion is confirmed by a comparison of the age incidence of the death rates from bronchitis plus pneumonia and from phthisis at different age periods in 1861 to 1870 and in 1901, respectively. The curves for bronchitis plus pneumonia at the earlier and the most recent period show that no such change in the age incidence of the death rate from these diseases has occurred as would be likely to have been visible had there been a disturbing amount of transference from phthisis to these two diseases. The argument outlined hereafter, and set forth more fully elsewhere, is based chiefly upon a comparison of past and present in each country considered apart from other countries, in conjunction with the social phenomena of the same country, and there can be no reasonable doubt that the national statistics, as utilized in the following pages, can be trusted.

So far as present current experience is concerned, international comparisons of death rates from tuberculosis or phthisis may undoubtedly be made without serious fallacy, especially for great cities. The following table, within limits of error which do not prevent comparisons, shows real differences in the incidence of fatal phthisis:

*Annual death rates from phthisis per 1,000 of population in different cities.*

| | |
|---|---|
| Paris (1901–1903) | 3.65 |
| Dublin (1901–1903) | 3.28 |
| Belfast (1901–1903) | 3.08 |
| New York (1903) | 2.40 |
| Boston (1903–4) | 2.04 |
| Berlin (1901–1903) | 2.04 |
| Manchester (1901–1903) | 2.01 |
| Providence (1902–1904)[a] | 1.94 |
| Glasgow (1901–1903) | 1.68 |
| London (1901–1903) | 1.65 |
| Edinburgh (1901–1903) | 1.51 |
| Copenhagen (1901–1903) | 1.38 |

And the same remark applies to the national death rates in the following table:

*Annual death rates from phthisis per 1,000 of population in different countries.*

| | |
|---|---|
| Ireland (1901–1903) | 2.15 |
| Norway (1901–1903) | 1.92 |
| German Empire (1904) | 1.83 |
| Massachusetts (1901–1903) | 1.67 |
| Scotland (1901–1903) | 1.47 |
| England and Wales (1901–1903) | 1.23 |

INFLUENCE OF ENVIRONMENT.

A preliminary survey of these current death rates does not confirm the general impression that social and sanitary amelioration has been the direct cause of such reduction of phthisis as has occurred. It is true that Norway and Ireland are the poorest countries on the list and have the highest death rate from phthisis; but this high rate may either be due to poverty, keeping sanitation and nutrition at a low ebb, or may be the indirect result of not adopting those expensive methods of nondomestic treatment of the sick which have been adopted in the other countries named above. At present we can only go so far as to say that insanitation and malnutrition can scarcely be regarded as predominant factors, in the light of the experience of the large cities mentioned above. The majority of the population belong to the wage-earning classes, and their experience, in the main, determines the death rate. It can not seriously be maintained that the social and sanitary circumstances of the working classes in Belfast are 83 per cent and in New York are 42 per cent worse than those of the same class in Glasgow; that those of Paris are 45 per cent worse than those of Manchester; that those of Berlin are 26 per cent worse than those of Edinburgh; that those of London are 16 per cent and of Boston are 48 per cent worse than those of Copenhagen, and so on.

It would not apear therefore that any definite relationship exists between the magnitude of recent death rates from phthisis in different cities and countries and the relative social and sanitary condition of the populations of those cities. Before studying these communities further in the light of history as crystallized in their mortality experience over a series of years, we can with advantage compare them as at present circumstanced, in respect of certain items of social and sanitary environment.

URBANIZATION.

Communities may be roughly classed as urban and rural, and international experience shows that the death rate from phthisis is higher in the urban than in the rural. Thus, turning to the preceding tables, it will be seen that the death rate from phthisis is higher in London than in England, in Glasgow than in Scotland, in Boston than in Massachusetts, and so on. And yet a comparison of different countries shows that those countries in which the greatest aggregation in towns has occurred have secured the greatest reduction in their death rate from phthisis. It is evident, therefore, that increasing urbanization must have had opposed to it some influence which has not only counteracted the tendency of aggregation of population to increase the phthisis death rate, but has also either alone or in association with some other influence or influences actually reduced this death rate.

Experience in England and Wales (given in full in The Prevention of Tuberculosis, p. 221) shows that there is a marked difference between the experience of selected typical urban and rural counties as regards phthisis and as regards all causes except phthisis. This difference is shown chiefly in the experience of the female sex, and is summarized in the following tabular statement:

| | Males. | | Females. | |
|---|---|---|---|---|
| | Rural death rate. | Urban death rate. | Rural death rate. | Urban death rate. |
| Phthisis | 100 | 151 | 100 | 104 |
| All causes except phthisis | 100 | 131 | 100 | 133 |

Thus, while males in urban counties have a death rate from phthisis which is 31 per cent higher than that in rural counties, in females the difference between the two does not exceed 4 per cent. The fact that in respect of all diseases, in the aggregate, other than phthisis, the two sexes experience an almost equal excess of mortality in urban counties point to the conclusion that special circumstances other than those which have influenced general mortality are acting in respect of tuberculosis.

Were this special circumstance domestic overcrowding or defective nutrition, its influence would be visible, especially in the experience of women, but it is precisely in the case of the female death rate that the effect is least visible.

OVERCROWDING, FOOD, WAGES.

That domestic overcrowding is not the chief determining cause of excessive phthisis, or rather, that its pernicious influence can be and is being more than neutralized by other measures, is indicated by a comparison of the amount of overcrowding in different cities of the

[a] Persons of American parentage 1.43 only.

United Kingdom, as shown in the following table, the housing figures of which (for 1901) are taken from a paper by Sir R. Matheson, registrar-general of Ireland.

| | Number of one-room tenements per cent of total dwellings or tenements. | Number of one-room tenements having 5 or more occupants each in every 100 tenements of all classes. | Number of persons in one-room tenements with 5 or more occupants in every 100 of the total population. | Average death rate from phthisis, per 100,000 living, in the 3 years 1900, 1901, and 1902. |
|---|---|---|---|---|
| Dublin | 36.70 | 8.69 | 10.61 | 329 |
| Belfast | 1 | .09 | .10 | 313 |
| London | 14.66 | .57 | .70 | 171 |
| Liverpool | 6.14 | .22 | .24 | 190 |
| Manchester | 1.90 | .04 | .05 | 208 |
| Edinburgh | 16.98 | 1.80 | 2.33 | 164 |
| Glasgow | 26.11 | 4.28 | 5.24 | 177 |

Thus in Glasgow, which has twenty-six times as large a proportion of one-roomed tenement dwellings as Belfast and fifty-two times as many persons in its one-roomed tenements with five or more occupants, the death rate from phthisis, instead of being higher, is 43 per cent lower than that of Belfast. This does not imply that in a given town the death rate from phthisis is not higher in the smaller and more overcrowded tenements. Abundant statistics show this to be the case. But it is clear from the above table that size of dwelling or even degree of overcrowding may be overshadowed by the effect of other influences, the nature of which will shortly be indicated.

An attempt may now be made to compare the present experience of different communities in regard to social factors other than urbanization and overcrowding, though the possibilities of accurate comparison are somewhat limited. They extend sufficiently far, however, to enable comparisons of considerable value to be made.

The following table gives some approximate indications:

| | Relative price of wheat, 1901–2. | Comparative wages— | | Relative phthisis death rate. |
|---|---|---|---|---|
| | | In skilled trades.[a] | Of unskilled laborers.[b] | |
| England | 100 | 100 | 100 | 100 |
| Germany | 131 | 63 | 79 | 149 |
| United States | 101 | 193 | 143 | 136 |

[a] Memoranda, etc., prepared by the board of trade (Cd. 1871 and Cd. 2,337).

[b] Shadwell, on Industrial Efficiency (Vol. II, pp. 81 and 91).

Even after free allowance has been made for differences in utilization of available means, it can not be said that any indication is offered by the preceding figures of relation between social comfort and amount of phthisis.

HISTORICAL EXAMINATION.

The comparison of possibilities of nutrition as indicated by cost of food and amount of wages can be pursued further when the facts for each country are considered historically and not in contrast with the corresponding facts for other countries. Without going into the details given elsewhere (Op. cit. p. 230) we may briefly summarize some of the chief facts.

The relative experience of the different parts of the United Kingdom and of Germany as regards changes in the total cost of food is set out in figure 11. It will be observed that these do not show consistent relation between the course of average total cost of food and that of the phthisis death rate. In Ireland the curves of cost of food and of phthisis have proceeded in opposite directions; and in Germany the discrepancies in the course of the two, although in the same direction, are very marked.

In the experience of the United Kingdom it is practicable to extend the comparison to the total cost of living. (For details as to means of measuring "total cost of living," see p. 239, Prevention of Tuberculosis.) There is no proportion between phthisis and cost of living in England; and it may be added that in Scotland and in Ireland the curves of the two phenomena travel in different directions.

Nor does the consideration of wages alter the preliminary conclusion suggested by studying cost of food and of living. Wages have increased in all the countries under consideration, although the present level of these wages is much higher in some than in other countries. In Ireland the wages of agricultural laborers, although they remain lower than in England, have increased in the proportion of 63 to 100 between 1860 and 1900 as compared with an increase from 76 to 100 in England. Nor have other elements of social progress lagged behind in Ireland. And yet its phthisis death rate does not show the decline manifest in the English rate.

Turning from circumstances of social to those of sanitary environment, we may next consider the latter in their historical aspect. Overcrowding is the most mischievous factor in town life. We have already seen that urban always have a higher phthisis death rate than rural communities. This fits in well with the facts of the census returns of 1901, which show when urban are compared with rural districts that ten times as large a proportion of the total population lives in one-roomed tenements, and nearly twice as large a proportion in two-roomed tenements; furthermore, that ten times as many one-roomed tenements and twice as many two-roomed tenements are overcrowded in urban as in rural districts. We have also stated that the countries whose populations have become most urbanized have had the greatest reductions in their death rate from phthisis; and that present death rates from phthisis show no relation between amount of overcrowding and death rates from phthisis. What has been the historical relation between diminution of overcrowding and of phthisis? The instance of Ireland is most instructive. The death rate from phthisis in Ireland has increased. This higher death rate has been associated with a progressive improvement in conditions of housing, as shown by the foregoing facts taken from a paper by Sir R. Matheson.

*Percentage of different classes of houses in Ireland.*

| Class. | 1841. | 1861. | 1881. | 1891. | 1901. |
|---|---|---|---|---|---|
| First class | 3.0 | 8.3 | 9.7 | 10.5 | 11.2 |
| Second class | 19.9 | 37.6 | 46.9 | 53.6 | 59.3 |
| Third class | 40.1 | 45.7 | 39.2 | 33.8 | 28.4 |
| Fourth class | 37.0 | 8.4 | 4.2 | 2.1 | 1.1 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |

The fourth class of houses comprises chiefly houses of mud or other perishable materials, having only one room and window; the third class, a rather better class of house, having two to four rooms and as many windows; the second class is equivalent to what would be considered a good farmhouse, having five to nine rooms and windows; and the first class comprises all better houses.

Comparing Ireland with England and Scotland, Matheson finds that in 1901 in England 3.6 per cent, in Ireland 8.7 per cent, and in Scotland 17.5 per cent of the total dwellings consisted of only one room; further, that the percentage of the total population living in these one-roomed tenements and having five or more persons in each tenement was 0.15 in England, 1.78 in Ireland, and 3.27 in Scotland. Thus Scotland has more than double the proportion of one-roomed tenements that Ireland has, and in nearly twice as many of these the number of occupants exceeds five. Evidently, therefore, some counterbalancing influence or influences have prevented Ireland from securing the lower phthisis death rate which its relatively small increase of urbanization and especially its steady improvement in conditions of housing ought to have secured for it. A worse position in these respects has not prevented a reduction of phthisis in Scotland, and the adverse influence or influences must therefore have been operating either exclusively or very excessively in Ireland. The character of this counterbalancing influence will be set forth later.

The figures of housing in Berlin are also suggestive. During the last forty-five years the number of one-roomed tenements out of every 100 tenements of all sizes has been about 50 throughout these forty-five years, while the number of two-roomed tenements in the same interval has only varied from 24 to 27 per cent, of three-roomed tenements from 10 to 12 per cent, and of larger tenements from 11 to 12 per cent of the total number. A very large proportion of the population of Berlin live in block dwellings, and the average size of these block dwellings has increased. Doubtless the standard of these dwellings as to cleanliness, as elsewhere, has improved; but it is a remarkable fact that although half the families in Berlin live in single rooms, the death rate from phthisis in that city has declined 45 per cent between 1876–1880 and 1901–1903.

In New York a similar story has to be told. Dr. Hermann Biggs (1903–4, p. 191) says:

"There has been a more rapid fall in the tuberculosis death rate in New York City than in any great city in the world, and this notwithstanding the fact that the conditions in many respects are much more unfavorable, because of the very dense population in the great tenement-house districts of the city, and the large element of foreign-born population. It should be remembered that in no city of the world is there such a density of population as exists in many of the wards of the Borough of Manhattan."

And yet the death rate from phthisis in New York has fallen from 4.27 in 1881 to 2.40 in 1903, or 44 per cent; while in London in the same interval it has fallen from 2.18 to 1.60, or 26 per cent.

In Norway again improved housing as well as increased well-being have not been associated with any decline in the death rate from phthisis.

To avoid misunderstanding let me state at once that the discrepant results as to the association of overcrowding and phthisis do not prove that the association between the two is accidental. In view of the known pathology of the disease, no circumstance could be more calculated to exercise a more uniformly adverse influence on phthisis than overcrowding. The discrepancies, however, suffice to indicate that overcrowding must be classed with urbanization as a factor, which, though of proved effect on the phthisis death rate, has usually been unable to overcome counteracting influences by means of which the phthisis death rate has been diminished.

POVERTY AND PHTHISIS.

The degree of overcrowding as well as cost of food and total cost of living, and amount of wages, are important indices of the general well-being of a population. A further and more general index is to be found in pauperism, the figures of which may be employed to check the preceding results.

Owing to the different methods of relieving poverty, we can only examine the figures relating to poverty in the countries of the United Kingdom, using for this purpose the poor-law returns. Before doing so, it is desirable to realize what figures of pauperism really indicate. Pauperism is officially relieved poverty; and poverty itself, while most often due to absence of means, may also arise from the unskillful, careless, or mischievous use of means, from thriftlessness, sloth, or intemperance. The conditions which accompany poverty, such as protracted exposure to infection, insufficient nutrition, and ignorance, work in a vicious circle with the conditions that cause it till it is difficult or impossible to distinguish those elements of poverty which represent destitution and are relievable by the provision of ampler means of subsistence from those which are of an origin independent of material supplies, and which would persist even in a community free from economic deficiencies. Poverty therefore is in itself a most complex phenomenon, not to be remedied by any single set of measures; and figures of actual poverty, even if they could be had, would not in themselves suffice to estimate the causes from which the poverty arose nor the steps which would be necessary to remove them. In fact, however, we have not figures of poverty, but only of pauperism—that is, of state-relieved poverty. The amount of pauperism depends obviously not alone on the extent of poverty, but also on the test or standard by which the scale of relief is determined; and a given amount of poverty will, beyond doubt, yield very different figures of pauperism at various epochs and in various districts according to the scale of relief which happens to be applied. In the United Kingdom during the period under observation there has been a marked correspondence between the variations of phthisis and those of pauperism.

This is shown for England in the following table:

*England and Wales—Percentage declines of phthisis death rates and of rates of total pauperism.*

| Percentage of decline. | 1866–1870 to 1871–1875. | 1871–1875 to 1876–1880. | 1876–1880 to 1881–1885. | 1881–1885 to 1886–1890. |
|---|---|---|---|---|
| Phthisis rate | 9.4 | 8.1 | 10.2 | 10.3 |
| Total pauperism rate | 17.7 | 22.1 | 3.7 | 4.2 |

| Percentage of decline. | 1886–1890 to 1891–1895. | 1891–1895 to 1896–1900. | 1896–1900 to 1901–1903. | 1866–1870 to 1901–1903. |
|---|---|---|---|---|
| Phthisis rate | 10.9 | 9.6 | 6.8 | 49.8 |
| Total pauperism rate | 9.5 | 5.4 | 6.0 | 52.3 |

The total decreases for the entire period—49.8 per cent for phthisis and 52.3 per cent for pauperism—are surprisingly close. Individual quinquennia show some discrepancies, but as phthisis has a long course and may have a still longer period of latency, and as any administrative action is likely to operate slowly, a close quantitative relation between the figures for short periods can not be expected.

I do not propose to give here (see The Prevention of Tuberculosis, pp. 243, 251) the figures for the three parts of the United Kingdom in detail, but I must content myself with the general statements that England and Scotland with decreasing pauperism show decreasing phthisis, and Ireland an increase of both phthisis and pauperism, and that in the three countries the two factors are correlated by the high coefficients of correlation of 0.89, 0.90, and 0.83, respectively. Evidently, therefore, in each of these countries pauperism comprises enough phthisiogenetic influences to make its figures vary closely with the figures of phthisis. This does not necessarily show that the variations in pauperism explain the variations in the death rate from phthisis. Within the bundle of phenomena which constitute pauperism such an explanation may be found, but until we ascertain which individual element or elements of the bundle contain the explanation, to explain the figures of phthisis by those of pauperism is for any practical purpose to explain a complex ignotum by a yet more complex ignotius.

IMPORTANCE OF SEGREGATION.

So far we have found that although each general improvement in communal health and each measure tending to produce it must work powerfully toward the reduction of tuberculosis, each of these influences has had a most irregular relation in communal experience to the variations in the disease.

Improved general health, increased well-being, and sanitary education have operated in Great Britain, Germany, Belgium, Denmark, and Massachusetts side by side with great decrease in the phthisis death rate; while the same influences in France, Norway, and Ireland have produced little or no decrease of this death rate up to five years ago. And similarly there is no constant relation between the degree of sanitary and social well-being in different countries and cities and the amount of mortality imposed by tuberculosis.

Our next task is to show how these discrepant results can be reconciled; and especially how it became possible for a high degree of domestic overcrowding in many countries to be associated with a low phthisis death rate and conversely. The explanation can, I submit, be summed up in the following statement:

A given amount of overcrowding with a large amount of institutional segregation of consumptives is associated with less phthisis than when overcrowding is less but accompanied by only a small amount of institutional segregation of consumptives. If this statement can be substantiated the important practical conclusion follows that the quickest way to diminish the risks of overcrowding is to favor by every means of persuasion the removal of the sick from among the healthy. This should, of course, be accompanied by strenuous endeavor to diminish overcrowding, apart from the question of such removal.

We may claim at once that we are justified in assuming that means for preventing the dissemination of tuberculosis sputum and tuberculosis spray during coughing must be an important and probably even the chief means of diminishing tuberculosis, and that this prevention is much more easily effected in an institution than if the patient is at home.

I have not discussed here the share borne by cows' milk in disseminating human tuberculosis. I must content myself with the statement that the evidence appears to me to point to the conclusion that, apart from tuberculosis in children, this is a minor vehicle of infection as compared with personal convection by human patients, though very important when considered among the sources of infection external to man. Some difficulty has been experienced by certain writers in realizing that the segregation of a minority of the total cases of phthisis can have had a marked effect on the prevalence of this disease. They appear to be judging phthisis by the same measure as they would apply to smallpox, which in an unprotected community spreads rapidly if a few cases are overlooked. The case of tuberculosis, like that of leprosy, is governed by the consideration that these diseases as a rule require intimate and protracted contact for their spread. Two hypothetical illustrations will serve to elucidate the order of magnitude of the influence exercised by institutional segregation.

(a) Leprosy.—In the forty-five years between 1856–1860 and 1901–1905 the total cases of leprosy per 100,000 of population have declined in Norway from 181 to 22. During the same period the percentage of total cases which are in asylums has increased from 16 to 52. If it be assumed that one-third of the total cases of leprosy on an average have each been segregated for half a year, and that each case is infectious for five years, it follows that if segregation is an effective means of preventing infection, and leprosy spreads solely by infection, the annual reduction in the amount of this disease should be 3.3 per cent. It is about 2 per cent, which is sufficiently near in an estimate involving so many hypothetical data.

(b) Phthisis.—In the town of Brighton one-fifth of the total deaths from phthisis occur in its infirmary. If we assume that this proportion holds good for England as a whole, and that one-third of a year is the average residence of these patients in the infirmary (this is not far from the fact), then about one-fifth of the total severe cases of phthisis are segregated during one-ninth part of their illness; and assuming that segregation is efficient and personal infection is the chief cause of phthisis, the annual reduction in the phthisis death rate should be about 2 per cent. In actual fact it has usually been under 2 per cent per annum since 1871.

These illustrations are submitted not as possessing exact quantitative value, but as indicative that unde ther hypothetical conditions set forth above, the segregation of a minority of the total patients is competent to produce the result which has in fact been secured.

Segregation of consumptives may be either domestic or institutional. It is evident, however, that institutional segregation is different qualitatively from domestic segregation. The average home, both in its bedrooms and its living rooms, has far less special accommodation per head, and a far lower standard of precautions against infection, than the average institution. Two persons usually and three often occupy the same bed in the home; never more than one in the hospital. In institutions, and by reason of the abundance of gratuitous labor, notably in workhouse infirmaries, the average standard of cleanliness is far higher than in most homes. Spittoons and spit cups are provided and cleaned, washing of body and bed linen is not spared, and the floors, etc., of each room are kept scrubbed and kept free from dust. In private houses the crowding of furniture, the presence of mats and carpets, and the exigencies of life in the families of the poor, do not encourage and sometimes do not even permit of such frequent and persistent cleanings. It follows that the inmates of the home, including children of the most susceptible age, must be far more exposed to infection when the patient remains at home than are the inmates of an institution to which he is transferred.

It remains to see how far the institutional segregation of infective patients which is secured in institutions in general has in actual fact served to control the spread of the disease.

There is the preliminary fact that the institutional as distinguished from the domestic treatment of sickness in general has steadily increased in all the countries in which a decline in the death rate from tuberculosis is known to have occurred; and there either has been no increase in or there is still only a small amount of institutional treatment of sickness or this treatment has been notoriously defective in character or short in duration in the communities showing little or no decline of the death rate from tuberculosis. The detailed evidence on which the preceding general statement is based is given in full elsewhere.

SEGREGATION RATIOS.

Evidently this evidence must concern itself rather with determining what I have called the segregation ratio, i. e., the proportion of total cases segregated, than with the number of patients in institutions in proportion to the total population. The segregation ratio, when it can be accurately determined, determines the extent to which potential infection is prevented from operating. It can seldom be expressed with complete accuracy; but by using different methods of indicating the proportion of total to segregated cases we can obtain an approximate indication of the ratio required. Thus in England and Wales in the period 1866–1903 segregation measured by the fraction of total deaths occurring in institutions has approximately doubled, and the death rate from phthisis has approximately halved; in London segregation has not quite doubled and the phthisis death rate is rather more than half. A comparison between indoor, i. e., institutionally treated, and total pauperism—the former of which may be taken as representing segregated and the latter as total phthisis—brings out an equally close correlation between segregation and reduction of phthisis death rate. The coefficient of correlation in these instances varies from 0.90 to 0.91. Even in the experience of single towns, in which the results are often inevitably masked by migration, a close correlation is shown between the proportion of total deaths from phthisis occurring in public institutions and the reduction of the phthisis death rate in the same towns. Thus the experience of Salford for the period 1884–1904 gives a coefficient of correlation of 0.67, and of Sheffield of 0.80 for the period 1876–1905.

I can not introduce these local figures without pointing out that neither the truth nor the error of an argument in regard to an infectious disease of very protracted duration like phthisis could be demonstrated by the figures of single towns. Such a disease tends to break up the home and induce migration of patients, disease contracted elsewhere being chronicled in the district to which the patient drifts. This fallacy of migration is still more evident when comparison is made between the various parts of a city, although it be large; and it is for this, among other reasons, that I have been obliged to ask you to survey a far wider field than would be necessary in the examination of an acute disease running a rapid course.

That the duration of institutional treatment of phthisis would suffice to have a material effect on its ability to spread is indicated by the available facts on this point. Thus in Brighton infirmary during 1897–1905 each consumptive patient was treated institutionally on an average for one hundred and seventy-five days; in Kensington infirmary in 1888 the average duration of treatment of each patient was one hundred and forty-four days; and in Sheffield infirmary in 1904 it was three hundred and eleven days.

Summarizing all this experience, it will be seen that in England and Wales a large and continuously increasing amount of institutional segregation of phthisis, measured by the fraction of the total mortality occurring in institutions, has been uniformly accompanied for nearly forty years by a large and continuous decrease of the disease. The same association appears when segregation is measured in the more direct form of the fraction of deaths from phthisis in the whole community occurring in institutions as seen in the experience of certain large towns.

When these results are compared with those obtained by regarding segregation as measured by the fraction of total pauperism which is treated in institutions, or by the ratio in which the number of paupers treated in workhouses and workhouse infirmaries stands to the total number of deaths from phthisis in the community, the conclusion obtained by the use of the other measures of segregation is confirmed, high segregation ratios of about 0.90 being obtained.

THE CASE OF IRELAND.

The official figures for Ireland (the figures of outdoor pauperism given here for Ireland do not include the very large number of sick treated at the expense of the state in connection with the Irish dispensary system) appear not to show that close covariation between the segregation ratio and the phthisis death rate indicated in English and Scotch experience. It is true that in Ireland a decrease of institutional segregation (measured in terms of the total amount of disease to be segregated) has been accompanied by an increase of phthisis, but there is less numerical concordance between the two factors than in the experience of England. The reasons for this are given in full elsewhere (op. cit., p. 282), and it suffices here to indicate the chief reasons, which

are that not only is the workhouse accommodation in Ireland generally very bad, but also the duration of treatment in it is very much curtailed as compared with that in England.

So far we have established a coincidence between the variations in the phthisis death rate and the amount of segregation of consumptives in the United Kingdom. Had our survey of all the possible factors influencing phthisis been confined to the United Kingdom segregation would have been the prima facie claim to be regarded as a predominant influence in reducing the phthisis death rate. The segregation ratio has diminished in Ireland while phthisis has increased, and in England and Scotland increased segregation has been associated with diminished phthisis. On the contrary, the factors indicating improving social and sanitary welfare have increased in all three countries, while the phthisis death rate has risen in Ireland and fallen in England and Scotland. The consistent covariations in three countries of one factor affecting phthisis could, however, give no more than a prima facie claim, even though incidentally the other factors commonly regarded as having a predominant influence had by the same limited survey been excluded from their place. The very constancy of the covariation between segregation and the phthisis rate necessitates an extension of the inquiry into this covariation over a wider area. The result of such an inquiry can only be briefly summarized here.

OTHER COUNTRIES.

In Norway there has been very little institutional treatment of phthisis and no reduction of phthisis prior to three or four years ago. Most Swedish towns similarly show but little reduction of phthisis and scant hospital treatment of the disease.

In Prussia, and still more in Berlin, an enormous proportion of the total consumptives are treated in general hospitals. Sanatoria are not included in this statement. In Prussia in 1881–1885 for every 100 deaths from tuberculosis in the general population 17 were treated in hospital; in 1901–2 the proportion had risen to 100:64. In Berlin in the same interval the proportion rose from 100:77 to 100:136. Similarly in Brussels a steadily increasing proportion of cases of phthisis treated in its general hospitals has been associated with a steadily falling death rate from phthisis.

In Paris, although a large proportion of consumptives enter hospitals, they only spend a few days there, and there has been in the past great overcrowding in their wards. On the whole, therefore, it is doubtful whether these hospitals have played an effective part in reducing total infection; and this fact, coupled with the uncertainty as to the comparatability of the phthisis death rates for a succession of years, makes it impracticable to include the French statistics in the consideration of the problem.

In the American cities from which I have been able to obtain returns the evidence points in the same direction as that of English experience. In 1882–1884 22 per cent and in 1901–1903 26 per cent of the total deaths from phthisis in New York occurred in the hospitals, and in San Francisco the proportion increased from 30 per cent in 1885–1887 to 38 per cent in 1902–1904. The information supplied me by Dr. Herman H. Biggs shows that in New York every case of phthisis in recent years has had the opportunity of being treated and segregated in a hospital during twenty-one weeks. This being so, there can be no difficulty in associating the decline of phthisis in American cities as elsewhere with the large amount of institutional treatment of the disease which has been available.

GENERAL SUMMARY.

We have seen that in the communities examined the various elements of well-being do not in every case vary uniformly along with the phthisis death rate which they are supposed to and undoubtedly do influence. In other words, they have not been in actual history constantly predominant influences on the course of phthisis. Institutional segregation, on the other hand, while operating in the same group of adjuvant and opposing influences, has constantly maintained its inverse relation with the course of phthisis. Each of the factors has been tested in the actual experience of many large communities over the same period of history under precisely the same opposing and adjuvant conditions. In the series of communities subjected to this test institutional segregation has been the only factor the variation of which has been always associated with a variation in the prevalence of tuberculosis in a constant relative direction. It would not have been surprising had the influence of institutional segregation been masked by that of opposing factors, as has been seen to have occurred in many countries with the important influence of urbanization; or, contrariwise, if more than one influence had varied with the prevalence of tuberculosis in a constant relation. In either case the question as to which influence had predominated in affecting the prevalence of tuberculosis would have been left open. In fact, however, no influence except that of institutional segregation has appeared in actual experience in a constant relation to the amount of tuberculosis, and the evidence shows that it has been the predominant influence in changing the incidence of this disease.

The institutional treatment which it is claimed has played a predominant part in the past reduction of phthisis has been, in the main, the institutional treatment of patients who were disabled by sickness, rather than of earlier and less severe cases. This is not the occasion for discussing the evidence as to the relative infectivity of early and advanced cases of disease. There can, I think, be no doubt that advanced cases are more infectious than earlier cases. But no responsible administrators having regard to the prevention of tuberculosis will content themselves with the treatment of advanced cases. They will treat early cases in the hope of securing recovery of the patient; and intermediate cases in the hope of restoring a modicum of health, as well as of educating the patient so that he will no longer be a source of infection to his family and his fellow-workmen. These points are evident; they can, so far as my experience indicates, be more completely insured by institutional treatment than by the training which the patient receives at a dispensary or through a domiciliary visit. Thus in Brighton by providing 25 beds for the treatment of early, moderately advanced, and advanced cases of phthisis we have secured under a voluntary system the notification of twice as many cases of phthisis as there are deaths from this disease in the town, and have secured the minimum of a month's sanatorium treatment and training for more than half of these notified patients. Apart from the training associated with a short stay in a sanatorium the chief immediate preventive measure against phthisis is the institutional treatment of advanced cases of the disease.

If we consider the closely aggregated conditions under which an enormous proportion of our city populations are housed we shall be able to realize what is, I believe, the fact, that had it not been for the steadily increasing extent of institutional treatment of the sick, and especially of the consumptive sick, which has characterized most of our great centers of population, we should have experienced not the decline of phthisis which has occurred, but a great increase in its prevalence. Some apology is needed for presenting much tedious detail in my exposition of this subject, although I have been able to give only a brief outline of the detailed facts given elsewhere. Every detail is, however, needed in arriving at the truth in such a momentous matter.

It is easy to deplore that statistics do not present themselves in that systematic form which permits wide conclusions from relatively limited experience. In this respect they differ from well-conceived laboratory experiment in the deductive reasoning connected with which such form is rightly required. With equal truth and reason one might express regret that in pathology and medicine one is compelled to work backward from the investigation of the complex structure and functions of the human body rather than forward from the simplicity of the microscope and the test tube. The more cumbrous "clinical" methods of statistics might be dispensed with were we able to place the body under laboratory conditions. Social physiology and medicine are even more complex than the same sciences applied to the individual and statistics must be used to decipher their mysteries. As they are required, our plain duty is to use them with the same care to avoid fallacy and the same pains to control our results as are expected in deductive experiment. We are not engaged in academic labors, of which the prize goes to the winner, and each man may neglect his preparation if he choose.

The servant of public health is working on the lives of men, and should be laying the foundations of national prosperity and happiness. He belongs to an order of sanitary priests and belies his vocation and betrays his trust if he does not use the material at his disposal fully and faithfully. He is his brother's keeper; and as in these matters knowledge means added life and happiness and usefulness to the communities whose welfare is his charge, he will reject no method of labor and spare no endeavor which offers the prospect of increased power over disease.

"The day is short, and the work is much, and the laborers are slothful, and the reward is great, and the master of the house presses."

Mr. SHERLEY. I yield the remainder of my time to the gentleman from Indiana [Mr. COX].

Mr. COX of Indiana. Mr. Chairman, I will read as a part of my remarks the following bill:

*Be it enacted, etc.*, That section 718 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 718. That before any notice is given of a motion for an injunction out of a circuit or district court the party or person sought to be enjoined shall have at least five days' notice thereof, which said notice shall be in writing and shall state the time and place and the court or judge thereof before whom said motion will be made, unless the court or judge thereof shall be of the opinion that irreparable injury will result from delay, which fact must be made to appear from the affidavits of not less than three responsible persons, and said order can only be granted upon the condition that the party seeking the order gives security therefor to the approval of the court."

SEC. 2. That section 725 be amended to read as follows:

"SEC. 725. That the said courts shall have the power to impose and administer all necessary oaths and to punish by fine or imprisonment, at the discretion of the court, contempts of their authority as herein provided; that contempts committed during the sitting of the court or of the judge of chambers in its or his presence, or so near thereto as to obstruct the administration of justice, are direct contempts; and such power to punish direct contempts therein shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, including the misbehavior of any officers of said court in their official transactions; and direct contempts may be punished summarily, without a written accusation against the person arraigned; but if the court shall adjudge him guilty thereof a judgment shall be entered of record, in which shall be specified the conduct constituting such contempt, with a statement of whatever defense or extenuation the accused offered thereto, and the sentence of the court thereon. All other contempts are indirect contempts. That upon the return of an officer on process or affidavits duly filed by the party seeking the injunction showing any person guilty of indirect contempt a writ of attachment or other lawful process may issue, and such person be arrested and brought before the court; and thereupon a written accusation, setting forth succinctly and clearly the facts alleged to constitute such indirect contempt, shall be filed by the party seeking the injunction, and the accused shall be required to answer the same by an order which shall fix the time therefor, and also the time and place for hearing the matter, and the court may on proper showing extend the time, so as to give the accused a reasonable opportunity to purge himself of such contempt; but, pending the trial, and until the final trial and termination of the case, the accused shall be admitted to bail in such sum as the court may direct. After the answer of the accused, or if he refuse to answer, the court shall proceed at the time so fixed to hear and determine such accusation, upon such testimony as shall be produced. If the accused answer, the trial shall proceed upon the testimony, as in criminal cases, and the accused shall be entitled to be confronted with the witnesses against him; but such trial shall be by the court, or upon application of the accused a trial by jury shall be had, as in any criminal case. If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment. That the testimony taken on the trial of any accusation of indirect contempt may be preserved by bill of exceptions, and any judgment of conviction therefor may be reviewed upon direct appeal to or by writ of error from the Supreme Court and affirmed, reversed, or modified as justice may require."

Mr. Chairman, I have introduced the above bill knowing that it will not be enacted into law at this session of Congress, but with the hope of keeping the question alive, to the end that it or a similar bill may be enacted into law by the Sixty-first Congress. In presenting my argument upon the question of amending the law as it now exists and in behalf of the measure which I have introduced, I will present it as free from politics as possible and upon broad grounds, free from class or bias.

The question I desire to discuss is the question of trial by jury in contempt cases and the constitutional power of Congress to limit the granting of injunctions; and in presenting it I shall refrain from abuse or criticism of the courts, confining myself

to the exigencies of the occasion, dealing with the law as I find it, and urging such legislation as I deem expedient to remedy the existing evil, if there be any emanating from the law, and the practice in cases of this kind now.

Section 718 of the Revised Statutes of the United States provides:

That whenever notice is given of a motion for an injunction out of a circuit or district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion, and such order may be granted with or without security, in the discretion of the court.

Section 725 of the same statutes provides that—

The said courts shall have power to impose and administer all necessary oaths, and to punish by fine or imprisonment, at the discretion of the court, contempts of their authority, provided this power to punish contempts shall not be construed to cover any cases except the misbehavior of any person in the presence of the court or so near thereto as to obstruct the administration of justice, the misbehavior of the officers of said court in their official transactions, and the disobedience or resistance of any such officers or any party, juror, witnesses, or other persons to any lawful writ, process, order, rule, decree, or command of said court.

It will be observed that section 725 provides that the court shall have power to punish for contempts of its authority by fine or imprisonment, at the discretion of the court. It undertakes to make a distinction between direct and indirect contempts, not in the ultimate punishment to be inflicted, but in the acts and things which go to make contempts of court. I believe the law should draw a plain distinction between the acts constituting direct contempts from those which constitute indirect contempts, and I believe that the procedure dealing with these two kinds of contempts should be different, provided the contemnor desires to be dealt with differently. Direct contempts which come under the immediate cognizance of the court, or so near thereto as to obstruct and impede its progress, should be dealt with summarily by the court, but a totally different rule of practice should obtain in indirect contempts. I admit that when we undertake to frame a definition of indirect contempt, we find it rather difficult because of the width and scope of the field as applied to indirect contempts by the courts, through lack of a statute defining indirect contempts. Yet, by declaring what shall constitute direct contempts, as decided by the practice of the courts, and then declaring that all others shall be indirect, we arrive at rather a definite and accurate understanding of what shall constitute an indirect contempt.

I may say that I am in favor of the injunctive arm of the court, and not for one moment would I, by statute passed by any legislative body or by judicial construction, strike down this arm of the law. The right of trial by jury is a question which, for the past twenty years or more, has agitated the minds of the American people, a great deal more, it is true, in campaign times and immediately antecampaign times than at any other time. I shall not say that this has been with the hope of securing the votes of any particular class of people, but shall leave the reason why for the calm judgment of the people themselves. The election being over, and the people having resumed their normal mental condition, now, or in the immediate future, would be a very opportune time to consider this important question. Believing the day has come when we should have some legislation along this line, and offering no criticism upon the many champions of this reform, it strikes me that their presentation of the case has been by far too narrow.

This question having been largely forced to the front in the past by great economical questions growing out of labor and capital, has led a large number of people to believe that it is only the laboring class who are demanding this reform in legislation, and thereby a prejudice against it has grown up among another large class of people who otherwise would give the movement their hearty moral support and cooperation. Yet the law, as it now stands, catches all alike, so far as the power of the courts to issue injunctions and so far as their power to punish for contempts of their authority is concerned. What I desire to do, if possible, is to present the question so as to show the necessity for this reform in legislation, hoping to gain moral support for it from every possible source.

For the past twelve years this has been one of the burning political questions discussed by all, from every conceivable point of view, in every election. The platforms of the Democratic and Republican parties in the last campaign both pledged the people to some reform along this line. The Republican platform, speaking upon this subject, says:

* * * We believe, however, that the rules of procedure in the federal courts with reference to the issuance of the writ of injunction should be more accurately defined by statute, and that no injunction or temporary restraining order should be issued without notice, except where irreparable injury would result from delay, in which case a speedy hearing thereafter should be granted.

The Democratic platform declared unequivocally for a trial by jury in indirect contempt cases.

Mr. Taft, the President-elect, in a speech delivered in New York January 10, 1908, said:

I would favor a provision allowing the defendant in contempt proceedings to challenge the judge issuing the injunction and to call for the designation of another judge to hear the issue.

In his letter of acceptance, in an attempt to amend his platform, he says:

I have been willing, in order to meet a popular but unfounded impression that a judge, in punishing for contempt of his own order, may be affected by perscnal feeling, to approve the law which would enable the contemnor, upon his application, to have another judge sit to hear the charge of contempt. * * *

Here is an open confession by the Republican party in its platform that something is wrong; that something should be done to amend this wrong; and this admission is strongly reenforced by the statement of Mr. Taft in his New York speech, and in his letter of acceptance. The difference in the positions of the two parties on this question is: The Democratic platform, in cases involving indirect contempts, insists upon a trial by jury, and the Republican party on granting to the contemner a change of judges in the event it is desired on the part of the party charged with having violated an order of the court. The Democratic party insists upon submitting these questions of fact to a jury. The Republican party insists upon submitting them to a judge who, like a jury, must hear the evidence upon the subject before he can determine the rights of the parties thereto. An admission that another judge might be called to consider the question of contempt is an open admission that some change in the existing law or procedure is needed, and a radical change at that. If you have a change from one judge to another to try the question of contempt, why not have a change to a jury of 12 men to try these questions of fact? Would the judge be any more competent to try the questions of fact than a jury of 12 men? I think not. Mr. Taft, in another place in his letter of acceptance, states that the Democratic party's position upon this question is a dangerous attack upon the judiciary of the land. Why is it a dangerous attack upon the judiciary to allow a jury trial in indirect contempt cases? Would it mean the ultimate overthrow of our judiciary system to allow a jury trial in indirect contempt cases? Grant that it would be an innovation upon the mode of procedure now in force in regard to the practice of punishing for indirect contempts, and grant, further, that it would be revolutionary so far as this practice is concerned; it does not follow that it would be anarchistic or destructive in it tendencies to the judiciary of the land nor to the institutions of our country. The right of the trial by jury has for the past eight hundred years been regarded as one of the most sacred rights to which the Anglo-Saxon race is heir. It was a right wrung by the peasants of England from King John at Runnymede and embodied in Magna Charta, the great charter of all liberty-loving people, which has come down to us from that day through the ages of time, ever held as one of the priceless jewels of our inherent political rights. From that time to this that right has been claimed by the Anglo-Saxon race, and I hope will continue to be claimed by it wherever it may be found, either in the Republic of the United States or throughout the world.

Mr. Chairman, one of the causes for which the King of England was arraigned in the Declaration of Independence was that he had denied the right of trial by jury to some of his subjects living in the colonies. When the time came to construct a republican form of government upon the wreck and ruins of the colonial system, the builders of this government and the framers of the Constitution, true to their former convictions on this subject, and true to the arraignment of the King of England, as set forth in the Declaration of Independence, declared in the Constitution of the United States that "the trial of all crimes, except in cases of impeachment, shall be by jury." Fearing that this right of trial by jury was not thus properly safeguarded by the article referred to, in less than two years after the adoption of the Constitution, amendments 6 and 7 were submitted and adopted by the legislatures of the various States, and thereby became a part of this instrument and declared by it to be the fundamental law of the land. Amendment 6 to the Constitution provides:

In all criminal prosecutions, the accused shall enjoy a right to a speedy and public trial by a jury of the State, * * * and to have the assistance of counsel in his defense. * * *

Amendment 7 provides:

In suits at common law, where the value in controversy exceeds $20, the right of trial by jury shall be preserved.

Article III, section 1, of the Constitution provides:

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

It will be observed that this section of the Constitution referred to places plenary power in Congress to ordain and establish inferior federal courts, such as the United States circuit court and the United States district court; and, Congress having the power to ordain and establish these courts, it follows that Congress has plenary power to prescribe the rules and practice of these courts, and having the power to prescribe the rules and practice governing them, it has complete power, not only to define and state what contempts shall consist of, but it has complete power to prescribe the manner and modes of punishment which shall follow in contempt cases.

I listened the other day with rapt attention to the able argument, delivered upon the floor of the House by Judge JENKINS, of Wisconsin, upon the lack of constitutional power in Congress to pass laws preventing the issuing of injunctions in certain cases. While it was an able presentation of the question from his viewpoint, yet I can not subscribe to the doctrine annunciated by him in all its details. I believe Congress has the power, under the Constitution, to prescribe the practice of federal courts in the issuing of injunctions by inferior federal courts. If Congress has the power to create inferior courts, as provided by the Constitution, to my mind it is clear that it must and does have the power to prescribe the rules of practice which shall govern them, and to prescribe how and in what manner injunctions may be issued, and how and in what manner parties litigant, civil or criminal, who come before them in their several jurisdictions, shall be treated.

Mr. Chairman, Judge Cooley, one of the greatest expounders of constitutional law of the present age, in his splendid work, on page 11, says:

The Government of the United States is one of enumerated powers; the National Constitution being the instrument which specifies these powers, and in which authority should be found for the exercise of any power which the National Government assumes to possess. To accomplish these purposes, the Congress is empowered by section 8 of Article I to constitute tribunals inferior to the Supreme Court. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof.

Judge Cooley again says:

Within the legitimate scope of this grant Congress can determine for itself what is necessary and in support of this principle.

Cites the case ex parte Curtis (106 U. S., 371), wherein Chief Justice Waite, while speaking of the powers of Congress to carry into effect all laws that are delegated in Article I, section 8, of the Constitution, says:

Within the legitimate scope of this grant Congress is permitted to determine for itself what is necessary and what is proper.

If this principle be the law, should Congress determine that it is not only necessary, but proper, to prescribe the limits within which injunctions may be issued, as well as to prescribe the modes of practice which shall govern inferior courts in the trial of cases before them, then it is clear that Congress has such constitutional power. (I may remark it was under this clause of the Constitution that the Supreme Court (110 U. S., 421) held that Congress had the constitutional power to make treasury notes of the United States, otherwise greenbacks, legal tender in payment of private debts in time of peace as well as in time of war, when the Constitution declared that nothing but gold or silver should be legal tender in the payment of debts.)

Judge Redfield, another eminent jurist, in the case of Thorpe *v.* Rutland and Burlington Railroad Company (27 Vt., 140), lays down the following doctrine as being the law:

It has never been questioned, so far as I know, that American legislatures have the same unlimited power in regard to legislation which resides in the British Parliament, except where they are restrained by written constitutions. That must be conceded, I think, to be a fundamental principle in the political organization of the American States. We can not well comprehend how, upon principle, it could be otherwise. The people must, of course, possess all legislative power originally. They have committed this, in the most general and unlimited manner, to the several state legislatures, saving only such restrictions as are imposed by the Constitution of the United States or of the particular State in question.

This is universally conceded to be the rule with reference to the States. Has not the Congress of the United States the same power, through the people who created it, within the constitutional limits it itself prescribes?

Cooley again, on page 127, says:

In creating the legislative department and in conferring upon it legislative power, the people must be understood to have conferred the full and complete power, as it rests in and may be exercised by the sovereign power of any country, subject only to such restrictions as they may have seen fit to impose and to the limitations which are contained in the Constitution itself. The legislative department is not made a special agency for the exercise of specifically desired legislative powers, but it is intrusted with a general authority to make laws at its discretion.

Justice Story, another equally eminent jurist, in his treatise on the Constitution, section 1590, makes it clear that it is obligatory upon Congress to establish inferior courts, as provided in the Constitution; but nowhere does he say that, after having created an inferior court, it can not prescribe and define what its powers and duties may be.

Mr. Chairman, one of the best-considered cases which I have been able to find bearing upon this proposition is the case of Wayman et al. *v.* Southard et al., Tenth Wheaton, page 1, a decision rendered by Chief Justice Marshall. I may say that this case was certified to the Supreme Court of the United States by the circuit court of the State of Kentucky, involving several propositions. One of the propositions involved was whether or not Congress had power to prescribe the mode of practice of inferior federal courts. In speaking upon this proposition, on page 13, Chief Justice Marshall says:

All the legislative power is vested exclusively in Congress. Supposing Congress to have power under the clause for making all laws necessary and proper and to make laws for executing the judicial power of the Union, it can not delegate such power to the judiciary. The rules by which the citizen shall be deprived of his liberty or property to enforce a judicial sentence ought to be prescribed and known, and the power to prescribe such rules belongs exclusively to the legislative department. Congress could not delegate this power to the judiciary or to any other department of the Government. The right to liberty and property is a sacred vested right under the Constitution and laws of the Union and States. The regulations by which it is to be divested for the purpose of enforcing the performance of contracts are of vital importance to the citizen. The power of making such regulations is exclusively vested in the legislative department by all our constitutions and by the general spirit and principles of all their government. It is the office of the legislator to prescribe the rule, and of the judge to apply it; and it is immaterial whether it respects the right in controversy or the remedy by which it is to be enforced.

Having by statute spoken these inferior tribunals into existence, by the same or another statute Congress has complete power not only to prescribe the kind of cases in which injunctions shall issue, but in addition thereto has power to prescribe the mode of practice which shall obtain in any kind of case pending for trial before inferior courts. I advert to this argument in response to the argument made by the gentleman from Wisconsin the other evening. Judge Sedgwick, in his valuable work on Statutory and Constitutional Construction, second edition, page 577, says, in speaking of amendments 6 and 7:

The right of a trial by jury under the Constitution of the United States is secured by three provisions, to be found in the section of the third article and the sixth and seventh amendments to the Constitution, the two former of these relating to criminal laws. The latter relates to civil causes. One of the strongest objections originally taken to the Constitution of the United States was the want of an express provision securing the right of a trial by jury in civil cases, and this gave rise to the seventh amendment.

If the case of Twentieth Wallace and that of One hundred and fiftieth United States be the law, that a contempt is a criminal case, then it is clear that under the sixth amendment to the Constitution the party demanding it is entitled to a trial by jury. Indeed, I believe that it was the intention of the framers of the Constitution that a jury trial should be granted in all cases of a criminal nature and as bearing this belief out an act was passed by Congress in 1789, found in First Statutes, page 77, which plainly provides that district courts shall have, exclusive of the courts of the several States, cognizance of all crimes and offenses that shall be cognizable under the authority of the United States committed within their respective districts or upon the high seas, and the trial of issues in fact in the district courts in all cases, except civil causes or admiralty or maritime jurisdiction, shall be by jury.

The whole tenor of our law, from the Constitution of the United States down to the constitutions of the various States, recognize the right of trial by jury in all criminal cases, the Constitution plainly providing that in all criminal cases the right of trial by jury shall remain inviolate; and to contemplate that the Constitution grants a right of trial by jury in all criminal cases, and to realize that under a construction placed upon existing law by the courts themselves that a jury is not permissible in trials of contempts, and then to realize the failure of Congress to pass a law to faithfully carry out all of these plain constitutional provisions is astounding. Especially does this impress itself upon us in view of the numerous petitions, requests, and appeals made by a large class of citizens of this country to Congress asking it to enact a law which would enable them to avail themselves of these plain constitutional provisions. It can not be argued that the punishment of contempts

is a civil proceeding, because the Supreme Court of the United States, in different decisions, has expressly held otherwise. In the case of New Orleans *v.* New York Maire Steamship Company (20 Wallace, 387), it is expressly held that contempts of court is a criminal offense, and this same doctrine was reaffirmed by Chief Justice Fuller in the case of re Swan (150 U. S., 637), where the Chief Justice lays the doctrine down as follows:

That contempts of courts is a specific criminal offense.

We have, therefore, section 718 giving to the courts power to issue restraining orders, and section 725 giving to the same courts power to punish for contempts of their authority, and at the same time no statute in force to back up these constitutional provisions, under construction placed upon existing law by the courts, whereby the contemner can demand the right of trial by jury, although in the two cases cited above the Supreme Court of the United States holds that contempt cases are criminal in their nature. If the decision in the case in twentieth Wallace and in re Swan be law, that contempt cases are criminal, then the rules and practice relating to criminal law should obtain in all cases where the question of contempt is involved. If they be criminal cases, the contemner should be put in the attitude and in the position of any other defendant charged with having violated some of the penal statutes of the Government, and when put in this attitude he is then in a position to demand a trial by jury and, in addition thereto, surround himself with all reasonable doubt of his guilt.

The practice grown up in the punishment of contempts of court in this country inverts the order of procedure. Instead of throwing the burden of proof upon the Government to establish the guilt of the defendant beyond all reasonable doubt, the rule has been inverted and the burden of proof is now thrown upon the defendant to show that he did not violate any rule of the court—a legal absurdity.

The Constitution again declares that no man's life or property shall be taken from him without due process of law. The jury system has come down to us until it is a part and parcel of the judiciary system of the land, and when the contemner is denied the right of trial by jury he then has not only his property but his liberties denied and taken from him without due process of law.

One of the objections made to this mode of procedure is placed upon the ground that it would delay the procedure of courts. Have we reached the stage in life where human rights and human liberty must be sacrificed in the interest of time and, I may add, in the interest of property?

How about the delay now when men are charged with violating contempts of court? This is one of the evils complained of to-day, contemners never being permitted to get a hearing until exhausted financially and otherwise. How about the continuance of the cases of Gompers, Mitchell, and Morrison until after the election, when these men were and had been ready for trial weeks and months before the election?

If a charge involves the inherent rights and liberties of the individual, guaranteed to him under the Constitution, and if the individual can not demand a jury trial to determine his personal rights and liberties, then indeed the framers of the Constitution lived and worked in vain, and we become the subjects of legal construction instead of constitutional rights and privileges. The jury system, since its early adoption, has always stood, and I hope always will stand, as one of the surest bulwarks against military, political, and judicial despotism.

The gist of the bill which I have introduced is to be found in section 2, which seeks to throw around the contemner the protection ordinarily thrown around a defendant charged with violating a criminal statute, giving him not only the right of trial by jury in indirect contempt cases, but giving him the benefit of all reasonable doubt. If we are not careful and mindful of these constitutional rights given to us by our forefathers, the day is fast approaching when one by one these inalienable rights which we now enjoy will be undermined, and we will be but the representatives of a once proud, glorious, and independent people.

To the end that this Government may never perish from the earth, but shall live forever in all of its grandeur and glory, let us return to the Constitution of the United States and live under and beneath its strong protecting arm, not fearing to enact a law granting the right of trial by jury to contemners in cases of indirect contempts. We need have no fear in the enactment of such a law as this. It will not undermine the judiciary system of our country, but, on the contrary, will go far to rehabilitate and reestablish that degree of confidence in the minds of the people in the courts of the land which they ought to and should have, and which they do not this day entertain. [Great applause.]

Mr. SMITH of Iowa. Mr. Chairman, I shall explain the bill as we proceed with the reading of it, and I ask for the reading of the bill.

The Clerk read as follows:

For purchase and installation of searchlights for the defenses of our most important harbors, $210,000.

Mr. McLACHLAN of California. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman in charge of the bill if provision is made in this bill for the fortification of San Pedro Harbor, in California?

Mr. SMITH of Iowa. There is no provision made in this bill for the fortification of what is known as "San Pedro." San Pedro is the port for the city of Los Angeles, but about 12 miles distant. There never was any report in favor of the fortification of San Pedro until since the last session of Congress. After this bill was prepared, and before it was reported to the House, a report was transmitted favoring the fortification of San Pedro. No amount, however, was put into the bill at that time, as the reporting of the bill had already been voted.

I would have no objection, so far as I am personally concerned, to putting into this bill such an appropriation as would commence the purchase of a site at San Pedro, provided the language was general, as it always is in cases of this character. If the gentleman desires to offer an amendment to that effect I will not object.

Mr. McLACHLAN of California. Mr. Chairman, I desire to offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 2, after line 17, insert:
"For procurement or reclamation of land or rights pertaining thereto, needed for site, location, construction, or prosecution of work for fortification and coast defenses, $250,000."

Mr. MANN. Is it certain that this money will be used for this particular purpose?

Mr. McLACHLAN of California. I so understand it, and that was the object of my asking the gentleman in charge of the bill if anything had been provided for fortification of this particular harbor. I desired to insert in my amendment, "San Pedro Harbor, California," but I was informed by the gentleman in charge of the bill that that was unusual, and he asked me not to insert a particular locality. The proceedings on the floor at this time will indicate the purpose of the amendment.

Mr. MANN. So if this item goes into the bill it is, in a way, a direction to the War Department to use the money for San Pedro Harbor?

Mr. McLACHLAN of California. There is nothing in the amendment——

Mr. MANN. I understand that, but I mean in the way it goes in it will be an indication.

Mr. McLACHLAN of California. The discussion here indicates that that is the purpose of my offering the amendment.

Mr. SMITH of Iowa. I will say that this is the usual method of appropriating money for sites for seacoast fortifications.

Mr. DRISCOLL. Is this an increase of the appropriation for seacoast defenses?

Mr. SMITH of Iowa. It is a straight increase of one-quarter of a million dollars.

Mr. DRISCOLL. I was going to congratulate the gentlemen who prepared the bill, because it was a very moderate and conservative bill.

Mr. SMITH of Iowa. And the gentleman will find it still moderate and conservative as it passes the House. This is the only increase the chairman of the subcommittee will consent to.

Mr. DRISCOLL. The committee might as well have put it in as to put it in in this way.

Mr. SMITH of Iowa. I have explained that there was no estimate of this before the committee; that the report came in afterwards.

Mr. McLACHLAN of California. Mr. Chairman, the last fortification bill, approved May 27, 1908, contained the following provisions:

The Secretary of War is directed, by a suitable board, to investigate and report fully to Congress as to the advisability and necessity of seacoast fortifications for the protection of the harbor of San Pedro, Cal., and the cities in that vicinity, and, if such fortifications are deemed advisable or necessary, to furnish an estimate of the cost of sites and fortifications separately.

In compliance with that law the Secretary of War appointed such a board, which made a thorough investigation of San Pedro Harbor during the summer of 1908, and its report is to be found in Senate Document No. 656, Sixtieth Congress, second session, which, in my judgment, contains the best argument

that can be made in favor of the amendment which I have offered to this bill, and reads as follows:

[Senate Document No. 656, Sixtieth Congress, second session.]

SEACOAST FORTIFICATIONS, SAN PEDRO, CAL.

Message from the President of the United States, transmitting a communication from the Secretary of War submitting information as to the advisability and necessity of seacoast fortifications for the protection of the harbor of San Pedro, Cal., and the cities in that vicinity.

*To the Senate and House of Representatives:*

In compliance with the following paragraph in the act of Congress entitled "An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," approved May 27, 1908:

"The Secretary of War is directed, by a suitable board, to investigate and report fully to Congress as to the advisability and necessity of seacoast fortifications for the protection of the harbor of San Pedro, Cal., and the cities in that vicinity, and, if such fortifications are deemed advisable or necessary, to furnish an estimate of the cost of sites and fortifications separately."

I transmit the accompanying communication from the Secretary of War submitting the information called for.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 14, 1909.*

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WAR DEPARTMENT,
*Washington, January 12, 1909.*

The PRESIDENT:

In compliance with the paragraph at the top of page 2 of Public, No. 143, being the fortifications act approved May 27, 1908, which reads: "The Secretary of War is directed, by a suitable board, to investigate and report fully to Congress as to the advisability and necessity of seacoast fortifications for the protection of the harbor of San Pedro, Cal., and the cities in that vicinity, and, if such fortifications are deemed advisable or necessary, to furnish an estimate of the cost of sites and fortifications separately," I have the honor to transmit herewith the information called for embodied in one report, as follows:

First. Report of the General Staff as to the "Advisability and necessity of fortifying the harbor of San Pedro, Cal."

Second. Estimate of the cost of sites and fortifications, separately, submitted by the Chief of Coast Artillery, based on report of a board of officers and approved by the General Staff.

It is recommended that only so much of the funds needed to provide for the protection of San Pedro Harbor, California, as is required for the purchase of the land, namely, $400,000, be appropriated at the present session of Congress.

Very respectfully,

LUKE E. WRIGHT,
*Secretary of War.*

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PART I.—ADVISABILITY AND NECESSITY OF SEACOAST FORTIFICATIONS FOR THE PROTECTION OF THE HARBOR OF SAN PEDRO, CAL., AND THE CITIES IN THE VICINITY.

San Pedro Harbor and Wilmington Harbor are names given to different parts of what are really the same body of water. Wilmington is at the inner end of Wilmington Slough; San Pedro about 2 miles from Wilmington and at the San Pedro Bay or outer end of the slough. San Pedro Bay is part of the Pacific Ocean.

San Pedro and Wilmington are small towns of a few thousand inhabitants each. The harbor is of importance commercially as the port of Los Angeles, distant 22 miles, and with a population of about 280,000.

The first inquiry that suggests itself is to ascertain how the question of fortifying this harbor has been viewed by the various boards that have investigated the needs of coast defense for the United States and whose approved reports express our coast-defense policy.

There have been two of these boards—the Endicott Board, which submitted its report in 1886, and the Taft Board, which submitted its report February 1, 1906. Neither of these boards made any reference in its report to the subject of defenses for San Pedro Harbor.

Returning to a consideration of the harbor itself, it may be remarked that there is practically no natural harbor at this point. Wilmington Slough, before dredging was commenced by the United States Corps of Engineers, in 1871, had a depth of less than 2 feet at low tide at the entrance. As for San Pedro Bay, it was practically an open roadstead until the building of a breakwater, commenced in 1898.

The negative action of the Endicott Board may be accounted for by the fact that at the time this board made its report no such thing as a San Pedro Harbor was in existence.

In deciding what harbors should be fortified the Taft Board was guided by instructions to "examine and report at what ports fortifications are most urgently required" and to "recommend the armament, fixed and floating, * * * that may be necessary to complete the harbor defenses with the most economical and advantageous expenditure of money."

With reference to the Taft Board, it appears that "the board, after carefully weighing the relative commercial and strategic importance of the ports and harbors of the United States and the insular possessions, modifies and revises the list of ports submitted by the Endicott Board as requiring defense." After presenting this revised list the Taft Board report further states that, "while the military needs of the coast as they exist to-day can be determined and provided for, the growth of the country, the construction of railways and other lines of communication, may give a commercial and economic importance to other ports which they do not possess at present."

We see that the Taft Board was directed to make its recommendations along conservative and economical lines, in accordance with the well-established policy of the Government in expenditures for the military establishment, and that the board qualified its findings by a recognition of the fact that future commercial and strategic development might call for the fortification of ports not included in the list submitted.

Let us consider the status of San Pedro Harbor, contemporary with the Taft Board report, or rather in the latter part of the year 1905, the period to which may be referred the data on which the report was based.

At that time the harbor improvements, including railroad terminal and wharfage facilities, were so far from completion that commercial economics dictated the receiving of almost all the foreign freight for Los Angeles at either San Francisco or San Diego, whence it was transported to destination by rail. Coastwise traffic comprised practically the entire commerce of San Pedro Harbor.

In the three years that have elapsed since then considerable advance has been made in these harbor improvements, and commerce has expanded apace. From a report dated December 17, 1907, by the officer having in charge the engineer district which includes San Pedro Harbor, to the Chief of Engineers, it appears that the commerce of this harbor, amounting in 1906 to 1,004,000 tons, had increased to the sum of approximately 1,144,466 tons for the first eleven months of 1907.

The value of the port commercially is, in a very large degree, dependent on the kind and extent of the railroad terminal and wharfage facilities provided by business interests. The development of such facilities is determined by considerations of profit. As soon as it becomes a paying proposition to receive foreign shipments, or coastwise shipments in heavy-draft vessels, intended for Los Angeles, at San Pedro, rather than by rail from San Francisco or San Diego, just so soon the necessary facilities for handling such shipments at San Pedro will spring into existence.

The critical point of commercial advantage for San Pedro Harbor seems already to have been successfully passed. The era of business activity which the harbor has entered upon is clearly indicated in the following further quotation from the above-mentioned engineer report: "The Southern Pacific Company is pushing the completion of a large slip with timber and stone bulkheads and creosoted piling wharves. As before stated, this slip is to have a length of 1,850 feet, is 250 feet wide, and is to be dredged to 30 feet at low tide." Mention of other considerable business activities in the development of this port is made elsewhere in the same report.

The following, with reference to San Pedro Harbor, from a Southern Pacific Railroad Company publication, is of interest: "When completed, a good and commodious harbor will be provided, and as the plan (United States Engineer project) includes the extension of the present jetty (breakwater) and the dredging of the inner harbor to accommodate the rapid development of commerce here, ample and safe refuge will be provided for vessels of the largest size. It will embrace an area of 1 square mile, and in this can float the tonnage of half the world." The foregoing indicates the trend of civilian thought. From it we may gather what may confidently be expected to be brought about by the development of the near future.

In this connection we may also quote again from the engineer report: "The completion of the Panama Canal will tremendously stimulate ocean traffic on the Pacific coast of the United States, and as San Pedro is the gateway for the most important commercial center south of San Francisco, and as it is the only point in southern California now reached by more than one transcontinental railroad, the trade will certainly come there if the facilities are available."

The next step in harbor improvement by the National Government is the extension of the existing breakwater. A project for such extension has been prepared and will no doubt meet with the approval of Congress.

San Pedro will undoubtedly become a very important port both as to the amount of commerce handled by it and as to the large safe anchorage which it will afford for deep-draft vessels. There will also be splendid railroad terminal and wharfage facilities. In fact, the harbor will soon be suitable for the embarking or debarking of large military expeditions.

A brief survey, with reference to the case under discussion, of some of the considerations which make the fortification of any given harbor necessary seems desirable. These conditions may be stated as follows:

1. When the property to be protected locally against a raid by the enemy is of such value as to render adequate fortification economical as a matter of insurance. A raid by the enemy might be either a purely naval affair, involving the bombardment of the harbor settlements and the destruction of shipping, wharves, and railroad terminals, or it might include the landing of a force sufficient for an expedition against Los Angeles, followed by the quick withdrawal of the same.

Considering existing conditions and making due allowance for the development which will unquestionably take place, both in the immediate vicinity of San Pedro Harbor and in the Los Angeles country generally, before the earliest date when proper fortifications, with their armament and accessories, can be installed, it is believed that the immediate fortification of San Pedro Harbor is desirable, if for no other reason at least as a provision of local insurance.

2. When the harbor is required as a base for our own fleet. Inasmuch as the fortified harbors of San Francisco and San Diego are only about 480 miles north and 100 miles south, respectively, of San Pedro, it would seem that there is no need of going to the expense of fortifying San Pedro Harbor merely from the standpoint of the needs of our own fleet.

3. When the harbor offers superior advantages to the enemy as a base for—

(a) Purely naval purposes. The use by an enemy of this harbor as a purely naval base would be with a view to operations against other points on our Pacific coast or against the Panama Canal.

It may be assumed that our enemy is coming from the Orient. In view of the limitations of fuel capacity in ships, such an adversary would be compelled to utilize some stopping place between Asia and the Pacific coast of America. An attempt would possibly be made to seize such an intermediate base, either in the Aleutian Islands, say at Unalaska, or in the Hawaiian Islands, as at Pearl Harbor. San Pedro is within easy reach of either of these places, its distance being approximately 3,500 miles from Unalaska and 2,100 from Pearl Harbor.

The radius of action of a war ship, with reference to a given base, may be defined roughly as the maximum distance from that base to which it may steam, fight an action, and still have left fuel enough to return to the base. It is therefore somewhat less than half steaming distance. When one considers that the entire extent of our Pacific coast line is easily less than the radius of action of any vessel whose fuel capacity would permit it to make the trip from Asia to an intermediate base, or from the intermediate base to San Pedro, it is apparent that so far as location is concerned, San Pedro would be a good base for an enemy to operate against our Pacific coast.

From the Pacific entrance of the Panama Canal to San Pedro the distance is only about 3,000 miles, whereas from the same point to Pearl Harbor and Unalaska it is about 4,700 and 6,300 miles, respectively. San Pedro would be a valuable stopping place for a fleet passing either way between the Panama Canal and either Pearl Harbor or Unalaska. Being only about 100 miles farther from the canal than is San Diego, San Pedro offers practically equal advantages with the former for operations against the canal, while it offers considerably greater advantages for such purposes than San Francisco, which is about 480 miles farther away.

It appears, therefore, that as a purely naval base San Pedro offers to an enemy considerable advantages.

(B) Invasion by an army. In deciding on a point for attacking us the following would enter into an enemy's considerations:

(a) Value of the territory. Let us take, as indicated on the sketch map herewith, a strip of land including San Pedro, which for convenience may be designated as the "Los Angeles country." From a point on the coast just to the north of Santa Barbara, where the mountains run down close to the sea, it extends along the coast as far south as the Mexican border. Toward the interior it is bounded by an imaginary line which, drawn along the crests of mountain chains, circles eastward and southward from the northernmost coast point, passes through Saugus and San Bernardino, and thence proceeds more westwardly until at a point about 35 miles from the coast it reaches Mexico.

This area may be estimated roughly as having an average length of about 200 miles, with an average width of about 50 miles, and comprising therefore about 10,000 square miles.

The soil of the valleys is remarkably fertile, while the mountains abound in forest and mineral wealth. Ores, petroleum, asphaltum, lumber, grain, vegetables, fruits, and live stock are there in profusion. Manufacturing facilities, especially in the city of Los Angeles, are well developed. It is claimed that 80,000 horsepower of electrical energy is being utilized in that city alone, although the immense water power of its neighboring mountain stream is as yet scarcely touched. Civilization, with its railroads, wagon roads, electric street cars, telephones, educational institutions, and conveniences of all kinds, is found in a stage of most modern development.

Many countries with vastly fewer advantages support a population of 400 to the square mile. At no greater than this average the Los Angeles country could support a population of 4,000,000. Its present population may, in the absence of reliable figures, be estimated roughly at about 600,000.

When one thinks of the great extent of this Los Angeles country, its immense natural and artificial wealth, and takes also into consideration the mild, equable climate, which makes it one of the most attractive dwelling places in the world, no effort of the imagination is needed to realize the temptation it offers to those oriental powers whose population is pressing hard on the means of subsistence.

(b) Ease of conquest. Occupation by the enemy would be made easier by the absence of fortifications, and in proportion as the commercial facilities of the harbor develop. Without fortifications, every addition to the existing breakwater, every increase in the width and depth of the inner harbor, and every improvement in the wharf and railroad facilities is just so much provision of means for an enemy to take possession and to maintain himself in such possession.

Recent study discloses the fact that, assuming there were no effective naval opposition, a certain oriental power could, within a month of the time its hostile intentions began to be even strongly suspected (a formal declaration of war would no doubt come a good deal later), land on our Pacific coast an expedition of an estimated maximum of about 100,000 men, and that such a force could be augmented, by the end of two months more, to a total of possibly 300,000. The ease with which San Pedro Harbor, unfortified, and through it the entire Los Angeles country, could be seized is apparent.

(c) Strategic relation of the conquest of the Los Angeles country in any scheme for the conquest of the entire Pacific coast country west of the Rocky Mountains. From a defensive point of view, our Pacific coast country is divided naturally into three grand divisions, which may be referred to, in order from north to south, as the Puget Sound (including the territory tributary to the Columbia River), San Francisco, and Los Angeles countries. The Rocky Mountains act as a great natural barrier between these subdivisions and the interior. Likewise, these subdivisions are separated from one another by mountains.

It is sufficient to note these facts in a general way and to remark that while complete, each in itself, for defensive purposes, these areas are yet so related to one another as to readily permit of progressive occupation by an enemy, provided such enemy act so quickly as to forestall on our part any adequate defense at the communicating passageways.

There are certain harbors the possession of any one of which would give an enemy from the Orient a foothold of especial advantage toward the conquest of the whole Pacific coast of the United States. The fortifications of such harbors are so interrelated in the scheme of general defense that they constitute what might be called a "chain of defense." San Pedro Harbor would be of such especial advantage to the enemy. Inasmuch as a chain is no stronger than its weakest link, the plan of general Pacific coast defense fails if this easy door of entry, San Pedro Harbor unfortified, remains open.

(d) Ease of retaining possession. Assuming that a powerful enemy has obtained control of this Los Angeles country, what is the chance of our regaining possession? Referring again to the accompanying map, we find indicated with arrow heads the only passageways between this territory and the interior that would be at all practicable for an army from the interior operating to recover it.

The pass at the northern coast extremity admits of easy defense. All the other entry ways from the land side have the same general defensive features, excepting the one toward Mexico. It is clear that, even were the neutrality of Mexico no stumbling block, attack at the latter point would necessitate approach over a country full of mountains and deserts, where campaigning would be a matter of extreme difficulty.

To bring troops against this Los Angeles territory from the interior (and we must assume the existence of the only condition under which a hostile occupation of our Pacific coast country is at all possible, namely, that the attacking power has attained supremacy on the seas) use must be made of the transcontinental railway lines. All the transcontinental lines of southern California, three in number, enter the Los Angeles defensive zone through the passageways mentioned. These lines are indicated on the map as extending to Salt Lake City, Kansas City, and San Antonio, respectively. The nearest transcontinental railway neighbor to the north crosses the Rocky Mountains east of Sacramento and enters the San Francisco defensive area. Sacramento is nearly 500 miles to the north of Los Angeles.

Sea, mountain, and desert combine to make the position of the invader, once he has taken possession of the Los Angeles country in force, well-nigh impregnable.

The changed conditions since the Taft Board report that now render the fortification of San Pedro Harbor imperative may be summed up as follows:

(1) The development of San Pedro Harbor.

(2) The great potential strength as an enemy which a certain oriental power has recently acquired.

As an additional argument in rounding out this report it may be stated that the suggestive effect of public discussion of war contingencies on the Pacific coast has undoubtedly been to provoke international antagonisms of the gravest character. Adequate fortification at San Pedro would certainly remove one now conspicuous cause of that kind of agitation which leads to unfortunate discussion of our foreign relations, and it would thereby promote that appearance of friendliness which the United States desires to maintain toward its neighbors.

The conclusion seems justified that the early fortification of San Pedro Harbor is a requirement of the welfare of the Nation.

PART II.—ESTIMATE OF THE COST OF SITES AND FORTIFICATIONS, SEPARATELY.

The following estimates, prepared in compliance with the oral instructions of the Chief of Staff by the Chief of Coast Artillery, in cooperation with the chiefs of the supply departments concerned, show the cost of fortifying San Pedro Harbor, California. The project on which these estimates are based is set forth in the second indorsement on A. G. O. 1415074 and accompanying maps and includes the purchase of about 173 acres of land, the emplacement thereon of eight 12-inch mortars, four 14-inch, and four 3-inch rifles, and all accessories for their service, the installation of a mine defense, and the construction on the site it is proposed to purchase of a four-company coast artillery post:

| | | |
|---|---|---|
| *Engineer Department.* | | |
| Purchase of site | $400,000 | |
| (See 2d ind. on A. G. O. 1415074.) | | |
| Emplacements | 855,000 | |
| (For eight 12-inch mortars and four 14-inch and four 3-inch rifles.) | | |
| Electrical installation | 250,000 | |
| Searchlights | 111,000 | |
| (Six 60-inch and one 36-inch.) | | |
| Casemates, galleries, etc., for submarine mines | 77,000 | |
| Total for Engineer Department | | $1,693,000 |
| Fire control | | 100,000 |
| *Ordnance Department.* | | |
| Guns and carriages | 784,000 | |
| (For eight 12-inch mortars and carriages and four 14-inch and four 3-inch rifles and carriages.) | | |
| Tools, machinery, cost of inspection, etc | 50,900 | |
| Ammunition | 233,600 | |
| Submarine mines | 66,919 | |
| Total for Ordnance Department | | 1,135,419 |
| *Quartermaster's Department.* | | |
| Barracks and quarters | 534,850 | |
| (For a four-company coast artillery brick.) | | |
| Grading, roads, and walks | 70,000 | |
| Water and sewer system | 72,000 | |
| Electric lighting of post | 50,000 | |
| (This provides for post distributing system only; power to be furnished from plant included in engineer estimate of $250,000 shown above.) | | |
| Total for Quartermaster's Department | | 726,850 |
| Grand total of estimates | | 3,655,269 |

Under the conditions that exist to-day, I believe it to be a crime to allow this harbor to remain longer in its present unfortified condition. To do so, I believe, is to invite disaster to that portion of our common country.

This Government has expended over $4,000,000 for the improvement of that harbor, and contemplates the expenditure of a still greater sum. Even now it will float, in still water, the largest fleet in the world. During the last year it had a commerce of nearly 1,250,000 tons, and in a short time it will be one of the greatest three harbors on the Pacific coast.

California has a coast line of over 1,000 miles, and the only fortifications we have are at San Francisco Harbor, 500 miles north of San Pedro, and San Diego Harbor, 100 miles south of San Pedro.

Surrounding this harbor are the cities of Long Beach, Wilmington, and San Pedro, with a population of 30,000 people within easy range of hostile guns at sea. The city of Los Angeles is near by, with a population of over 300,000 souls, and there three great transcontinental railroads converge. The comparatively level land tributary to this harbor is about 200 miles long and 50 miles wide, bounded on the east by the Coast Range, on the north by the Tehachapi Range, on the west by the Pacific Ocean, and on the south by the Republic of Mexico. The only approaches to this territory from the east are through two narrow defiles in the Rocky Mountains, which could be readily fortified by a hostile army that might gain possession of this territory from the sea. Indeed, such is the conformation of these mountains that it might be impossible to dislodge a determined enemy that once gained possession of that territory.

Within that territory live 600,000 people, as progressive and enlightened as any to be found in all the world. Marvelously rich in natural resources that have only commenced to be developed, with a climate unsurpassed, it is attracting the best people of all lands.

These very conditions that I have just described also invite the attention of any hostile foe across the sea, and the absolute defenselessness of this harbor is an invitation to strike this

very spot, with the Coast Range shielding it from our repelling army from the east.

The city of Los Angeles has recently voted bonds to the amount of $23,000,000 to bring water over the mountains from a valley 220 miles away to support its people. The expensive conduits of this water system would be the first to be destroyed, and I need only take time here to call to your imagination what would be the condition of the people of that city should a hostile foe gain possession of that harbor.

Mr. Chairman, I call for a vote on my amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

FORTIFICATIONS AND OTHER WORKS OF DEFENSE.

UNDER THE ENGINEER DEPARTMENT.

For construction of gun and mortar batteries, $5,064.
For modernizing older emplacements, $100,000.

Mr. SIMS. Mr. Chairman, I move to strike out the last word, although what I have to say has no connection with the bill. Mr. Chairman, this is the last day of the present Congress in which private war-claims bills, including the omnibus bills, can be considered under any circumstances, except by unanimous consent. That is the reason why I attempted to make the motion I did this morning, so that we might avail ourselves of this last opportunity. It has often been stated, and truly stated, by the Speaker that a majority of this House can do anything, under the Constitution and laws, that it desires. Consequently a majority can vote against the consideration of any bill, and the question of consideration can be raised on every bill. So that when we have a call of committees the question of consideration could be raised and a vote taken adverse to the consideration of any other bill until the omnibus war-claims bill can be reached. Finally, on the motion of the gentleman from Iowa [Mr. SMITH] to go into the Committee of the Whole to consider the bill now before the committee, I asked for the yeas and nays, in order that the Speaker might see the temper of the House, with the hope that he would make the recognition which he had indicated he would if the temper of the House seemed to demand it. Upon that demand for the yeas and nays only 16 gentlemen arose in favor of it, other than myself. So, Mr. Chairman, that is an advertisement to the entire country, a statement upon the part of those who did not rise, that they did not think enough of war claims to even demand the yeas and nays in order that the Speaker might know the temper of the House was favorable to the consideration of war claims. These gentlemen who represent claims of churches, schools, academies, colleges, and lodges all over the country, as well as claims for private individuals, can tell their constituents that they did not even stand up to demand the yeas and nays on a proceeding by which we were trying to reach consideration of their bills.

These gentlemen come before the Committee on War Claims and plead and beg to have their bills reported. The committee has been industrious and reported many hundreds, and they are on the calendar, but when it comes to getting up and showing their nerve and making a fight, they do not do it. Now, the committee has done all it can, especially the minority members, who have exhausted their resources, and they have not been supported by gentlemen upon this side or upon that. Today you buried the omnibus war claims bill, and did not even put up a headstone; did not even give it the yeas and nays to see who wanted their claims acted upon if possible to reach a condition whereby they might be considered.

Mr. FITZGERALD. Mr. Chairman, the gentleman said that Members on this side did not assist him.

Mr. SIMS. Only 16 Members asked for the yeas and nays, even if the whole 17 were on this side, which was not a sufficient number to get the yeas and nays ordered. This action was evidence to the Speaker that there was practically no sentiment favorable to considering war claims.

Mr. MANN. They were not all on that side.

Mr. FITZGERALD. I desire to state that a motion was made that the House adjourn on Wednesday last. If the House had adjourned, we would have had a war claims day. Did not the gentleman from Tennessee vote against adjournment and in favor of a recess so as to cut out the war claims day?

Mr. SIMS. I voted against adjournment because I wanted the bill then under consideration to be finished and passed. It had an amendment on it to stop the c. o. d. jug trade in intoxicating liquors in this country, and I would do the same thing again. But to-day we had an opportunity to show whether Members wanted to consider war claims bills or not, and only 16 Members besides myself rose to demand the yeas and nays, which seemed necessary in order to convince the Speaker that the sentiment of the House favored such action.

Mr. SMITH of Iowa. Mr. Chairman, I want to state now that hereafter I shall make the point of order against every speech not made to the bill.

Mr. FITZGERALD. I hope the gentleman will wait a moment. I simply wish to say this. I am reminded of the story of the man who kept a summer hotel. At one part of the daily repast a man at table asked for pie and the proprietor came into the room and announced in a loud voice that he wanted his guests to understand that those who had pudding could not have pie. Those gentlemen who are anxious to get this so-called "Knox prohibition bill" passed could not at the same time arrange the legislative business so that they could consider war claims. They took their pudding instead of their pie.

Mr. MANN. The gentleman is mistaken. The House took a recess after the penal code had been passed in the House, without even the gentleman from New York voting against it.

Mr. SMITH of Iowa. Mr. Chairman, this House could have adjourned last night and then this would have been the legislative day of Friday and a war claims day, but we took a recess last night long after the penal-code bill had passed. It is all nonsense about there being any contest between these two measures.

Mr. MANN. And we took a recess without a dissenting voice.

Mr. SMITH of Iowa. Mr. Chairman, I ask for the reading of the bill and I am going to make the point of order against every speech not on the bill.

Mr. EDWARDS of Kentucky. Mr. Chairman, I hope the gentleman from Iowa will not make his point of order until I have had a chance to explain for myself the remarks of the gentleman from Tennessee [Mr. SIMS]. I desire to say to this House that I am one of the 17 who stood up in favor of procuring what I consider the people of this country are entitled to, and that is a consideration of an appropriation for claims which this Government has admitted by its own acts, by its own courts, that it does owe to certain people of this country and which this House is failing to pay by refusing to consider the omnibus claims bill.

The Clerk read as follows:

For reserve lights, $10,000.

Mr. DRISCOLL. Mr. Chairman, I would like to ask the gentleman from Iowa, what does the gentleman mean here by "reserve lights?" It does not seem to be in the current law, and it is an extra appropriation here.

Mr. SMITH of Iowa. I will state it has been determined by the War Department that there should be some little storage-battery electric lamps for use in the magazines in case there is any disaster to the general electric apparatus. These lights are of that type, partly for an actual reserve and partly that the Coast Artillery may be trained in their use—that is, by using them at times when the regular electric lights are turned out, and thus enabling them to train and fit themselves for actual service conditions when the electric lights may be destroyed or temporarily injured.

Mr. DRISCOLL. Is this amount for the apparatus or is this for the current of electricity?

Mr. SMITH of Iowa. Neither. These are in the nature of dry-battery lights—lights to be used in and about the magazines when the ordinary system of electric light is not available.

Mr. DRISCOLL. They are not electric lights at all.

Mr. SMITH of Iowa. They are electric lights, but they are dry batteries; yes.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition for machine and automatic guns, and for mountain, field, and siege cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals, $160,000.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert at the end of line 12, page 4:

"*Provided*, That no part of any appropriation contained in this act shall be expended for powder other than small-arms powder at a cost in excess of 64 cents a pound."

Mr. SHERLEY. Mr. Chairman, this is simply in accordance with the action taken by the House upon the naval appropriation bill as to the price to be paid for powder other than small-arms powder and that action of the House has been concurred in by the Senate as to powder purchased for the navy, and the same rule, in my judgment, should apply to the powder authorized in this bill.

Mr. SMITH of Iowa. Mr. Chairman, the Government of the United States requires about 4,500,000 pounds of this smokeless

powder per annum. The capacity of the army and navy powder factories is about 1,500,000 pounds, so that it has been buying in the neighborhood of 3,000,000 pounds per annum. Of this only five or six hundred thousand pounds is bought under this bill; about four-fifths of it is bought under the naval bill. It is true, as stated by the gentleman from Kentucky, that the Senate has concurred in the House action in fixing the maximum of 64 cents upon powder purchased under the naval bill. I do not, in view of that fact, feel that it is incumbent upon me at this time to make a determined effort to prevent that amendment going upon this bill, although I believe it to be illy advised, and my action in not vigorously protesting against the amendment is based only upon the fact that the great body of the powder bought by the Government of this character is bought under the naval bill and that only a minor portion of it is covered by this bill.

I do want to say a few things about the subject of powder. Powder of the smokeless variety was first bought by this Government about 1896, and then cost a dollar a pound; but at that time the Government furnished the alcohol for the powder, worth about 9 cents, as I remember it, for the amount of alcohol necessary to produce a pound of powder, so that practically the price of powder was then $1.09. Subsequently a chemical system was devised of recovering a large portion of the alcohol thus used, so that the actual loss of alcohol per pound of powder gradually fell from 9 cents to only about 4 cents, the balance of the 9 cents' worth of alcohol being recovered. I shall make no further reference to this subject of the reduction of the cost of alcohol per pound except to say that the Government furnished the alcohol until 1907, so that the amount that the alcohol cost per pound must be added to the cost given down to that period. In 1896 we paid a dollar a pound; in 1897 we paid the same; in 1898 we bought it at 80 and 85 cents; in 1899 we paid from 80 to 85 cents; in 1900 we paid 70 to 85 cents; in 1901 we paid from 70 to 85 cents; in 1902, from 69 to 70 cents; in 1903, from 70 to 80 cents; in 1904, 70 cents; in 1905, from 75 to 80 cents; in 1906, 70 cents; in 1907, 69 cents, and in 1908, 67 cents per pound; but the fall from 69 to 67 cents was in fact a drop in price of at least 5 cents per pound, because at that time the arrangement was changed so that the powder company furnished the alcohol, and not the Government. The amount of alcohol not recovered had also fallen, so that the actual loss in alcohol per pound was probably not much in excess of 3 cents at that time.

So that there has been a constant decline in the price of powders in the years since 1896, when it was $1.07 to $1.09, to the present, when it is 67 cents a pound.

In the estimates furnished to the committee by the War Department 63½ cents, in round numbers, was given as the cost of powder to the private manufacturer, with certain matters not taken into consideration. Among those was the item of freight.

The powder bought of the private manufacturers is delivered wherever the War Department or the Navy Department may see fit to order it delivered, freight paid. It is in fact delivered either upon the Atlantic coast or at the Benicia Arsenal. About one-fourth is delivered at Benicia Arsenal, and the freight from the eastern powder mills is about 2½ cents a pound.

Mr. SHERLEY. Two and three-tenths cents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. I ask unanimous consent that I may conclude my remarks upon that subject.

The CHAIRMAN. The gentleman asks unanimous consent that he may be permitted to conclude his remarks on the subject. Is there objection?

Mr. SMITH of Iowa. I was saying the freight costs approximately 2½ cents a pound, and my friend from Kentucky says 2.3 cents.

Mr. SHERLEY. I have the figures; $2.30 per hundred.

Mr. SMITH of Iowa. Two and three-tenths cents a pound to ship this powder to Benicia Arsenal. Of the amount that is furnished to the War Department, about one-fourth is delivered at Benicia Arsenal—that is, an average additional cost of the powder is about 5.8 cents per pound, by reason of paying 2.3 cents freight upon that shipped west. That alone would raise the estimate before the committee above 64 cents, the maximum that could be paid under this provision offered by the gentleman from Kentucky; but this estimate includes 6 per cent interest only upon the actual portion of the powder plant engaged in the manufacture. It will scarcely be claimed that a man would embark in manufacturing with the understanding that he was to receive as his gross profits 6 per cent upon the value of as much of his factory as he could keep employed.

Mr. FITZGERALD. Will the gentleman state what capacity the plant has, the capital of which is fixed at $1,500,000?

Mr. SMITH of Iowa. It is given in this table, as I remember it, but I can not state it at this moment. But it said that it is estimated upon running at full capacity.

Mr. FITZGERALD. And what would the full capacity be? It is an important thing to know how much they consider is being used of this plant.

Mr. SMITH of Iowa. I can not give it to the gentleman from memory.

Mr. FITZGERALD. I call the attention to it for this reason——

Mr. SMITH of Iowa. I see the statement shows it is estimated that such a plant would produce 1,047,063 pounds.

Mr. FITZGERALD. I had this in mind. We know from our testimony that from an investment of $340,000 we can have a plant that will turn out a million pounds a year.

Mr. SMITH of Iowa. I will reach this question in a moment, if the gentleman will allow me to proceed in my own way.

Mr. FITZGERALD. I beg pardon. I did not want him to pass that by.

Mr. SMITH of Iowa. I will reach it in a moment. Now, that is one item that is in here—6 per cent upon the portion of the plant actually employed, and no more. Now, no man would go into manufacturing to get a return of 6 per cent upon the portion of his plant that was actually employed.

Mr. JOHNSON of South Carolina. Is the gentleman referring to the Indianhead plant?

Mr. SMITH of Iowa. No; I am referring to any plant. This is a hypothetical estimate of what a plant running at full capacity can do, as given by the War Department.

Mr. JOHNSON of South Carolina. Is it not a fact that the Indianhead plant cost only about $650,000, and that its capacity is more than you have stated?

Mr. SMITH of Iowa. No; it is not a fact in any ordinary sense. The Indianhead plant is running now twenty-four hours in a day; and there is no estimate on the value of the real estate, as I understand it. We owned that before. I think I am correct in both statements. But that has nothing to do with this proposition, which is an estimate of 6 per cent upon the cost of a hypothetical plant, as found by the War Department. If you should even allow 8 per cent upon the amount of the plant engaged, not upon the whole plant, it would raise the price 3 cents a pound, or to the full amount allowed by the War Department now.

But still more interesting is the fact that this War Department estimate of fire loss is based solely upon the experience of the Government at a single powder plant at Indianhead, by taking the loss in seven years and dividing it by 7. And in order to ascertain how fair that was I made an estimate, and find that the rate of insurance allowed was 50 cents on $100, or exactly the amount charged for a farm risk in the Mississippi Valley, and that was supposed to represent the danger to a powder plant.

Now, this powder question has its embarrassments to me. There were four independent and separate powder plants at one time, as I understand it, capable of producing smokeless powder for the Government, all now under one management, and one of the four plants, that in California, absolutely closed. The Government, therefore, has no one to buy of save this one company.

When that condition arose a joint board, composed of army and navy officers, changed the policy with reference to buying powder, and in place of taking bids from this one powder company, this joint board estimated what it thought powder ought to be worth and offered that price, made the bid itself instead of receiving bids from the powder company; offered 67 cents a pound, and that offer was accepted by the Du Pont company.

Unfortunately, we have not sufficient capacity at the national plant to produce the amount of powder that we consume in this country now. We are running the plant at Indianhead twenty-four hours in the day. The drying rooms and accessories in the Dover plant are not sufficient to run that plant twenty-four hours in the day. An appropriation has been carried in the naval appropriation bill to enlarge the powder plant at Indianhead, and the sundry civil bill, this day reported to the House, carries an appropriation to enlarge the army powder plant at Picatinny.

Mr. SHERLEY. Will the gentleman state how large that appropriation is?

Mr. SMITH of Iowa. The gentleman knows quite as well as I do.

Mr. SHERLEY. I want the committee informed.

Mr. SMITH of Iowa. The gentleman, then, will inform the committee in due season. Within twelve months from now we ought to be in a position to manufacture all our own powder, if that seems desirable, but we are not in a position to do it now nor until these powder mills are enlarged. If, then, this powder company will not take the price fixed by Congress, in reduction of the price fixed by the army and navy board, these appropriations fail.

I can but feel that it was unfortunate that my friends discovered that 64 cents and not 67 cents was exactly the right price just the year before we had sufficient powder capacity to make our own powder if we wanted to.

But both Houses of Congress having voted as to five-sixths of the powder to put in this restriction, I feel no further responsibility on the subject.

Mr. FITZGERALD. Mr. Chairman, I have no desire to go so elaborately into this question as my colleague on the committee. Anyone who will carefully investigate the question, however, can not but feel that the joint board was somewhat overcareful not to do an injustice to the private manufacturer. One of the items of cost which is allowed, and which brings the price of powder for the private manufacturer up to sixty-three and a fraction cents, is the item of 6 per cent interest on the investment of $1,500,000 for the plant. It is universally stated that the private manufacturer can acquire plants and can conduct them much more cheaply than the Government, yet in estimating how much it costs the private manufacturer to acquire and equip his plant, the army and navy board allows to the private manufacturer $1,500,000, whereas the navy or the army by an investment of $340,000 is able to obtain a plant of equal capacity. If we were to consider that the amount invested by a private manufacturer in his plant was about the same as the investment of the Government, the 9 cents a pound which is allowed by the joint board to represent interest on the investment instead of amounting to 6 per cent upon the amount of investment amounts to 27 per cent upon the amount of investment. So that it would seem to me that even on the showing of the joint board there is ample margin in these figures not only to guarantee a reasonable return upon the investment, but to allow an ample profit upon the business, considering it even an extra hazardous business.

I suggest that while the price of powder has gone down from year to year, during that time in our recent history when the Government consumed such enormous quantities of powder, the price paid was much beyond what the Government should have been compelled to pay for it. But with the extension of our plants and with the information that has been coming, the price has gradually been forced down. More than that, Mr. Chairman, there is no doubt whatever that not only are all of the smokeless-powder plants in this country in a combination, but they even have a combination with all of the foreign manufacturers of this powder. Under the agreement which exists, or which has only recently expired, it was provided that if the Government of the United States applied for information from one of the foreign manufacturers as to what the price of a certain class of powder would be, that manufacturer was compelled to inquire through the chairman of a certain board of the foreign manufacturers from the chairman of the American manufacturers what price was being quoted to the Government by the American manufacturers, and under the agreement the foreign manufacturer could not quote a lower price than was being paid by the Government to the American manufacturer. Knowing what we do about the operations of these combinations, it is apparent that they do not conduct their business at a loss, even when the sole purchaser is the Government. Upon all of the information available I am convinced that the manufacturers can supply powder for 64 cents a pound and make all the profit they should be justified in expecting to make from this business with the Government.

Mr. COX of Indiana. I would ask the gentleman whether or not it is a fact that the price of powder has been gradually declining the last six or eight years.

Mr. FITZGERALD. I am not familiar with the world markets.

Mr. COX of Indiana. In this country.

Mr. FITZGERALD. The gentleman from Iowa has stated the way the price has decreased to the Government from private manufacturers.

Mr. COX of Indiana. That is what I have reference to, and whether it is not a fact that the price of powder has decreased to the Government in the last five or six years.

Mr. FITZGERALD. It has.

Mr. COX of Indiana. Whether or not the gentleman does not attribute that to the fact that the Government, in the last few years, has gone into the manufacture of powder.

Mr. FITZGERALD. Partly that and partly to the fact that information has been acquired as to the methods under which these companies have combined for the purpose of extorting an unreasonable price from the Government. Sometimes fear of what may happen is more effective than actual knowledge of what is being done.

Mr. BURTON of Delaware. Do I understand the gentleman to say that these companies have combined to extort an unreasonable price for powder?

Mr. FITZGERALD. That is my opinion.

Mr. BURTON of Delaware. Has the gentleman any evidence of that?

Mr. FITZGERALD. I have stated some of the information upon which I base it.

Mr. BURTON of Delaware. That is contrary to the reports of Admiral Mason and General Crozier, who state they have always been reasonable in their prices.

Mr. FITZGERALD. That is their opinion; and against their opinion I am compelled to place my own in the discharge of my duties. General Crozier believes that the price is reasonable, although he admits that he would be very much surprised if it would cost the Government more than 50 cents a pound to manufacture it. This excludes, however, certain elements of cost which should be included.

He and many others disagree with me as to whether the Government can do things more cheaply than the private manufacturer. He believes that in most instances the private manufacturer can manufacture more cheaply than the Government. So, if the Government can manufacture for 51 cents, of course, from that standpoint, the private manufacturer can manufacture more cheaply than that.

Mr. MANN. Does not the gentleman himself believe the same thing?

Mr. FITZGERALD. Sometimes; on some things.

Mr. MANN. Have not we evidence that they can manufacture cheaper?

Mr. FITZGERALD. I believe they do. These figures of the General Board, in my opinion, are too high. That is why I have no faith in them. Take the 9 cents per pound, the 6 per cent a year on $1,500,000 for the plant that can not turn out any more than the plant costing the Government $340,000, and I feel that I am justified in my assertion.

Mr. SULZER. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHERLEY. Mr. Chairman, I do not desire to prolong this debate. The gentleman from Iowa [Mr. SMITH] has in substance said that, inasmuch as the House and the Senate have expressed this view on this matter and on items very much larger than contained in the bill, he has no desire to resist the amendment. This statement of the gentleman might have been overlooked owing to the strenuous statement that followed it in regard to what he conceived to be the price of powder. The question is no longer new in this House.

I have endeavored conscientiously, with the information at hand, to arrive at what I believe to be a fair price for the Government to pay—fair to the Government and fair to the manufacturer. I believe that it is demonstrable that the price of 64 cents represents easily a fair and proper profit to the powder people, and from the statement made by the army and navy board, and with the supplemental items furnished by the distinguished gentleman from Iowa, my previous conviction is more than ever fixed.

The question of transportation was talked of when we had the subject up under the naval bill as if it added several cents to the cost of powder. In point of fact, it will add about one-half a cent.

Mr. SMITH of Iowa. Slightly rising one-half a cent.

Mr. SHERLEY. Very slightly rising one-half a cent. The question of insurance is raised, and the gentleman states that the figures are no more than that for a farmhouse; but he does not go on to say what he thinks the increase would be per pound for powder, even at what would be a proper rate, considering the risk.

Mr. SMITH of Iowa. I will say to the gentleman, if he will permit an interruption——

Mr. SHERLEY. Certainly.

Mr. SMITH of Iowa. Out in the region where I live insurance companies carry risks up to 5 and 6 per cent on frame houses on business streets, but they will not carry a powder magazine at any price. Consequently I infer that insurance companies regard the insurance of powder magazines as rising 5 or 6 per cent.

Mr. SHERLEY. Yes; and if you take it at that you will only add a small increase to the cost.

Now, it is impossible without making a more detailed speech than I desire to take up the various items. All of this information is in the RECORD, and was put there in connection with the naval bill. Unless the House is going to reverse its action and, in my judgment, no evidence has been adduced warranting such reversion, this amendment should be agreed to.

Mr. HULL of Iowa. Will the gentleman allow an interruption?

Mr. SHERLEY. Certainly.

Mr. HULL of Iowa. As I understand, the investigation as to the cost of powder for cannon, which is much cheaper than the powder for small arms, it amounted to within a small fraction of 64 cents a pound.

Mr. SHERLEY. I answer by saying that the two boards added to the actual cost of powder, considering only labor and material, the items of administration cost, which they figure at 2 cents; taxes, at 0.001 cent; interest on capital of $1,500,000, at 6 per cent, at 0.09 cent; rejection, 0.025 cent; making a total of 63.48 cents.

But let me say, also, in that connection that the statement of the investment is totally inaccurate, as explained by my colleague and as shown in the items we are carrying in the sundry civil bill to increase the plant of the powder manufactory for the army. The statement of a million and a half investment is totally inaccurate.

Mr. HULL of Iowa. That price of 64 cents did not take into account some of the items of expense that would necessarily follow, so if you put them in it would run over 64 cents.

Mr. SHERLEY. I argued all that on the naval bill. Now, two of the other items that they figured on were the cost of the experimental work, and any profit which the private manufacturer is entitled to in addition to the 6 per cent on the capital. Inasmuch as 6 per cent on the capital is based on the fictitious capital, nearly twice as big as it ought to be, I do not think we ought to consider that item.

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

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes or ten minutes additional.

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

Mr. SHERLEY. The other items allow for extra-hazardous risk and pensions for old and disabled employees. Now, every one of these items, in my judgment, could be allowed, and they would not nearly total the difference between what it costs the private manufacturer to manufacture powder as against the Government. I have never known the Government to do anything as cheaply as private manufacturers did it, and it is proved by what I called attention to on this floor before on this very matter. Take the question of alcohol. The private manufacturer, by using advanced methods for the recovery of alcohol, reduced the cost of alcohol very, very materially. The Government did not. Now, then, that is just one illustration where by instituting such methods in private manufacturing operation they bring about economy that makes the total cost less. It is a safe proposition always that a private manufacturer can do the same thing 10 or 20 per cent cheaper than the Government can do it. If you figure that in you have got all these extra items more than accounted for.

Mr. SMITH of Iowa. I do not want to interrupt the gentleman, but I do want to challenge the statement made by him and the gentleman from New York as to the capitalization of this proposed $1,500,000 plant. In that supposititious case taken by the War Department, $1,500,000 is taken as the capital of the company invested in plant and in material to make powder and put in powder drying for six long months, and in this case you only take the cost of the plant itself, and upon that assumption it is announced the statement of the War Department is fictitious, although the War Department counts the value of stock, which is the money here appropriated in this bill, and not money invested in the two plants.

Mr. SHERLEY. The gentleman's statement is his statement, and I do not think the record bears out the fact, when he takes into consideration the question of material invested, stock on hand, and so forth; and I do not believe any other company would be justified in figuring the capital invested in the company in considering not only what the plant cost, but the entire cost of the stock that is carried from time to time.

Mr. SMITH of Iowa. Does not the gentleman know that in this powder which requires six months to dry there is more money invested in stock than in buildings?

Mr. SHERLEY. Yes; but you construe the word "capital" as legitimately to include certain items, and I deny that these items are legitimate in that connection.

Mr. SMITH of Iowa. But you assume they got their material for manufacturing without any capital invested.

Mr. SHERLEY. I do not assume anything of the kind. I assume, and figure on a fair proportion, that they will not have to invest a million and a half dollars in order to get a powder plant that will produce 1,000,000 pounds of powder a year, and the facts do not warrant it.

Mr. BURTON of Delaware. In your estimate of cost, do you make any allowance for powder that does not come up to the standard?

Mr. SHERLEY. Oh, yes; there is a reduction figured at about 2 cents a pound.

Mr. BURTON of Delaware. Two cents a pound for that?

Mr. SHERLEY. Yes; two and a half cents.

Mr. BURTON of Delaware. Do you mean to say you should not allow interest on capital invested in material?

Mr. SHERLEY. I did not say anything of the kind; but I will say to the gentleman I do not know of any business where you would figure not only on the investment, but also for the money tied up from time to time in the output of that factory.

Mr. BURTON of Delaware. It would be for this six months, for it takes that long to dry.

Mr. SHERLEY. But all of it does not take six months to dry and all the capital is not tied up for six months. It is constantly being turned over on the amount that has been dried and the amount that is drying.

Mr. BURTON of Delaware. But there is always six months' product on hand.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SMITH of Iowa. I ask unanimous consent that the gentleman have five minutes' further time.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Take the case of any manufacturer who would invest a million dollars in business. Supposing that all the money he proposes to invest is absorbed in the construction of the plant. Would the gentleman think he could conduct business on that basis, if the amount that he had already put in the investment was all that he could employ in the business?

Mr. SHERLEY. He would have to have some working capital.

Mr. MADDEN. And would be entitled to interest on the investment and capital.

Mr. SHERLEY. He would have to have a certain amount of working capital to take care of the actual investment—the sum that may be put into the manufactured product outside of the fixed investment.

Mr. MADDEN. The gentleman's point is that if they come out with a profit they would not be entitled to interest on that?

Mr. SHERLEY. No; certainly not; as the manufacturer is constantly turning over his money just the same way as in other businesses where the actual capital invested represents a very small proportion of the amount of money that is subsequently involved in the product. Take the whisky business for instance, where the tax is $1.10 a gallon, where the original cost of the whisky would run from 22 to 30 cents a gallon. The moment the tax is paid we have $1.10 in addition to the cost, and yet any man who has considered the nature of that business knows that the capital invested and upon which it is expected that dividends will be earned is very much less than the money tied up in the whisky produced. The man takes his whisky and borrows on it, and in that way carries the tax that he pays to the Federal Government, and it is not principal invested. It is never figured by any of them as part of the principal, and that is true of other businesses.

Mr. MADDEN. Take the matter of whisky in the case illustrated by the gentleman. The tax is not paid on the whisky until it comes out of bond.

Mr. SHERLEY. That is true; but very frequently the distiller takes it out of bond, and it is then held by him pending a sale.

Mr. MADDEN. Held by the party buying?

Mr. SHERLEY. No; held by the manufacturer. There are many occasions on which the manufacturer frees his own whisky. I do not want to get down to a discussion of bookkeeping and finances. The gentleman from Iowa has conceded that the same action was taken in regard to the provision for the purchase of powder contained in the navy bill, and I trust that the same action will be taken by the committee now.

Mr. HULL of Iowa. Mr. Chairman, it seems to me that the proposition to limit the cost of this powder to 64 cents a pound is an exceedingly dangerous one. I have great confidence in some of the officers of this Government, among others the Chief of Ordnance. I think that General Crozier is one of the most careful, painstaking, and conscientious officers this Government has ever had. In the hearings before the Committee on Appropriations, backed in a smaller degree by the hearings of the Committee on Military Affairs, they figured out the cost of the powder within a very small fraction of 64 cents, allowing only 6 per cent on the investment.

Mr. SHERLEY. General Crozier does not figure it that way.

Mr. HULL of Iowa. Oh, yes.

Mr. SHERLEY. He merely submitted the figures of other officers.

Mr. HULL of Iowa. And submitted additional evidence bearing on this when we considered taking this action on the military bill. Furthermore, I believe that if the Government is not to buy powder at a higher rate than 64 cents, but is to make its own powder, I fear that you will be unable to procure powder, and the operations of the army and the navy will be suspended until you can manufacture all the powder that is needed. No additional preparation is made to do that.

Mr. SHERLEY. That is hardly accurate, because a good proportion of the powder is now manufactured by the Government.

Mr. HULL of Iowa. Less than one-third for the army.

Mr. SHERLEY. About one-third of the powder used by the navy, and they use more than in the army.

Mr. HULL of Iowa. I am talking about what they buy. You can make all you want and shoot it away, regardless of cost. When you come to the Government manufacturing it, you do not limit the cost of what we manufacture. We manufacture it if it should cost twice that.

It does not matter what it costs; we would still manufacture it; but it is what we are buying I am talking about. They got it down to a fraction below 64 cents, and that does not include freight charges. That may be a small difference; nor does it include the cost of experimental work and many other items which swell the actual cost above the limit proposed in pending amendment.

The gentleman says these manufacturers have made experimental work, by which they save the alcohol. Does not the gentleman realize the fact that if, by their enterprise and skill, they have devised machinery by which they can use the alcohol over and over again, by redistilling and bringing it back again, they are entitled to something for that?

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

Mr. HULL of Iowa. Certainly.

Mr. SHERLEY. What does the gentleman think all the money expended in experimentation would figure, figuring it on the cost per pound and considering the output of many million pounds?

Mr. HULL of Iowa. I should imagine it would be very small per pound.

Mr. SHERLEY. A very small fraction of 1 cent on a pound.

Mr. HULL of Iowa. A small fraction, but it only takes small fractions to run it up beyond the cost price that the Government can pay if this amendment is adopted. I admit it is only a small fraction, probably a very small fraction, but it is some expense; and the gentleman's argument, I will say to my friend, was based on the theory that these private manufacturers should not have the benefit of their great ability to cheapen the price of powder in any way.

Mr. SHERLEY. Oh, no; that is the gentleman's conclusion.

Mr. HULL of Iowa. We will have to leave that to the committee. If they save something on alcohol by improved machinery and processes, the gentleman's argument is that the Government should take the benefit of all that away from them.

Mr. SHERLEY. Oh, no; I merely used that one fact as an illustration.

Mr. HULL of Iowa. Now, let the advantage of improved machinery and processes be divided; let the Government receive part of the benefit and the manufacturers part of the benefit.

Mr. SHERLEY. I gave that as an illustration of how much cheaper they do business; and instead of taking the figures of the Government, you may discount them 10 per cent.

Mr. HULL of Iowa. Then you do not take into consideration the low pay of the officers of the Government, who receive salaries for which you could not hire foremen in a private factory. An army officer serves for less than any other man doing the same work. That is true of your river and harbor work. The army engineers receive only a fraction of the compensation which a civil engineer would receive if engaged in that class of work. The reason they work for so much less is because they have life positions, and this Government cares for them after they reach the age of 64.

Mr. SHERLEY. If the gentleman has counted that in, how about the difference in the labor cost, between eight and ten hours a day? Will the gentleman answer that? If he is figuring what a great saving there is on the pay of a few army officers, will he also figure on the great saving there is to a corporation whose employees work two hours a day more than government employees engaged in the same work do, and without any holiday?

Mr. HULL of Iowa. That is a question the gentleman will have to figure out with the Federation of Labor. That organization insists that a man working eight hours a day will do more work than the same man working nine hours a day. It used to be that they worked ten hours. The hours of labor are gradually shortening, on the theory that a man will do more work and better work in fewer hours than he will in longer hours. And eight hours has been fixed as a reasonable number for effective work.

Mr. SHERLEY. The gentleman does not mean to tell this committee that he believes the Government gets the same unit of labor for the price paid that the private manufacturer does in this particular instance.

Mr. HULL of Iowa. Oh, I have no information on that. I take simply the figures here; but I will say to the gentleman, if he wants my opinion on the hours of labor, that I shall be glad to see the time come when every public work, whether conducted by the Government or by private individuals, will be done under a limit of eight hours as a day's work.

Mr. SHERLEY. I am perfectly willing to do the same thing, but when you figure the economical cost I do not want the gentleman to evade the issue by going off on a question of sociology.

Mr. HULL of Iowa. Oh, Mr. Chairman, we are neither of us doing that. We do not either of us know exactly the difference of production of these men. We have nothing to base any judgment upon. I have only this one proposition that I want to bring before the committee, and I imagine that it is useless to do so, although I did not hear the statement of my colleague [Mr. SMITH of Iowa]. I want to bring this proposition before the House, though. I am not willing to go against the best authority we can get and fix a price that is liable to deprive this Government of the powder that is necessary for the carrying on of our operations for the ensuing fiscal year. The target shooting of our army and navy is what makes our armed defensive force so efficient as to make them more than equal to the armed force of any nation.

Now, I want to go a little further with this.

Mr. FITZGERALD. Will the gentleman permit a question?

Mr. HULL of Iowa. My five minutes are going rapidly.

Mr. FITZGERALD. How much reserve powder has the Government now?

Mr. HULL of Iowa. Mr. Chairman, I am not in favor of breaking into the reserve powder.

Mr. FITZGERALD. You are using it up all the time.

Mr. HULL of Iowa. No; we are adding to it. We are putting in new powder back of it, the powder we buy, in order to keep up the supply without deterioration. We issue the older powder all the time, and put new in the reserve. I never want to see the time come when we shall trench on the reserve supply of powder, because the time may come when we shall need it and it may be impossible to get it as rapidly as needed. Now, I will go on.

Third. Any profit to which the private manufacturer is entitled in addition to the 6 per cent on the capital.

I want to say that there is not a great manufacturing concern in the United States that is manufacturing hazardous goods that is satisfied with 6 per cent profit on the capital. If you fix that as a limit to the profit that men can make in engaging in this manufacture, you say to them, "Go out of business," because they can make 6 per cent on several lines of work that are not hazardous. Manufacturing powder is extrahazardous.

Mr. SMITH of Iowa. Will the gentleman permit me to suggest at that point that the private powder plants in America have a capacity of 10,686,000 pounds a year of smokeless powder, while the total government orders are only 3,000,000 pounds, or less than one-third of the capacity.

Mr. HULL of Iowa. I am coming to that in a minute.

Mr. FITZGERALD. The gentleman from Iowa also stated that the amount of capital figured on was the amount invested in that part of the plant turning out powder for the Government.

Mr. SMITH of Iowa. Oh, the gentleman is mistaken; I did not.

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

Mr. HULL of Iowa. Mr. Chairman, I would like a few minutes more. I ask for five minutes.

The CHAIRMAN. The gentleman from Iowa asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. HULL of Iowa. So I want to say again that the 6 per cent profit figured on in this fraction under 64 cents is not a profit that would justify any man in investing a dollar in a powder plant.

Now, to go on. There is no allowance for extra-hazardous risk in these figures at 64 cents. There is no allowance, as said by the gentleman from Kentucky [Mr. SHERLEY], for compensation to be paid to old and disabled employees. Some gentlemen say that they ought not to pay that, but all great corporations, and certainly those engaged in extra-hazardous manufacture are paying those pensions. Now, the gentleman says that it will cost 2½ cents a pound for insurance alone. That makes the price go much above 64 cents.

Mr. SMITH of Iowa. That is correct.

Mr. HULL of Iowa. Now, to go on.

Sixth. Risk of becoming obsolete by changes in composition of powder or methods of manufacture.

The fact that private plants are not operated to their full capacity and orders for powder are uncertain and unavoidably irregular.

Now, Mr. Chairman, I want to submit to this House, in view of this full report, in view of the action that has been taken by the general board, in view of the price fixed, which is below that which is charged to private consumers; in view of the fact that we must have powder for the army and navy or the army and navy have got to mark time for the next fiscal year, because what we produce will not go far toward keeping them employed, this proposition ought not to be adopted. The efficiency of your army and navy results, as I have said, largely because they are the best shots in the world, and they are the best because we spend more money for target practice than any other nation in the world. We have a small army and a navy growing still larger, and for this Congress, without any more information than the statement of a Member who has no more information than we have, to arbitrarily fix this price below the cost of production is ridiculous.

The House can adopt it if it wants to, but as one Member of the House I shall not vote for it, no matter if I am the only man left in opposition. [Applause.]

Mr. FITZGERALD. Mr. Chairman, in view of the statement that 63 and a fraction cents does not include the large number of items, does the gentleman not think that the 67 cents which the Government pays is a scandalously low and unjustified price?

Mr. HULL of Iowa. No; I should say if they make 2 or 3 cents profit on what the Government buys no harm is done.

Mr. FITZGERALD. The trust will make no loss?

Mr. HULL of Iowa. They can not buy of the trust.

Mr. BURTON of Delaware. Mr. Chairman, I hope this amendment will be voted down. I was not here at the time this matter came up in the House the other day. The gentleman from Kentucky [Mr. SHERLEY] remarked a while ago the Senate had concurred in the amendment made here, and very likely would concur in any amendment we make here now. Since that time I have tried to ascertain, if possible, something about the cost of the manufacture of smokeless powder, and I do not believe that that company could afford to manufacture powder and sell it to the Government for 64 cents per pound. I am convinced that they could not make any money on it, and if the gentlemen on the other side are only afraid they are going to make a dollar and a half on their investment, why, as a matter of course, their position might be justifiable.

Mr. SHERLEY. Will the gentleman permit a suggestion right there?

Mr. BURTON of Delaware. Yes.

Mr. SHERLEY. Judging the future by the past, we might be warranted in assuming that the Du Pont powder people will make more than a dollar and a half on their investment.

Mr. BURTON of Delaware. Why, as a matter of course; but we must take into consideration the fact that the item of powder they furnish to the Government is a very small fraction of their business.

Mr. SHERLEY. Oh, I should not have made the suggestion if it had not been for the gentleman's own suggestion. Now, on this side of the House, nobody desires to deal with them unfairly. If I did not believe 64 cents represented a fair price to them I would oppose this amendment, and I am not figuring on any meager proposition of a dollar and a half profit, either. I think it is demonstrable that they can make a reasonable profit at 64 cents.

Mr. BURTON of Delaware. I will say to the gentleman that according to their own calculations they make the cost of powder manufactured by the Government over 63 cents per pound. In estimating the cost to the private manufacturer they allow 6 per cent interest on a million and a half dollars.

As a matter of fact the Du Pont Powder Company has between three and four million dollars invested in the powder plants for the manufacture of such powder as the Government uses. You could say, "Why do they keep their money there?" Suppose this Government should need powder in a hurry. Suppose such an emergency should arise, as has been spoken of and was talked of in the Senate, and changed from an emergency to war. What kind of a fix would the Government be in with a law forbidding the ordnance officers to pay more than 64 cents a pound for powder? These people could refuse, and would be really doing themselves only justice if they did refuse, to manufacture powder for that price. This is an emergency that may arise.

Mr. SHERLEY. Assuming that that price is a false price. If you do not grant your premise, there is nothing to your argument. If 64 cents is a fair price in time of peace, it would be a fair price in time of war on larger contracts.

Mr. BURTON of Delaware. As a matter of fact, I do not believe it is a fair price.

Mr. SHERLEY. But that is the question in issue.

Mr. BURTON of Delaware. I think, according to the gentleman's own statement, that the cost of manufacture by the Government is boiled down by the 6 per cent investment in the powder plant, and no one would be willing to invest money in a powder plant with a guaranty of only 6 per cent while it lasted. Then, there is another thing. No allowance is made for loss sustained by accidents entailing loss of life and property, and all such things, that the Du Pont Powder Company has always been very liberal in providing for.

Mr. COX of Indiana. I would ask the gentleman whether it is not a fact that the Du Pont powder people are now and have for the last four or five years been furnishing the Government all the powder that the Government has bought?

Mr. BURTON of Delaware. I think they have; and I suppose that is the only source from which the Government could get it.

Mr. COX of Indiana. Whether or not it is a fact that since the Government has gone into the manufacture of powder itself the Du Pont people have continued to sell to the Government, from year to year, its powder much more cheaply?

Mr. BURTON of Delaware. Cheaper every year?

Mr. COX of Indiana. Yes.

Mr. BURTON of Delaware. I think that is true, but it is also a fact that the price is agreed upon by officers of the Government and the company as a reasonable price.

Mr. COX of Indiana. Does the gentleman have or entertain any doubt that if this committee fixes the price at 64 cents a pound the Du Pont Powder Company will refuse to sell any of its powder to the Government at this price?

Mr. BURTON of Delaware. I do not know, but I am told, and I believe it is true, that they can not make any money manufacturing that kind of powder at 64 cents a pound. The gentleman from New York [Mr. FITZGERALD] a while ago said they had been charging extortionate prices whenever the Government was in trouble and needed their services.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Delaware. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURTON of Delaware. Mr. Chairman, I have here some correspondence, and I will ask to have that read at the Clerk's desk. That will show very plainly that the company in question has always dealt fairly with the Government and has never charged more, and will show, as a matter of fact, that during the Spanish war they put the price of powder down two or three times. These papers I send to the Clerk's desk and ask to have read. I think this correspondence will show that there is no foundation for the assertion of the gentleman from New York.

The Clerk read as follows:

E. I. DU PONT DE NEMOURS POWDER COMPANY,
*Wilmington, Del., February 16, 1909.*

Hon. EUGENE HALE,
*Chairman Committee on Naval Affairs,*
*United States Senate.*

DEAR SIR: In yesterday's debate in the Senate on the naval appropriation bill, when the so-called "powder trust" was under discussion,

we note your statement, on page 2432 of the RECORD, that if war should break out——

"I have no doubt they (referring to this company) would do what they did before when we were in trouble—put the price away up—and we would have to stand it."

Permit us to call your attention to the fact that the du Pont Company did not take advantage of the Government in any way during the late Spanish war, or at any time when the Government was in trouble. In fact, we reduced the price of powder and assisted the Government in every way in our power at that critical time.

One of the important traditions of the du Pont Company has always been, as it is now, not to take any advantage of the necessities of the Government in time of war, either by increasing the price for powder or otherwise. In the last war this company adhered strictly to this line of patriotism and duty. This statement can be verified by reference to the records of the War and Navy departments.

We respectfully call attention to the fact that the statement quoted does us great injustice, and we therefore hope you can see your way clear to correct it.

Very truly, yours,

E. I. DU PONT DE NEMOURS POWDER COMPANY,
By H. M. BARKSDALE, *Vice-President.*

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E. I. DU PONT DE NEMOURS POWDER COMPANY,
*Wilmington, Del., February 18, 1909.*

Hon. H. R. BURTON,
*House of Representatives.*

DEAR DOCTOR BURTON: We feel there is great misapprehension in Congress in regard to the treatment of the Government by this company in the matter of the purchase of explosives, especially in war time.

Senator HALE on the 15th instant made the following statement in the Senate, when the naval appropriation bill was under consideration:

"Mr. HALE. I have no doubt they (referring to this company) would do what they did before when we were in trouble—put the price away up—and we would have to stand it." (See CONGRESSIONAL RECORD, February 15, p. 2432.)

The fact is that the du Pont Company did not take advantage of the Government in any way during the late Spanish war, but, on the contrary, reduced prices of powder and assisted the Government in every way in its power at that critical time.

This was brought to Senator HALE's attention, and at the conclusion of the debate on the naval appropriation bill on the 16th he made the following statement to the Senate:

"Mr. HALE. Now, I wish further to say, as a personal matter, that I think yesterday I did an injustice to the powder-manufacturing concerns in stating what I heard and believed to be true, that they had heretofore in emergencies put up the price of their products and had made the Government pay undue prices. I have reason to believe that the statement which I made was incorrect. I regret that I made it, and I make this statement now in order to show that I do not now believe the statement which I made was justified by the facts." (See CONGRESSIONAL RECORD, February 16, p. 2527.)

For your information, and for the information of the House, if you see fit to use it, in connection with debates on the fortifications appropriation bill, we inclose herewith copies of the following letters:

Brig. Gen. William Crozier, Chief of Ordnance, United States Army, to E. I. du Pont de Nemours Powder Company, dated February 16, 1909.

Rear-Admiral N. E. Mason, Chief of Bureau of Ordnance, United States Navy, to E. I. du Pont de Nemours Powder Company, dated February 16, 1909.

H. M. Barksdale, vice-president E. I. du Pont de Nemours Powder Company, to Hon. EUGENE HALE, chairman Committee on Naval Affairs, dated February 16, 1909.

Very respectfully, yours,

E. I. DU PONT DE NEMOURS POWDER COMPANY,
H. M. BARKSDALE, *Vice-President.*

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DEPARTMENT OF THE NAVY,
BUREAU OF ORDNANCE,
*Washington, D. C., February 16, 1909.*

SIR: Referring to your letter of the 16th instant, requesting to be furnished with information as to the price paid by the Navy Department to the Du Pont Company for powder during and prior to the Spanish war—

1. You are informed that during the years 1894 and 1895 the price paid for brown prismatic powder—that which was used for service charges—was 33 cents per pound. In the year 1896 this was reduced to 32.175 cents per pound, and this was the price at which similar powder was purchased up to July, 1898, when the price was reduced to 29 cents per pound, and the company gave a rebate on previous deliveries, totaling 282,110¾ pounds, and this price (29 cents) prevailed throughout the Spanish war and until the navy succeeded in obtaining a satisfactory smokeless powder, when the brown powder was abandoned.

2. A considerable amount of smokeless powder was ordered during the Spanish war, but only a few pounds were delivered, as the manufacture of this powder was still in an experimental stage. The price paid at that time for smokeless powder was 80 cents per pound, the Government furnishing the alcohol.

Respectfully,

N. E. MASON,
*Chief of Bureau of Ordnance.*

E. I. DU PONT DE NEMOURS POWDER COMPANY,
*Wilmington, Del.*

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WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
*Washington, February 16, 1909.*

E. I. DU PONT DE NEMOURS POWDER COMPANY,
Care of Mr. E. G. BUCKNER,
*Room 31½, du Pont Building, Wilmington, Del.*

GENTLEMEN: In compliance with the request contained in your letter of February 16, 1909, I have to inform you that this department paid you the following prices, per pound, for powder during and prior to the Spanish war:

*Brown powder.*[a]

| | | Cents. |
|---|---|---|
| 1888 | | 27 |
| 1890 | 33 | to 37 |
| 1891 | 33 | to 37 |
| 1892 | | 33 |
| 1893 | | 33 |
| 1894 | | 33 |
| 1895 | 32.175 | to 33 |
| 1898 (except one lot at 32.175 cents) | | 29 |
| 1899 | | 29 |
| 1900 | | 29 |

*Smokeless powder for cannon.*

| | | |
|---|---|---|
| 1896 | | $1.00 |
| 1897 | | 1.00 |
| 1898 | $0.80 | to .85 |
| 1899 (90 per cent at 80 cents, 10 per cent at 85 cents) | .80 | to .85 |

Since 1899 the price of smokeless powder for cannon has been gradually decreased, until it is at present 67 cents per pound, with your company furnishing the alcohol.

*Black powder for small-arms ammunition.*

From 1888 up to and including the Spanish war the standard price paid your company by this department for black powder for small-arms ammunition was 18 cents per pound.

*Smokeless powder for small-arms ammunition.*

| Year. | Price per pound. |
|---|---|
| 1896 | $1. |
| 1897 | 92 cents and $1. |
| 1898 | 84½ to 92 cents. |
| 1899 | 85 to 92 cents. |

Since 1899 the price has remained practically unchanged. (O. O. 38877–490.)

Respectfully,

WILLIAM CROZIER,
*Brigadier-General, Chief of Ordnance.*

During the reading of the above,

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SMITH of Iowa. Mr. Chairman, I move that the gentleman's time be extended, in order to enable the Clerk to proceed with the reading of the letters.

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

Mr. BURTON of Delaware. Now, Mr. Chairman, I think that evidence shows conclusively that there never has been a time when the powder company imposed an unfair price on the Government when we really needed and had to have powder manufactured by it.

Mr. SHERLEY. I have never charged them with having asked an extortionate price in time of war; I am not dealing with that, but I am endeavoring to show that 64 cents is a proper price. That is the issue.

Mr. BURTON of Delaware. That is in reply to the gentleman from New York, who made the charge on the floor.

Mr. SHERLEY. I do not think the question is as to the good character of the trust.

Mr. BURTON of Delaware. I think that the price has always been reasonable, and I hope the amendment will be voted down.

Mr. LOUDENSLAGER. Mr. Chairman, I desire to say a word or two regarding this question, although I agree thoroughly with the gentleman in charge of this bill that under the provisions of this bill a very small amount of the smokeless powder of the Government will be purchased. I do not believe that there are many powder experts who are Members of this House. There may be two or three. I am not in the class. Smokeless powder is somewhat general in its description of a commodity. Smokeless powder has for years gone through an evolution as to the commodities entering into the production and as to the size and shapes of the products made. All of these changes have been brought about by experiments of a very costly nature, both in material and in lives of the persons who have been experimenting. I know as a fact that at the present time the powder companies are engaged in experimental tests of new powder which, if they prove successful, will be of great importance to this Government, but which can not be purchased at twice the price per pound named in the amendment. It is like the other new processes, which brought the price down from $1.09 to 67 cents. I do not know what the actual cost of powder is. I do know that the Government experiments very little in this matter, but depends largely upon the outside people to carry on these experimental tests. A few years ago, in my district, in one of these experimental tests,

[a] Many different grades of brown powder and prismatic cannon powder were procured, and the figures given above pertain only to brown prismatic powder for cannon, which constituted the greater part of the brown and black powders procured.

eight lives were lost in an explosion, one of them an army officer who was there witnessing this test. It seems to me that in the consideration of the cost of the production of this smokeless powder these things ought to be taken into consideration as something affecting the cost of powder. No matter if both the House and the Senate have heretofore voted on this price, and have now received more enlightenment upon the subject, it is possible for some men to change their minds at given times.

Mr. SMITH of Iowa. Mr. Chairman, I do not desire to discuss this question further and want a vote at once, unless some one asks for recognition; if not, I wish to close debate.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

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

On a division (demanded by Mr. SHERLEY) there were—ayes 56, noes 66.

Mr. SHERLEY. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers (Mr. SMITH of Iowa and Mr. SHERLEY) reported that there were—ayes 65, noes 74.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 27864. An act granting a right of way over a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, 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. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

FORTIFICATIONS APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

In the Philippine Islands, $1,000,000: *Provided*, That contracts may be entered into, under the direction of the Secretary of War, for materials and work for construction of seacoast batteries in the Philippine Islands, to be paid for as appropriations may from time to time be made by law, for an additional sum not to exceed $600,000.

Mr. DRISCOLL. Mr. Chairman, I reserve the point of order on the proviso. I wish to ask if it is determined where these fortifications are to be built.

Mr. SMITH of Iowa. Mr. Chairman, I will be glad to explain that. A year ago in presenting the fortification bill I stated the plan was to fortify Manila Bay by fortifying four islands, the chief fortification being at Corregidor, near the northern part of the entrance to Manila Bay; then across at Carbabon, an island at the southern side of the entrance to the bay; and then upon two other islands lying farther in the bay and closer together, Cabello and El Fraile. This is for the fortification of El Fraile.

Mr. DRISCOLL. Where is that with reference to Corregidor?

Mr. SMITH of Iowa. It will be to the south and east of Corregidor. It is on the opposite side of the entrance to the bay from Corregidor, and is the first of the two islands necessary to the second line of defense. It is important that it be fortified now, for this reason, that while the plan contemplated the fortification of Cabello, on the northern side of the entrance to the bay, Corregidor is so strongly fortified that it well serves for the northern side until both islands on the south side of the entrance are fully fortified. This fortification at El Fraile is described as making it in the nature of a stationary battle ship. It is scarcely large enough for an ordinary fortification, and it was the plan of the War Department a year ago to construct another island in the place of El Fraile and establish the defenses thereon.

It is contemplated to cut away the top of the rocky island and install two great turrets like the turrets on a battle ship. This island will then be equipped with all the ordnance contemplated to be had on the artificial island, which would have cost $15,000,000, and this defense will cost, in round numbers, $2,210,000.

Mr. DRISCOLL. Is this not a part of a plan or determination to put permanent fortifications in the region around Manila?

Mr. SMITH of Iowa. This has nothing to do with the controversy between Subic and Manila bays.

Mr. DRISCOLL. But you are not spending any money in Subic Bay.

Mr. SMITH of Iowa. We have completed the fortifications at the entrance of Subic Bay so far as called upon by the War Department.

Mr. DRISCOLL. When you leave this appropriation of $1,000,000, it looks like a permanent fortification around Manila.

Mr. SMITH of Iowa. These are permanent all right. The gentleman need not be disturbed about that. This has nothing to do with determining whether Subic Bay or Manila Bay is to be our ultimate base.

Mr. DRISCOLL. I do not believe in putting our permanent fortifications there anywhere in Manila Bay; but I do believe in putting fortifications in Subic Bay, for a naval base, or some place else where this Government can maintain it when it gets ready to get away from the occupation of the islands. Therefore I will insist upon the point of order to this proviso.

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

Mr. SMITH of Iowa. I trust the gentleman will not insist upon the point of order, for this reason. I am not certain that the point of order is well taken; but the only purpose of this being prepared in this form is that we might appropriate this year the money that can be used for the next fiscal year and authorize its expenditure in accordance with a specific plan.

Now, if this proviso goes out, it will not save the Government a dollar of money now or hereafter, and it may compel me to offer an amendment to increase the appropriation from $1,000,000 to $1,600,000.

Mr. SHERLEY. I will say to the gentleman that if he does not, I shall certainly offer such an amendment, if the proviso goes out.

Mr. SMITH of Iowa. This work at El Fraile will cost for grading and for engineer work $1,600,000. It will cost for the guns $610,000 more, or $2,210,000. Now, we want to avoid the appropriation of that money, if possible, at this time, in the present state of the Treasury, by making in the bill an appropriation of $1,000,000 toward the $1,600,000 for engineer work and $300,000 toward construction of the guns to cost $610,000, and authorize the expenditure of the money which is not appropriated up to a total cost of $2,210,000. If the point of order is made and sustained, I say unquestionably we will have to increase this from $1,000,000 to $1,600,000, and when we come to the guns to go in these turrets I will move to amend by increasing the appropriation from $547,000 to $857,000.

Mr. DRISCOLL. That is a good deal of a threat.

Mr. SMITH of Iowa. It is not a threat. It is simply to show the gentleman what a mistake it would be to appropriate money now when we can go ahead with the work and appropriate the money next year.

Mr. DRISCOLL. I move to strike out the paragraph and test this thing and see if the House will stand for this expenditure.

Mr. SMITH of Iowa. I trust the gentleman will withdraw his point of order on this explanation. It seems to me he ought to.

Mr. KEIFER. Does the gentleman concede that the point of order is well taken?

Mr. SMITH of Iowa. I am not sure whether it is or not.

Mr. DRISCOLL. I do not want to do anything that will cost an extra $600,000.

Mr. SMITH of Iowa. It will cost $900,000.

Mr. DRISCOLL. I certainly never have done anything of that kind.

Mr. PERKINS. I should like to have the opportunity of asking a question.

Mr. SMITH of Iowa. Does the gentleman from New York withdraw the point of order?

Mr. DRISCOLL. I reserve it to allow an answer to the question.

Mr. PERKINS. How much has been paid already for fortifications of the Philippine Islands? About how much? I do not care for the exact amount.

Mr. SMITH of Iowa. It is about $8,000,000.

Mr. PERKINS. How much more is it contemplated to spend in fortifying the Philippine Islands?

Mr. SMITH of Iowa. The fortifications at El Fraile will cost $2,200,000. The fortifications at Cabello will cost about $1,900,000, if my memory serves me correctly. They are not in immediate contemplation.

Mr. PERKINS. How much will the whole scheme of fortifying the Philippine Islands cost this Government?

Mr. MANN. Does the gentleman think he can pledge future Congresses?

Mr. PERKINS. No; but the scheme at present in contemplation.

Mr. SMITH of Iowa. Roughly speaking, $12,000,000; in that neighborhood. I am not vouching for the accuracy of those figures.

Mr. PERKINS. I should like to ask the gentleman whether the expenditure of $12,000,000 in fortifying those islands is approved by his own judgment?

Mr. SMITH of Iowa. It certainly is as to these items in this bill. There has never been the slightest doubt about it.

Mr. PERKINS. How much of the $12,000,000 is represented by the items at Manila?

Mr. SMITH of Iowa. Most of it.

Mr. PERKINS. What is the object of the fortifications at Manila?

Mr. SMITH of Iowa. The object is to make Corregidor an absolutely invulnerable point; a point where, if the worst ever comes to worst, and if any foreign power takes possession of the Philippine Islands, this fortress can be held for more than a year, and the American flag kept flying in those islands.

Mr. PERKINS. Does the gentleman anticipate any immediate danger of any foreign power attempting to take possession of those islands?

Mr. SMITH of Iowa. I think it is possible at all times, just as much so as any place else, and more so.

Mr. PERKINS. Does the gentleman think the fortification of the Philippines is required against that possibility?

Mr. SMITH of Iowa. I do.

Mr. PERKINS. And would the gentleman be as much in favor of fortifying the Philippines as of fortifying our own territory?

Mr. SMITH of Iowa. More so.

Mr. PERKINS. Why?

Mr. SMITH of Iowa. Because they are less protected, less defended, and more exposed.

Mr. PERKINS. But it is not a question of exposure, but of the value of what is protected.

Mr. SMITH of Iowa. I beg the gentleman's pardon. There are several things to be taken into consideration: First, the value of the territory; second, the means of defending it, the degree of exposure, and how far provision has been made for its defense already.

Mr. PERKINS. In this case is it intended to preserve a military base there, or is it the plan to fortify those islands as thoroughly as we would fortify Massachusetts, on the theory that we are going to defend those islands as we would defend Massachusetts or New York?

Mr. SMITH of Iowa. I have only this to say, that neither the War Department nor the Committee on Appropriations have any power to define the future policy of America, but just as long as those islands belong to the United States, I would defend them and fight for them just as much as I would for Massachusetts.

Mr. PERKINS. Then the theory of the committee is that it is wise to fortify the Philippines as you would fortify the seacoast of Massachusetts.

Mr. SMITH of Iowa. I say that I would not let any foreign power take the Philippines by force from this people, whether we want them or not. [Applause.]

Mr. PERKINS. I should like to ask the gentleman upon what theory he thinks any foreign power would want to attempt to take possession of the Philippines?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. I ask unanimous consent that it be extended five minutes to answer these questions.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PERKINS. Does the gentleman contend, as a statesman and a student——

Mr. SMITH of Iowa. I do not plead guilty to either of those designations. [Laughter.]

Mr. PERKINS. As a military expert, then, does the gentleman really think that it is probable that some foreign power would attack us in order to wrest from us the possession and occupation of the Philippine Islands, that they might have charge of them instead of us? Does the gentleman think there is a probable contingency of that happening?

Mr. SMITH of Iowa. My judgment is, Mr. Chairman, that whatever power might be at war with us would seize those islands, not because especially of their value, but because every man knows that the American people will never submit to have taken from them any portion of American territory as long as they have the power to go and take it back. [Applause.]

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

Mr. DRISCOLL. Mr. Chairman, I have consistently tried so far as my vote has gone to avoid doing anything which would tend to tie up the Philippines to this Government when the time comes when we can honorably get rid of them. I am one of those who have always sincerely regretted that we ever got into the Philippines, which I consider an unfortunate and un-American entanglement; and I hope that I, or at all events some of my colleagues on this floor, may live to see the day when we are honorably out of them. With that end in view I have voted against all contracts and leases on the part of this Government for rights or concessions in the islands and against large appropriations for permanent fortifications which can not be retained by this country in perpetuity, and against all other propositions of every kind that would tend to tie us up there permanently when the time comes when we can honorably and consistently with our obligations surrender up American occupation of the islands to the native people.

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

Mr. DRISCOLL. Yes.

Mr. TAWNEY. Does not the gentleman think that it would be wise in any event to retain a naval station there?

Mr. DRISCOLL. Yes; I have always been in favor of retaining a station there permanently for a naval, coaling, and military base, and indirectly for the benefit of our trade and commerce in the Far East.

Mr. TAWNEY. Then, how are you going to get rid of fortifying them?

Mr. DRISCOLL. I have always believed that we should not keep Manila or Cavite or any place on Manila Bay as a permanent naval base. I have believed, and believe now, that Olongapo, on Subic Bay, is really the most favorable site by nature, location, and by reason of its large and fine harbor to be retained by this country as a permanent naval base when we get ready to let go the remainder of the archipelago.

Very soon after the battle of Manila Bay, when it was well known by all the world that Spain was defeated and we could retain the Philippine Archipelago if we so desired, President McKinley was in favor of retaining one island of the group conveniently located, with a good harbor, on which we could build our own improvements for a permanent naval and coaling station, and surrender our claim to the rest of the archipelago. That idea was wise, sound, and patriotic then, and it is now. But it appears that there is not an island conveniently located which will meet all the conditions for a permanent naval station, and therefore if we appropriate such a station we may be compelled to appropriate Olongapo and a small territory surrounding Subic Bay for that purpose. If we surrender our occupancy of the archipelago, we should do so honorably and completely and in good faith.

Therefore, we could not consistently surrender to the people the balance of the archipelago and hold the island of Luzon, because that is the largest, the richest, most prosperous, and the most highly civilized of the whole group. Neither could we surrender up the island of Luzon save only the city of Manila, and hold on to that permanently as a naval, coaling, and military station, because Manila is the largest, and, I think, the only, city in Luzon, and really the heart of that island. And no nation would give us credit for good faith and permanent surrender of our occupancy if we should hold the city of Manila and surrender the balance of the island. Nor can we let Manila go and hold on to Cavite as a permanent naval base, because Cavite is so close to the city of Manila that guns from the fortress at that point could easily be trained on Manila; and, therefore, Manila would constantly be under the power of the garrison at Cavite. Nor could we yield up Manila and Cavite and consistently retain the island of Corregidor, because a strong fortress on that island would command the whole situation, Cavite, Manila, and Manila Bay, and would be a constant menace to the archipelago and the independence of the people. Therefore, when the time comes that we are ready to evacuate the islands and surrender them up to the people thereof, in order to be consistent and honorable in so doing we must withdraw our troops from Manila, Cavite, and Corregidor and all places surrounding Manila Bay.

For that reason I have always opposed the spending of large sums of money for permanent fortifications on Manila Bay, to the end that when we get ready to let go of the islands we will not have to surrender up fortifications on which we have made very expensive improvements; but that we should spend our money on permanent improvements at Olongapo on Subic Bay, and retain that port and harbor as a permanent naval base.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRISCOLL. I ask for two minutes more, because I am going to withdraw the point of order.

Mr. SMITH of Iowa. I hope the gentleman will have two minutes more if that is the case.

The CHAIRMAN. The gentleman from New York asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. DRISCOLL. Mr. Chairman, I am strongly persuaded to yield to the urgent request of the gentleman in charge of this bill that I withdraw the point of order in the interest of economy. He and the subcommittee of which he is chairman deserve the thanks of this House and of the whole country for this very moderate and conservative appropriation bill.

It is nearly $1,400,000 less than the current appropriation act and less than 46 per cent of the estimates submitted to them. While other appropriation bills for our military establishment, including those for the army and navy which have been brought in and passed by the House this session, were extravagantly large and much greater than those of last year, this bill for fortifications is modest and reasonable, when you consider the demands made on these gentlemen. I am proud of this subcommittee. They are to be congratulated on their courage and patriotism. It is manifest that they were not carried off their feet by the war talk which is indulged in annually in the advent of appropriations for our military establishment and which, in a very exaggerated degree, we heard yesterday afternoon from the gentleman from Alabama [Mr. HOBSON]. Such bellicose thunderings can serve no good purpose and may possibly have the effect of causing our friendly neighbors in the family of nations to suspect that we are preparing for war on them. Such violent war talk is not needed nor in good taste and should not be permitted to go to the country from the floor of this House. There is no danger of war if we behave ourselves and mind our own business, which every nation, as well as every individual, should do. We have not had a foreign war since 1812 except by our own making. The civil war proved to the world that Americans can and will fight when a vital principle is at stake. The dominant European powers are busy watching each other, and it would be suicidal for any of them to make war on the United States.

The Japanese are a patriotic, brave, and martial people, and will fight to the death rather than be imposed upon. But the Island Empire of the Rising Sun is small in area, not much larger than Great Britain, and but a very small percentage of that is arable land. They must cultivate their fields with the greatest care and skill and live in the most frugal manner in order to keep the wolf from the door. We waste more per capita than they subsist on. Their natural resources were well-nigh exhausted in their war with Russia, and should they engage in war with this country they would have no credit in the money centers of the world. The resources of this country are so large and diversified that we could maintain a foreign war indefinitely without feeling it very much. We would perhaps be compelled to practice a little economy and deny ourselves a few luxuries, which would be a good thing for our bodies and souls. The Japanese are as well acquainted with our country and people as we are with their country and people. They are sensible and practical, and not foolish enough to commence war on the United States; and we have no disposition to make war on them. Hostilities between these two nations is out of the question, and the committee showed its good sense in trimming down this appropriation bill for fortifications in order that the money may be turned to some useful purpose.

The gentleman from Iowa [Mr. SMITH] says that if I insist on this point of order, and if this paragraph is stricken from the bill, he will introduce an amendment which will carry $1,600,000, whereas this paragraph carries only $1,000,000. I am an economist. [Laughter.] I do not believe in that sort of extravagance, especially when the money is to be invested in fortifications in Manila Bay. I believe the gentleman will do what he says, and I do not know but the House will go with him in this measure; and rather than take the risk, and in consideration for the good work he has done in preparing this bill, I withdraw the point of order. [Laughter.]

The CHAIRMAN. The point of order is withdrawn.

Mr. KEIFER. Mr. Chairman, I move to strike out the last word. I do not want to take the time of the committee in discussing this matter. The gentleman from Iowa stated several good reasons why we should fortify at the mouth of Manila Bay. After indorsing all that he says, I want to call attention to another reason. We heard yesterday a most eloquent speech on the importance of having a fleet upon our Pacific coast equal to that of the greatest naval power in the world, in order that we might save that coast from being taken possession of at some early date possibly. I believe that if we fortify, as is proposed to be done by this bill, Manila Bay so that we can have a naval station and fortifications there of a suitable character, where we can have a few ships and troops sufficient to hold the bay and Manila completely against all the world, and also have another naval station and fortifications, as is provided for also at Pearl Harbor, near Honolulu, Hawaii; when we have entirely fortified these places as great Gibraltars against any foreign power that might seek to attack our Pacific coast States, we will have done enough in that direction, and we will not be called upon to maintain on the Pacific coast more vessels than we now regularly have there. But if we do not safely fortify these outlying harbors, all the battle ships we now have would not be, according to the gentleman from Alabama [Mr. HOBSON], a protection against Japan alone. I do not agree with him in all respects on this question, but there is much force in his prophecy as to the possibility of war at no distant day. We can not foretell what these now elated people might do if we remain in an unprepared state. All the talk about danger on the Pacific coast means that we are afraid of little Japan.

We have gotten the idea that because Japan defeated in her state of preparation the great Russian Empire, it could come over and take the United States some time before we had time to get ready to meet the assault by water. She might undertake to take our far-off island possessions, if we leave them exposed. The gentleman on my left, the gentleman from New York [Mr. PERKINS], seems to think that Massachusetts ought to be protected. I agree to that; but I am not afraid of an army being landed up in Massachusetts. We would gather an army up from the States of the Union and be there close to the shore defending the endangered homes of the people there, but we could not so easily do this upon the Pacific coast. My belief is that with perfect fortifications at Manila and at Honolulu we would have in the rear of any fleet that would attempt to sail from Japan or any other oriental country to our Pacific coast a power sufficient to warn them away. No naval power will sail by those places and come to our Pacific coast. If we have vessels in their rear, they could not communicate with their own country, they could not get supplies from home, they could not get fuel, and our coast would be entirely safe.

We are not now strong enough on the sea to divide our navy into two fleets and keep one on the Pacific and one on the Atlantic coast.

I submit a statement showing the comparative strength of our navy with other naval powers. The following table, taken from the Navy Year Book of 1908, shows the strength and relative strength of the principal naval powers of the world in battle ships of 10,000 tons and over and armored cruisers—built, building, and provided for:

| | Number. | Tonnage. |
|---|---|---|
| Great Britain: | | |
| Battle ships | 61 | 910,330 |
| Armored cruisers | 39 | 485,600 |
| Total tonnage | | 1,395,930 |
| United States: | | |
| Battle ships | 31 | 449,796 |
| Armored cruisers | 12 | 157,445 |
| Total tonnage | | 607,241 |
| Germany: | | |
| Battle ships | 31 | 414,486 |
| Armored cruisers | 11 | 133,768 |
| Total tonnage | | 548,254 |
| France: | | |
| Battle ships | 26 | 357,132 |
| Armored cruisers | 22 | 216,232 |
| Total tonnage | | 573,364 |
| Japan: | | |
| Battle ships | 15 | 233,444 |
| Armored cruisers | 15 | 175,001 |
| Total tonnage | | 408,445 |
| Russia: | | |
| Battle ships | 15 | 200,969 |
| Armored cruisers | 6 | 63,166 |
| Total tonnage | | 264,135 |
| Italy: | | |
| Battle ships | 15 | 212,846 |
| Armored cruisers | 10 | 78,513 |
| Total tonnage | | 291,359 |
| Austria: | | |
| Battle ships | 6 | 74,300 |
| Armored cruisers | 3 | 19,020 |
| Total tonnage | | 93,320 |

Mr. SLAYDEN. Mr. Chairman, I move to strike out an additional word, with the idea that it will improve the section. Its abolition might be even better.

Utterly detesting, as I do and have always done, the entire colonial venture in Asia, it has been my fate as a Member of this House and of the Committee on Military Affairs to help in a humble way make bills for ten years that have added enormously and with a progression that is startling to the expenses of the people. I sincerely believe that if we did not have the Philippine Islands there would never be any threat of hostile complications between Japan and China or any other oriental country and ours. I honestly believe that if the American Congress did not have that incubus on its hands it would reduce the annual military and naval expenses of the Government by as much as 50 per cent. But as long as we have them, I conceive it to be our duty to make all reasonable preparation for the security of the lives of our people who are sent there and for the protection of American property. I hope that the time will speedily come when the American people will see and will compel the American Congress to see a fact which seems to me to be so plain that every man in the world who runs may read, and that is that the honorable way of exit from the Philippines is just to get out.

The people of the Philippine Islands do not want us there. We are imposing a government upon them which they do not desire. Even the municipal governments of the Philippine Islands, according to editorial utterances I have recently seen, are not satisfactory to the localities on which they are imposed. As to the naval station suggested by my friend, the chairman of the Committee on Appropriations [Mr. TAWNEY], I would like to know whether it has yet been agreed by our officers who are presumed to have tactical and topographical knowledge what point is best suited for that purpose. As I recall it, there has been a debate here year after year since we had the unfortunate alliance with those islands as to which was the better point, Cavite or Subic Bay; and so far as I am concerned I have never been able to arrive at a determination on that question. I do believe that it would perhaps be wise for us to have a naval station there. That we can get honorably; that we can get by treaty; and then there is no occasion for us to remain in the Philippine Islands, imperiling the peace of this country and spending scores and hundreds of millions of dollars of the public funds of the people of the United States in order to assert a governmental control over people who do not want it.

My friend from Iowa [Mr. SMITH], if I understood him correctly, made a statement a moment ago that I did not entirely sympathize with. I believe he said that he would defend the Philippine Islands as long as they were in our possession with all the ardor and with as much strength as he would Massachusetts. Whether he takes too high a view of the Philippine people or too low an estimate of the people of Massachusetts I do not know.

Mr. SMITH of Iowa. The estimate in both cases was on my pride and not on either people.

Mr. SLAYDEN. I suggest that I would expend more treasure, and I might be willing to sacrifice more blood—perhaps by substitute—in the defense of Massachusetts than I would of the Philippine Islands. I want to get away from the islands, and I do not want to impose these burdens that are increasing with such startling proportions on the people of this country.

When the Secretary of War, now the President-elect, was in the Philippines in 1903, he made a speech at Manila in which he spoke of the discouraging fact of race hostility. He seemed really surprised that it existed. No one else—certainly no one with a mental equipment aproaching the fine endowment of Judge Taft—is surprised at it. It is as old as the division of men into different races and as ineradicable as the dye in the skin of the African. I quote from Judge Taft in a speech made more than six years ago:

> Were I assured that the present attitude of the majority of American merchants and the American press would be permanent, and if I did not confidently hope that there must be a great change in the future, I should be very much discouraged in respect to the result of the experiment which the United States is making in these islands.
>
> A purely racial hatred is one of the most difficult things possible to overcome, and if it is founded on permanent conditions, it is almost hopeless to look for its ceasing. But I am not discouraged, because I am sure that the next decade will change the conditions in the respects which I have described—changing them most radically.

The Associated Press has brought us a brief—an altogether too brief—report of the speech delivered by Governor-General James F. Smith to the Philippine assembly February 1 of this year. He is reported as deploring "the growing gulf between the Americans and the Filipinos in the Philippines." Both these distinguished gentlemen may as well reconcile themselves to the fact that there is race hostility—"race hatred," as Mr. Taft calls it. It will last as long as grass grows and water runs.

And unless the Filipinos contradict every fact of history, unless they belie everything we know of men, white, black, red, or yellow, there will be a "growing gulf" between them just as long as one race tries to govern another. It is not in nature for one race to govern another with the consent of the governed, and therein our Philippine policy runs counter to what was once Americanism, but is now out of vogue.

There are still a few people left who try to persuade us that we are in this colonial venture from purely altruistic motives. When they hear themselves talk that sort of stuff they must feel like those more ancient humbugs, the Roman augurs, who, knowing the insincerity of their own pretensions, winked at each other as they passed in the streets.

There are, I suppose, a few dreamers who really deceive themselves about these matters. A few believe—as many pretend to believe—that we are squandering our money and sacrificing the lives of our soldiers to uplift the Filipinos.

The supporters of Asiatic colonial enterprises are controlled by diverse reasons.

The evangelical Protestant clergy were glad of an opportunity to preach the gospel according to their views. A few people do so because it makes official places and offers opportunity for promotion in the civil or military service. But of those who do indorse it, far more than 90 per cent are controlled by the same motive that makes the dishonest grocer put sand in his sugar—profit.

The most of our people do not care anything about the salvation of the soul of the Filipino nor for his political welfare. They view him as the average Englishman has always viewed the East Indian—that is, as an economic asset. He is regarded for what we can make out of him by the sale of beer, clothing, or machinery—and nothing more. I wish we could strike out of this bill every paragraph that refers to the Philippine Islands. I wish we could strike it out of every bill that we pass, for that matter. The money we have squandered in a thankless job would give every harbor in North America a good 40 feet of depth and would make all our great streams navigable all the year round. It would augment our trade by giving us better facilities for business. It would make our home people more comfortable and happier and would be more agreeable to the Filipinos themselves. Then, after all, viewed from the purely business standpoint, the Philippines are a gold brick. They have no important commerce with us, and never will have, compared with that of Canada or Mexico on our own continent.

The gentleman from Alabama [Mr. HOBSON] spoke yesterday of the Chinese trade and of its vast importance. He is mistaken about that. In the aggregate it is small, and when we divide it by the whole number of Chinamen it shows that as customers they are individually of no value. They earn very little and they consume less. They are not as important from the business point of view as the half-naked, barefooted Indians of Central and South America. But they are more important in another way. As artisans in certain lines, they have very great skill. They will never be of much value as customers, but they do promise to become important as competitors; and I believe that in less than fifty years they will undersell us in the cotton-textile markets of the world. Chinese labor requires less—so much less that they will thrive on what an American laborer will waste. They work for a wage that our people would starve on. And yet gentlemen think such markets are worth an abandonment of American principles—like just government being based on the consent of the governed—and the frightful expense of our administration of the affairs of a remote and alien people.

I send to the Clerk's desk two editorials from a Philippine newspaper—El Renacimiento—that I desire to have printed with my remarks.

*Voice of the Filipinos.*

[El Renacimiento, Manila, November 30, 1908.]

TAFT'S TERM OF PROBATION.

Are the Filipinos able to govern themselves? This great question has been discussed ever since the American occupation of the Philippine Archipelago.

By a remarkable and unexpected series of events the destiny of this people was placed in the hands of the United States. The accomplished fact supersedes right and reason and renders fruitless any discussion of the transcendental problem why the Filipinos should not have been left masters of their own destiny and of their own fate.

A military occupation; the treaty of Paris, by virtue of which Spain ceded to the United States the archipelago known as the Philippine Islands, in return the United States paying to Spain $20,000,000 for the renouncement of her former rule; the establishment of sovereignty and the use of power to maintain it, have become absolute and positive facts constituting as many incontestable arguments. But the bitter wrong is supposed to be changed to a benefit because the United States, when taking possession of the land and asserting their rights thereto before the nations as conquerors, declared themselves to us as a race

of deliverers, an extraordinary and unique race in its traditions and its history, especially unique among the nations of the earth on account of its principles and ideals which would impel them to assist us in the realization of our desire and longing for that liberty and independence for which we had been fighting; just as a century before that same Nation had been fighting for its own independence and liberty and had only recently undertaken a bloody war for the purpose of delivering Cuba.

Why should the Filipinos not be masters of their own destiny and arbiters of their own fate? Thus spake America, through the mouths of its leading statesmen, after having favorably decided the same question concerning the Cubans in the Gulf of Mexico. But this Nation, free by tradition and by nature, this generous deliverer, found an answer in the discovery that we were incapable of self-government, and since, according to oft-repeated and solemn statements, its object was to assist us in the realization of our national aspirations, it could only suggest that we might be granted our independence when we became capable of governing ourselves, the sovereign nation undertaking to prepare us suitably for such a condition.

Ten long years have passed in this preparation, ten years of guardianship, ten years of painful experience, ten years of bitter deception, and as yet the problem remains unsolved. Very small indeed has been the progress made in that respect. Our advance is very slow; at least such is the opinion of Mr. Taft.

This old assertion of our incapacity is the stock argument of the smart imperialist politicians who clamor for American expansion. Among the most prominent of these is the President-elect of the United States. With what ingenuity does he evade the responsibilities of the situation.

In his report, after enumerating the failures of the Filipinos in municipal government, which he calls the essence of self-government, Mr. Taft says:

"This statement of the failure in municipal government should not discourage those who are interested in the outcome of the experiment. They should remember that in the United States municipal government has not been an absolute success either, and, after all, the defects pointed out do not exist in all Philippine cities; reference has only been made to such defects to demonstrate my assertion, and I do not hesitate to repeat that municipal governments are making good progress and are gradually fulfilling the ends for which they were created, although not as efficiently as in a nation accustomed to govern itself, better prepared for the exercise of its rights, and imbued to the highest degree with the sense of public duty.

"When those who are responsible for this autonomic policy for provincial and municipal governments assure us that their success is complete, they confirm the opinion of the enthusiastic theorists who are a priori convinced of the capacity of the Filipinos for self-government. When, on the other hand, others condemn the defects of such local governments, their verdict is welcomed by the pessimists and the advocates of the English colonial system, who regard it as a confession of failure, as a proof that the administration has been too quick and premature in conceding powers of local government.

"Truth, as I understand it, lies between the two extremes, and while the policy adopted does not insure the best municipal government that can be obtained under American officials, it established, nevertheless, a good government in which experience and practice and educational influence are slowly but steadily removing and curing the defects which come from the lack of political education and from the lack of adequate political ideals.

"The result does not show that the Filipinos are capable of complete self-government, but it does not show, either, that they can not reach a condition of capacity therefor and finally arrive at absolute self-government by means of the gradual extension of a partial self-government, extended as they gradually grow more and more capable of enjoying it."

Such is the manner in which Mr. Taft defines our political aptitude. Incapable at present, yet endowed with qualities to attain final capacity by means of a slow preparation, so slow as to be simply disheartening.

Is this all the result realized by the Philippine nation in ten years of submission to a foreign guardianship? Sad destiny indeed for the Filipinos!

Furthermore, the sincerity of Taft may be doubted. In the imperialistic designs which betray themselves in the stronghold of genuine democracy, the Philippine Archipelago looms up as a most valuable prize—the open gate to China, the key of the Pacific, a strategical basis, a naval station, an inexhaustible source of coal and wood. Of course, therefore, ours must needs be a nation incapable of self-government for generations yet to come.

Let no one say that those who feel such sad presentiments and distrust are only the radicals, the theorists, the demagogues among us. No; far from it. The most conservative Filipinos, the friends of the Government, those who have been ardent partisans of the American sovereignty do not hide their fear now lest the dominating element to-day will before long be the owner of the entire country, and they do not hesitate to denounce the educational period of two generations which Taft has indicated.

The Philippine nation aspires more ardently with every passing day to be independent. To realize this sublime ideal alone, it has submitted to the conditions of American sovereignty. Only the hope of independence animates it to labor with a fervor that has never grown cold. It hopes, because it has confidence in Providence, in its own virtues, in the traditions of a democratic and free America. It is this hope which preserves peace in the Philippines.

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[El Renacimiento, Manila, November 13, 1908.]

TO CÆSAR ALL OR NOTHING.

It is not through the dread of any fair competition that the entire Philippine press expresses its fears of the policy of "equal chances for all," so emphatically urged by the present Secretary of War, Luke E. Wright. That principle would be just and would without doubt promote competition of a desirable sort in the case of any definite and well-regulated national existence. In a country conquered by armed force, while its people aspire to a national existence, securing its own economic and social life, this principle is unfair and pernicious.

We ask whether the doctrine of a like chance for all can really call forth the stimulus of competition, whether this principle can apply under a government entrenched in a policy of the most radical protectionism. A mere superficial analysis shows that this principle is belied by its practical application. In America individuality, the efficiency and skill of the workman, political freedom, and an education intended to develop all possible energy for the struggle of life, have not sufficed to maintain in practice the principle of "equal chances for all," and by a possibly atavistic phenomenon the very same freedom, individualism, and unrestricted materialism have called forth powerful monopolies, known as "trusts," which kill all free initiative and competition.

As a result of this abnormal condition America is to-day known as country of the great "combinations," powerful agencies which impoverish and absorb the blood of the people.

In our country, subjugated by a conqueror without moral or ethnological affinity with us, what value can that phrase of "equal chances for all" possibly have? Even supposing that Americans and Filipinos had the same training and skill, and supposing that they had the same resources so as to enter the strife under equal conditions, is it to be believed that the natives would find the same protection that American enterprise, coming here to do business on a large scale, could reckon upon? Let facts speak for themselves. A government of commercial expansion, a government greedy of gold and riches, a government that at home fails to hinder absorption and to kill monopoly, a government fanatic in protectionalism, that builds tariff walls in order to protect special interests and trust-controlled products is even less likely to concern itself with our interests than with those of its own people.

This principle, entirely aside from the fact that it is in direct contradiction to the spirit of American political economy, is an absurdity in its application here. How are we, the Filipinos, going to start competition when we have no large capital such as the trusts possess, when we are unskilled in the control of the forces that have evolved the large combinations which decide the final outcome of competition? You Americans are abreast of all these things. You know and possess the means for this purpose. You have at your disposal all your many departments of investigation. If you want to know the value of woodland, with mathematical exactness for a safe investment and exploitation, you have at your disposal experts who will make a technical report and give all information necessary in the case; if you want to know the wealth of a mine, its availability, its exact situation, the steps that must be taken to secure the concession therefor, you have at your disposal the same experts who will report on the inwardness of the matter, all that is hidden from the eye of the layman and inaccessible to us; if you wish to know the resources of a tract of land that some company or other wishes to exploit, desiring to find out the chances it offers and the best place for the railroad to cross it, you have at your disposal bureaus of technical information with all their resources and plans to give whatever knowledge is desired.

If you are interested in some park scheme supposed to be a public convenience, to develop which tramways are indispensable, you have the means to get estimates, to have the necessary sums voted, and cause the purchase of what may be a worthless swamp without the public becoming "wise," all requirements of the law to the contrary notwithstanding.

You say we are afraid of competition. No; competition does not exist, nor can it ever exist under a foreign government. What we are afraid of is absorption, monopolies, special privileges given "for good," the death of our nationality, our annihilation as a nation, economic slavery, the most barbarous of all slaveries. When you, with your energy, your skill and labor efficiency, your wealth, and your national power, close your doors to the Oriental who comes to your country, not in search of equal chances, but of any chance at all, for making a living, lest your own welfare should be jeopardized ever so little, why should we Filipinos not be afraid when we are challenged to what you choose to call a battle of "equal chances?"

Aut Cæsar aut nihil. This is the true meaning of the principle of equal chances applied in subjugated countries. Everything else is illusory and wrong. To Cæsar everything or nothing.

Mr. PERKINS. Mr. Chairman, I move to strike out the last two words for the purpose of asking one more question of my friend, the military expert from Iowa. Mr. Chairman, I want to ask if an estimate was not prepared a year or two ago by the military authorities of the Government looking to the matter of the fortifications of the Philippines at an estimated cost of $15,000,000. Is that right?

Mr. SMITH of Iowa. Well, the name with which the gentleman started his question deluded me, and I did not realize that the gentleman was addressing me. It is true that a plan existed at one time to build an artificial island, and the amount was estimated at $15,000,000.

Mr. PERKINS. Was that the recommendation of the military authorities?

Mr. SMITH of Iowa. It was.

Mr. PERKINS. What is now being done?

Mr. SMITH of Iowa. They have decided they could cut out the top of this rocky mountain, El Fraile, and mount two turrets, and on those turrets they would mount the armament.

Mr. PERKINS. In other words, they will reach the same result at an expense of something like $2,000,000 or more that was contemplated at an expenditure of $15,000,000?

Mr. SMITH of Iowa. The same strength of resistance.

Mr. PERKINS. The same strength of resistance?

Mr. SMITH of Iowa. Yes.

Mr. PERKINS. What is the opinion of my military expert friend in regard to the military authorities who thought it was judicious to expend $15,000,000 on that plan?

Mr. SMITH of Iowa. I am not a military expert and I have no opinion to offer as a military expert.

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

There was no objection.

The Clerk read as follows:

For procurement or reclamation of land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications and coast defenses in the Philippine Islands, $12,000.

Mr. DRISCOLL. Mr. Chairman, I make a point of order on that, and I want to ask a question.

Mr. SMITH of Iowa. I do not think a point of order would be well taken on that.

Mr. DRISCOLL. I think there is, but I will move to strike out the last word. I wish to know where in the Philippines is that location to be bought. They are going to pay $12,000, so they must have some idea where the site is to be.

Mr. SMITH of Iowa. The fact is that soon after the American occupation some lands were set apart as a Government reservation. Most of them were crown lands, and this is simply to take up titles to some small fragments. The sum of $5,000 was formerly appropriated, but it is not sufficient. They have been going through condemnation proceedings for the perfection of the titles to these small pieces.

Mr. DRISCOLL. This is for site, location, and construction of work for fortifications.

Mr. SMITH of Iowa. I have just told the gentleman that those are near Manila where certain pieces of land have been reserved in the Philippine Islands by executive order, for sites for fortifications, the reservations being made subject to property rights of individuals already existing. Certain claims of this character upon a reservation in Manila Harbor have been made which have been found to be valid.

The sum of $5,000 for the acquisition of this land was provided by the last fortification appropriation act. The owners demand more, and it has been determined to resort to condemnation proceedings before finally acquiring title, in order that the valuation of the several tracts may be judicially determined. The estimate submitted is intended to render possible the acquisition of all the land owned by private parties at the locality in question, and is believed to be sufficient to cover the probable award in condemnation proceedings.

These are simply fragments of land within these reservations, and I have explained to the gentleman that they were not owned by the Government, while the great body of the lands were crown lands.

Mr. DRISCOLL. I withdraw the amendment.

Mr. KEIFER. Mr. Chairman, I do not wish to take up time on this subject, but I want to ask permission to add to my remarks recently made a table showing the relative strength of the principal naval powers of the world.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to print his remarks in the RECORD, as indicated. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

ORDNANCE DEPARTMENT.

For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $547,000.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 8, strike out lines 18 to 22, inclusive, and insert:
"For the purchase, manufacture, and test of seacoast cannon, for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, to cost ultimately not more than $857,000, $547,000."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the alteration and maintenance of the seacoast artillery and the mechanical supervision of its installation, including the purchase and manufacture of machinery, tools, and materials necessary for the work, and expenses of the civilian mechanics and extra-duty pay of enlisted men engaged thereon, $25,000.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following amendment as an additional paragraph.

The Clerk read as follows:

Page 9, after line 14, add:
"Not to exceed $35,000 of the funds appropriated for fortifications in the insular possessions may be used prior to July 1, 1910, in the War Department for services of draftsmen, such sum to be in addition to other amounts authorized for similar work: *Provided*, That the Secretary of War shall report in his annual estimates to Congress the number of persons employed, their duties, and the amounts paid to each."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty, as shall other similar material furnished without charge.

Mr. MACON. Mr. Chairman, I make the point of order against the last proviso of the bill.

Mr. SMITH of Iowa. I will say to the gentleman from Arkansas that that has been carried substantially in this form for thirty years. It is a limitation on the appropriation:

That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad.

Now, so far as the proviso:

Which material shall be admitted free of duty, as shall other similar material furnished without charge.

That langauge is subject to the point of order, if the gentleman insists upon it, as it changes the revenue laws.

Mr. MACON. Mr. Chairman, I think the whole paragraph is subject to the point of order. The same paragraph was carried in the army appropriation bill a few days ago; the point of order was made to it, and it was stricken out. The fact that this provision has been carried in an appropriation bill, as I understand the rules of the House, does not necessarily make it law. On the contrary, it has been held by Chairman after Chairman of the Committee of the Whole House on the state of the Union that such a provision did not make it law.

Mr. SMITH of Iowa. It is subject to the point of order, and I offer the following additional paragraph.

The CHAIRMAN. Does the gentleman concede the point of order?

Mr. SMITH of Iowa. I concede the point of order.

The Clerk read as follows:

Insert in lieu of the paragraph stricken out:
"That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad."

Mr. MACON. I reserve the point of order against that, or make it.

Mr. SMITH of Iowa. I insist that it is not subject to the point of order.

Mr. MACON. I think it is legislation upon an appropriation bill not authorized by existing law.

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

Mr. MACON. I do.

The CHAIRMAN. Does the gentleman from Iowa wish to be heard on the point of order?

Mr. SMITH of Iowa. I do not think it is subject to the point of order. Now, it was subject to the point of order when it contained the provision that certain material shall be admitted free of duty. That changes the law; but this is a proviso that relates to this act, that "this money" shall be used for the purchase of goods of American manufacture. There could not be a clearer limitation on the use of the money.

The CHAIRMAN. The Chair would ask the gentleman from Iowa if this does not restrict the Secretary of War?

Mr. SMITH of Iowa. It restricts him in the use of "this money." It says he shall not expend "this money" except for the purchase of goods of American manufacture, and that has always been held to be in order. It does not limit him, except when he expends this money it says that he shall spend it for goods of American manufacture.

Mr. KEIFER. That very fact makes it in order.

Mr. MACON. I insist that under the rules legislation of this kind can not be had upon an appropriation bill. The gentleman stated a few moments ago that this provision had been carried in the appropriation bill for about thirty years, and that that was why it was reported in this bill; but he knows very well that there is no existing law authorizing this kind of a provision to be carried on an appropriation bill.

Mr. Chairman, this is not a limitation such as has been held heretofore to be in order as a limitation upon an appropriation.

Mr. MANN. Mr. Chairman, the amendment offered simply proposes to restrict the authority of the Secretary of War as to the appropriations in this bill. Of course we have the authority in making an appropriation to limit the discretion of the Secretary of War to extend that authority. I am not sure, but it seems to me that this identical question was passed upon recently when the naval bill was under consideration, and the gentleman who then occupied the chair does not remember distinctly either the amendment that was offered or the ruling.

Mr. ADAIR. Will the gentleman state who occupied the chair? [Laughter.]

Mr. MACON. I remember the Chairman [Mr. MANN] ruled that the point of order was well taken.

Mr. MANN. Without having the precedent before me, I do not remember how I would rule if I were in the position of the present occupant of the chair. We have the authority to limit the discretion of the Secretary of War as to any money which we appropriate.

Mr. FITZGERALD. But this amendment is not in the proper form.

Mr. MANN. It does not say it is a limitation, but the form of the limitation does not cut any figure. The question is whether it is in fact a limitation. It says:

All material purchased under the foregoing provisions of this act.

Mr. FITZGERALD. That is legislation. It is not a limitation.

Mr. MANN. Does the gentleman make a distinction between the words "under the foregoing provisions of this act" and "out of any money appropriated in this act?" What is the distinction?

Mr. FITZGERALD. The gentleman himself has ruled on that question so many times when presiding in Committee of the Whole House on the state of the Union that without investigating the real distinction I have accepted it as correct.

Mr. MANN. The gentleman is quite safe, if he can find a ruling to that effect, in assuming that it has been well digested and prepared, as would be the case if the gentleman himself were occupying the chair; although in my case not as well digested as in the case of the gentleman from New York.

Mr. FITZGERALD. I would not want my digestive powers to be put in competition with those of the gentleman from Illinois, particularly on legislative matters. [Laughter.]

Mr. MANN. I think the gentleman from New York would not need to have any fear on that question. I am always willing to take a seat behind the gentleman, and very often I follow him, except when he is led away by purely partisan considerations.

Mr. FITZGERALD. That is so rare, of course, that it is difficult for the gentleman to point to any such occasion.

Mr. MANN. Except that yesterday, after the gentleman himself had got us into a parliamentary tangle, he objected to our extricating ourselves from the tangle.

Mr. FITZGERALD. I object to the gentleman unloading the sins of the managers of this Republican House upon a poor, insignificant Democrat.

Mr. MANN. Neither poor nor insignificant, and I have some doubt about the Democracy. [Laughter.]

Mr. FITZGERALD. The gentleman is only following the Democratic national convention in that.

Mr. MANN. That is the only case in which I do follow the Democratic national convention, and I would not follow the gentleman in that. I think the gentleman ought to have been seated in the Democratic national convention.

The CHAIRMAN. It seems to the Chair that the intent of the amendment is clearly to be a limitation, but that it is not in the usual form for such purpose. Therefore it occurs to the Chair that the gentleman should put his amendment in such a form as to state that no part of the appropriation should be so used, and so forth.

Mr. MACON. Does the Chair sustain the point of order?

The CHAIRMAN. The Chair sustains the point of order.

Mr. SMITH of Iowa. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert at the end of the bill:
"*Provided*, That no money appropriated by this act shall be expended except for goods of American manufacture, save in cases where, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad."

Mr. MACON. I think that is subject to the point of order as well.

The CHAIRMAN. The Chair is of the opinion that this is clearly a limitation on the power of the President to expend money which the House might withhold entirely. Therefore the Chair overrules the point of order. The question is on the amendment.

The amendment was agreed to.

Mr. SMITH of Iowa. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNSEND, 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. 27054, the fortification appropriation bill, and had made several amendments, and directed him to report the same back to the House with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the amendments will be agreed to in gross.

There was no demand for a vote on a separate amendment.

The amendments were agreed to.

Mr. SMITH of Iowa. Mr. Speaker, I move the previous question on the bill to its final passage.

The previous question was ordered.

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

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 98.

*Resolved by the Senate (the House of Representatives concurring)*, That the President be, and he is hereby, requested to return to the Senate the bill (S. 4024) for the relief of John H. Hamaker.

The message also announced that the Senate had passed with amendments the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes.

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

H. R. 26466. An act to amend an act authorizing the construction of a bridge across the Mississippi River at Burlington, Iowa;

H. R. 22340. An act relating to injured employees on the Isthmian Canal;

H. R. 18600. An act for the relief of John M. Hill;

H. R. 13777. An act for the relief of the estate of Samuel Beatty, deceased;

H. R. 26829. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved March 7, 1908;

H. R. 26482. An act to authorize the construction of two bridges across Rock River, State of Illinois;

H. R. 24833. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;"

H. R. 23707. An act to incorporate the Imperial Palace Dramatic Order Knights of Khorassan;

H. R. 17960. An act for the relief of Marcellus Butler;

H. R. 17276. An act for the relief of S. R. Hurley;

H. R. 3760. An act for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.;

H. R. 2635. An act for the relief of Herman Lehman;

H. R. 15442. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898; and

H. J. Res. 241. Joint resolution to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, 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. 25064. An act for the relief of Angeline C. Burgert;

H. R. 12760. An act to correct the military record of Isaac N. Fordyce; and

H. R. 10752. An act to complete the military record of Adolphus Erwin Wells.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 8048. An act to withdraw from settlement and entry certain lands in the State of California.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, 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 joint resolution and bills:

H. J. Res. 227. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the Grand Army of the Republic;

H. R. 6903. An act for the relief of Willis A. Joy;

H. R. 9617. An act for the relief of Joseph Swisher;

H. R. 12760. An act to correct the military record of Isaac N. Fordyce;

H. R. 13851. An act providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass.;

H. R. 16551. An act to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., $79.95, for damages inflicted upon gasoline steamer *Clyde* by light-house tender *Oleander;*

H. R. 25064. An act for the relief of Angeline C. Burgert;

H. R. 27342. An act to amend the military record of David H. Dickinson; and

H. R. 28164. An act for the investigation, treatment, and prevention of trachoma among the Indians.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY, chairman of the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, which, with accompanying documents (including H. Rept. No. 2205), was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. FITZGERALD reserved all points of order.

Mr. TAWNEY. Mr. Speaker, at the conclusion of the consideration of the diplomatic and consular appropriation bill I shall call up the sundry civil bill.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I ask to take from the Speaker's table the post-office appropriation bill (H. R. 26305), disagree to the amendments of the Senate, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks to take the post-office appropriation bill from the Speaker's table, disagree to the amendments of the Senate, and ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Indiana whether we will have an opportunity to vote on two or three amendments concerning the appropriation for clerks and carriers?

Mr. OVERSTREET. I think there will be no difficulty about that. The Senate has put on 29 amendments, and, in my judgment, there will be no difficulty about adjusting the differences. They have made some inconsistent amendments that ought to be reconciled, but I think we can make a satisfactory and full agreement.

Mr. MANN. If the occasion should arise, I suppose the House would have the opportunity?

Mr. OVERSTREET. I think so.

Mr. GARDNER of Massachusetts. Mr. Speaker, reserving the right to object, I should like to ask whether the gentleman from Indiana will permit a separate vote on these amendments specifically of the Senate which cut off the increased pay of clerks in post-offices, and also on the Senate amendment to the House bill which gave an increased pay to carriers in second-class post-offices?

Mr. OVERSTREET. I have stated that the Senate struck out one amendment of the House to which the gentleman refers, and put in a new amendment, for the purpose of making the action in reference to clerks and carriers the same, and I have no doubt that that is the proper way to adjust the differences. They ought to be treated the same, and I have no doubt there will be a satisfactory arrangement.

Mr. MANN. But the gentleman's opinion and the opinion of the House might not agree.

Mr. OVERSTREET. What I mean to say is I do not think it is proper to agree to a separate vote, if there can be a full agreement that is satisfactory.

Mr. GARDNER of Massachusetts. Of course it is a matter of courtesy for this House to allow the conferees the first time a full and free conference, but here is an amendment which was passed after quite a fight in the House that has been stricken out by the Senate, and, in addition to that, they have struck out a similar provision for clerks in the first-class offices. It seems to me that we ought to have some assurance before we accord a full and free conference that the House will have an opportunity to show whether it recedes from the position it has already taken.

Mr. OVERSTREET. I understood the gentleman to ask whether the House would have an opportunity, notwithstanding there might be a satisfactory adjustment. After we agree to a separate vote, we should have to come in and have a vote, notwithstanding a full agreement, which would be needless.

Mr. GARDNER of Massachusetts. I think the gentleman knows as well as other Members of the House that he can bring that back with a partial agreement and allow the House to vote on these specific questions of increase for clerks and carriers, and if he agrees——

Mr. MANN. If the gentleman will yield. As I understand it, the House made an increase in the provision sufficient to increase by 50 per cent the salaries of clerks in first and second class offices, limited to $1,200. The Senate has reduced the amount—cut that out. Now, is the House to be permitted to sustain its action or are the conferees going with the Senate—I am not seeking to bind the conferees—and make an agreement there consenting to this considerable reduction in the amount appropriated by the House and then force us to accept or reject the conference report?

Mr. OVERSTREET. Mr. Speaker, I can say to the gentleman, if he has not followed the causes which prompted those amendments, that I can explain them in just a moment.

Mr. MANN. I may say to the gentleman that I supposed it was a matter of trading.

Mr. OVERSTREET. Oh, I do not think it is a matter of trading. The fact of the case is that there has been some reduction by the Senate, prompted by insistence of the department that the expenses ought to be reduced in view of the heavy increase in the deficit. For the first time in my experience in charge of this legislation the Senate has really reduced the amount of the appropriation bill for the post-office service. I should hate to offend the Senate at this late day by not meeting them at their effort in economy.

Mr. MANN. Better put the money into the clerks' salaries instead of into new offices in the office of the Secretary of State.

Mr. OVERSTREET. Mr. Speaker, I renew my request.

The SPEAKER. Is there objection?

Mr. GARDNER of Massachusetts. Mr. Speaker, unless we can have an assurance that we shall have a chance to vote on this later, I shall be obliged to object and ask the House to vote on it now.

Mr. OVERSTREET. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the post-office appropriation bill, with Senate amendments, dispense with the reading of the Senate amendments, disagree to the same, and request a conference.

Mr. FITZGERALD. Oh, Mr. Speaker, I think we ought not to dispense with the reading of anything.

Mr. OVERSTREET. Mr. Speaker, I will modify that motion by eliminating that portion which dispenses with the reading of the amendments. I move to suspend the rules, take from the Speaker's table the post-office appropriation bill, with Senate amendments, disagree to the same, and request a conference, and, without intervening motion, appoint the conferees.

The SPEAKER. The question is on the motion of the gentleman from Indiana to suspend the rules, take the post-office appropriation bill from the Speaker's table, disagree to the Senate amendments, ask for a conference, and without intervening motion appoint the conferees. Is a second demanded?

Mr. FINLEY. I demand a second.

Mr. MANN. If the gentleman is opposed to the motion, I have no objection to his having the demand for a second.

Mr. FINLEY. Yes.

The SPEAKER. The gentleman from South Carolina is opposed to the motion, and the Chair will recognize the gentleman to demand a second.

Mr. OVERSTREET. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Indiana is entitled to twenty minutes and the gentleman from South Carolina to twenty minutes. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. OVERSTREET. Mr. Speaker, this is one of the large appropriation bills passed by Congress—perhaps the largest. The amendments made by the Senate are 29 in number. The net result of those amendments is a deduction of $27,000 from the total of the bill as it passed the House. This motion is merely to send the bill to conference for a free conference, with a view of adjusting the differences between the two bodies upon those 29 amendments. There is no legislation that is inserted in the bill by amendment, except a very slight amendment to the law, which will meet with unanimous consent of the House, I am confident. One is to clothe naval mail clerks with authority to issue and pay money orders. They now have all other authority, the same as any other post-office clerks. The principal objection of gentlemen, I take it, of permitting this bill to go to conference, is the fear that the increases of salaries of some of the postal employees may be in jeopardy. Mr. Speaker, when the estimates were first made it appeared that the deficit in the postal service for the next fiscal year would be approximately $16,000,000.

Mr. FINLEY. I wish to ask the gentleman a question. This bill passed the Senate yesterday, and I have not had time as yet to read it. Is it a fact that the naval mail clerks are placed under bond and the Government is secure in that respect?

Mr. OVERSTREET. Yes. This is merely to extend their authority to the money-order service. However, Mr. Speaker, after the estimate of the Postmaster-General, indicating a deficit of $16,000,000, it was plainly shown that the revenues of the postal service would not nearly approach the estimates of the department, and that instead of a deficit of $16,000,000 there will be a deficit, in all probability, of $30,000,000. I appreciate the insistence of many Members for an increase of salaries for post-office clerks and carriers, but I trust the gentlemen will also appreciate that we must have some regard and respect for the revenues of the Government and the deficits which are staring us in the face and which unquestionably will be realized in the next fiscal year.

I think that it is not out of the way, therefore, to appeal to the membership of this House on the score of square, reasonable treatment of these employees without each year meeting the demand of some Members for an increase of salaries. Now, that is the whole milk in the cocoanut in this opposition. I do not know what the result will be in conference. I have not conferred either with my associates on the House side nor with any of the prospective members of the conference committee on the Senate side, but I want to say in my six years' experience as chairman of this committee I have never failed yet to make a satisfactory conference agreement, and I should hate to see the House at this late day show a lack of confidence in the conferees on this great measure. Members may differ, it is true, but in the last analysis there is general satisfaction with the result of these conferences upon the post-office appropriation bill.

Mr. COX of Indiana. Mr. Speaker, will the gentleman yield?

Mr. OVERSTREET. I yield to my colleague.

Mr. COX of Indiana. I desire to ask the gentleman whether or not there is anything in the amendments placed on the bill by the Senate providing for a rural route parcels post?

Mr. OVERSTREET. Nothing of the kind in the Senate. The only legislation is that to which I have referred. I reserve the balance of my time.

Mr. FINLEY. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, when this bill was before the House it came to us clothed with a proposition to increase the pay of 50 per cent of the $1,100 clerks in first-class offices to $1,200; half of them were to be increased. Then this House, after much discussion, decided that not only half of the $1,100 clerks in first-class offices were to be increased, but, in order to have things fair, one-half of the second-class office clerks, the $1,000 men, should in their turn be put at $1,100. This was fully and thoroughly discussed, and the House decided that it should be done. Next the bill went over to the Senate, and the Senate not only struck out that which the House had ordained after that full discussion, namely, the promotion of these clerks in second-class offices, but it went further and struck out the increase for the clerks in first-class offices. Not only the Senate struck out all that we did for the clerks in the second-class offices, but it went further and struck out the increase for clerks in the first-class offices.

Now, there exists to-day a difference of $200 between the pay of the highest grade carriers in the first-class offices and carriers in the second-class offices. We did not correct this in the House, but left it to the Senate to correct. The Senate did so. Accordingly the bill, as it comes from the Senate, cuts out all promotions for clerks—I am not speaking of automatic promotions, but nonautomatic promotions—while, on the other hand, for the carriers, both in the first and second class offices, an increase is allowed, and, so far as the carriers are concerned, the principle is maintained that there shall be not more than $100 difference between the pay of carriers in the two classes of offices. If we accede to the motion to suspend the rules and turn everything over to the conferees, we tie our own hands. If that conference committee gets together and the House yields to the Senate proposition to cut off these increases for the clerks, and if, on the other hand, the Senate yields on the question of the carriers, then there will be no promotion for either the clerks or the carriers, unless the whole conference report is voted down.

Irrespective of how late it is in the session, irrespective of how necessary it may be to get the bill through, irrespective of how many other important things are in the bill, we must vote down the conference report as a whole, in order to get a vote on the promotions. I need hardly point out the impracticability of attempting to turn down the report of the conferees if you vote to suspend the rules and send this bill directly to conference.

I submit it to the good sense of this House whether it is possible to vote down a conference report which comes in on the 3d day or the 4th day of March. If this motion to suspend the rules is passed, then this House will be absolutely at the mercy of the conferees. Whether we like it or not, according to their own desires they may include or exclude these provisions for promotion.

Mr. OVERSTREET. I yield such time to the gentleman from Missouri as he may desire.

Mr. LLOYD. Mr. Speaker, as I understand the point of objection of my friend from Massachusetts, it is as to the clerks of the fifth and sixth grades, $1,100 and $1,200. The Post-Office Committee, I think, has been entirely consistent. Our position is that if you increase the pay of the letter carriers from the $1,100 to the $1,200 grade that you ought to increase the pay of the clerks in the post-offices from the $1,100 to the $1,200 grade. If you increase neither, they are treated alike; but if either one is increased, both should be increased. As I understand, in the Senate they have carried out the views of the committee of the House in this, that they have placed both the city letter carriers and the city clerks on the same basis.

Mr. GARDNER of Massachusetts. I think the gentleman is under a misapprehension. If he will read the bill as it passed the Senate, he will see that the Senate struck out this increase that we put in for the clerks, both in the first and the second class offices, and put in an increase for carriers in the second-class offices, leaving the increase for $1,100 carriers in first-class offices in the same shape as it was when the bill passed the House.

Mr. LLOYD. I am speaking with reference to the $1,100 and $1,200 grades. What it does is seeking to put the $1,100 and $1,200 grade on the same basis.

Mr. GARDNER of Massachusetts. No; the clerks are stricken out.

Mr. LLOYD. So are the carriers.

Mr. GARDNER of Massachusetts. The gentleman is mistaken.

Mr. LLOYD. Unfortunately for myself, Mr. Speaker, I have not the Senate bill before me, and I can not answer definitely.

Mr. OVERSTREET. Mr. Speaker, the gentleman from Missouri is perfectly accurate; both the $1,100 and the $1,200 are on the same basis.

Mr. GARDNER of Massachusetts. May I ask the gentleman——

Mr. OVERSTREET. The gentleman from Missouri has the floor.

Mr. GARDNER of Massachusets. May I ask the gentleman—not the gentleman from Indiana, but the gentleman from Missouri—to yield to me? The gentleman from Missouri is kind enough to yield, and I would like through him to ask the chairman of the committee if it is not a fact that the Senate has stricken out the new $1,200, as well as the new $1,100 clerks?

Mr. LLOYD. I have examined the record pretty carefully, and, as I understand it, they are on the same basis, and if they are on the same basis, they ought to remain on the same plane. Now, Mr. Speaker, I was undertaking to explain that the Senate had left the clerks and carriers on the same basis. If they leave the clerks and carriers with the same amount of pay, they certainly have dealt fairly with both. They have not favored one to the detriment of the other. That, in my judgment, is exactly what should be done. They should be placed on the same basis.

Now, if the contention of the gentleman from Massachusetts is correct, if they have not been fairly treated in that particular, the conferees will ascertain that fact, and I will say, in my judgment of the conferees that will be appointed by the House, I know that they are anxious that both classes of clerks shall be treated exactly alike.

Mr. GARDNER of Massachusetts. If the gentleman will allow me to read from the Senate bill as it is in the RECORD, showing the changes——

Mr. LLOYD. Not in my time.

Mr. Speaker, so far as I am concerned, I see no objection to allowing this matter to go to the conferees to be settled in conference. There is but very little difference between the House and the Senate. It is a remarkable thing that so few changes should have been made; and, as suggested by the chairman of this committee, the most remarkable thing that ever happened is that the Senate has actually reduced the amount carried in the bill.

Mr. OVERSTREET. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has fifteen minutes.

Mr. OVERSTREET. I will ask the gentleman from South Carolina to use some time.

Mr. FINLEY. I yield five minutes to the gentleman from New York.

Mr. FITZGERALD. Mr. Speaker, I am opposed to this motion for two reasons. In the first place, the rules provide the manner in which Senate amendments should be treated. Under the rules the bill with the Senate amendments properly go to the Committee on the Post-Office and Post-Roads. When reported, the Senate amendments will be considered in the Committee of the Whole House on the state of the Union. Since there is some desire on the part of the Members of the House to consider these amendments, I am unable to understand why Members on this side of the House should vote to suspend the rules, in order to avoid conducting the business in accordance with the rules. I am opposed to this motion to suspend the rules and to put this bill into conference, because I wish to express my opinion and to vote on the Senate amendments.

The Senate has done two things: It has provided money for the increases for more carriers in cities of the second class, and it has taken out money that the House allowed for clerks in the first and second classes. I wish to get these amendments before the House in some such shape so that I may vote to concur in the amendment allowing additional money for the carriers—to vote to instruct the conferees to insist upon the disagreement of the House to the amendment cutting down the compensation of the clerks.

The chairman of the Committee on the Post-Office and Post-Roads made the announcement that the Senate, in a streak of economy, something unknown to him, had recommended the cutting down of the amount to be allowed for the clerks of the $1,100 and $1,200 classes. Mr. Speaker, it seems to be what might be expected from a certain quarter. When a start is made to economize it should be by taking money from the poor clerks, who need it most, and at the same time increase the salaries of the men getting the highest compensation in the Government.

The Senate put on the legislative bill an item doubling the salary of the President, and increasing other officers, and increasing the compensation of all the federal judges. No attempt whatever was made to reduce the appropriation for the navy. I do not suppose there will be any reduction in the appropriations for the army. In fact, a substantial increase of more than $5,000,000 has been proposed to the army bill. In order to save money about $300,000 that the House voted in order to give the promotions to the $1,000 and $1,200 clerks, to which promotions they are entitled under the law, is eliminated. These are clerks of the first and second classes. I hope that those in this House who have any interest in them will see that when economy is to be practiced it will not be practiced entirely at the expense of the clerks in post-offices. I shall not do anything to encourage economy along such lines when there are so many other places where it would be easy to save money. [Applause.]

Mr. OVERSTREET. I should like to inquire if the gentleman from South Carolina is going to consume any more time?

Mr. FINLEY. My impression is there will be at least one more speech on this side.

Mr. OVERSTREET. I suggest to the gentleman that he use his time.

The SPEAKER pro tempore. The gentleman from Indiana has fifteen minutes, and the gentleman from South Carolina has the same.

Mr. OVERSTREET. I suggest to the gentleman from Indiana that he consume some of his time. I shall close in one more speech.

Mr. SPERRY. Mr. Speaker——

Mr. FINLEY. I yield five minutes to the gentleman from Connecticut.

Mr. SPERRY. Mr. Speaker, I know something about the duties of the clerks and carriers in the post-office. I was associated with them for about thirty years. A truer and better set of men as a whole never walked the pavement. Some of these men have been asking for a slight increase, so that those of them who were away from home and were paying an extra amount for their living expenses might in that way be remunerated.

Now, the Post-Office Department can not afford to lose good clerks. It is a very serious matter to lose these clerks and carriers, who understand just where every letter should go. The pay of some of the carriers and clerks is now too small and should be increased, in order to retain such tried and efficient services as our business interests demand.

Gentlemen, it is not dealing fairly, it is not dealing justly, in my opinion, and I sincerely hope that this House is ready to vote the small pittance which these men ask for and ought to have. I do not care to speak at any length now. The other day, knowing that the matter was coming up, I prepared some remarks, which I delivered at the time, setting forth my views, and I do not care to go into the same subject again this afternoon.

But I want to say one thing, and that is that the Post-Office Department was not created for the purpose of hoarding money. It was created for the purpose of giving the business people of this country their mail as they ought to have it. It was created as an assistance to business; and now, while we have done many good things, this action of the last few days is all wrong. Justice requires that it should not be done, and the business people of this country require that these men should have proper pay for the services they perform. That proper pay has been in part taken away from them by the action of another body, and it is all wrong, and I trust that the House will not agree to it. [Applause.]

Mr. OVERSTREET. Mr. Speaker, I will close in one speech, but I think the gentleman from South Carolina intends to have another speech.

The SPEAKER pro tempore. The gentleman from South Carolina has but one minute remaining.

Mr. OVERSTREET. I yield to the gentleman from Tennessee [Mr. MOON].

Mr. MOON of Tennessee. Mr. Speaker, I have only one word to say in reference to this question. It is the usual course for this bill to go to conference. There are but a few matters in dispute between the two Houses, and it is very evident that this House will have a better understanding of the matters of difference beween the two Houses of Congress on the questions that are raised if the conferees meet and discuss these questions and report to the House the action they deem advisable. The House can then act on all the facts, if it has presented to it clearly the views of the Senate and the views of the House conferees on this question.

At this time it seems that the Senate amendments produce a contention between Members who are looking to the increase of salaries of different classes of officials and representatives of the department. That is a matter of too much interest and concern to dispose of hastily. The House can not lose anything by having the benefit of the careful deliberation of the conferees before it takes action.

It certainly can not be deprived of any right, nor can any Member of the House be deprived of any power that he has after the report has been made. I suggest that a conference on the disagreeing votes is the usual, the proper, the orderly, and lawful course of procedure. Any other course is inconsistent, in my judgment, with fair and honest legislation in the interest of the public.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MOON of Tennessee. I will.

Mr. FITZGERALD. Does not the gentleman know that the orderly and proper way of procedure by the rules is for the amendments to go to the Committee on the Post-Office and Post-Roads and then come to the Committee of the Whole House on the state of the Union and be considered there?

Mr. MOON of Tennessee. That may be done under the rule, but when there is no necessity for that the conference ought to be had, as it is the ultimate result anyway. There is no occasion for taking the course the gentleman suggests.

The question is not what the Post-Office Committee of the House is going to do; it has already acted on the questions involved, and the Senate has acted on these questions, and now the desire is to reach legislation; and that can be done, in my judgment, only in a proper way by a conference between the two Houses.

Mr. FITZGERALD. If these amendments went to the Committee of the Whole House on the state of the Union, the conferees might be saved a lot of trouble; the House might agree to all the amendments.

Mr. MOON of Tennessee. But the House will most likely avoid a great deal of trouble if the bill is sent at once to conference.

The SPEAKER pro tempore. The Chair stated a moment ago that the gentleman from South Carolina had one minute remaining. At that time the Chair understood that the gentleman from Missouri had yielded time to the gentleman from South Carolina. The Chair finds that he was mistaken, so that the gentleman from South Carolina has six minutes remaining and the gentleman from Indiana five minutes.

Mr. FINLEY. Mr. Speaker, the principal amendments made by the Senate are on page 11, line 10, of the printed bill, where the item for clerks is reduced by $200,000 from the amount passed by the House. That is one amendment. On page 14 of the printed bill, line 20, the Senate inserts—

And for the pay of letter carriers in second-class post-offices eligible for promotion to the fifth grade, $155,000.

And the total is increased from $29,468,000 to $29,623,500.

So, Mr. Speaker, I think the House can very well pass upon these items. The House has passed on the question as to whether or not provision sufficient to promote the clerks in the first and second class offices should be made. We did that, and after extended debate the matter was fully considered and decided here. There can be no question about the attitude of the House on that proposition. Now, as to the carriers the House did not make ample provision to promote all the carriers from the fourth class to the fifth class.

The Senate has remedied that, and I think properly so. Certainly, it would be unfair to promote everybody except this one class. No provision was made for them in the House. The Senate has provided for it, and I for one am in favor of accepting that proposition. I am of the opinion that if we had assurance that this proposition would be agreed to by the conferees, that would obviate the necessity for this vote, but I have seen the time, Mr. Speaker, when the conferees did not give the House an opportunity to vote. I think, now that the House has the bill in its possession, it is eminently right for the membership here to assert their views, and to vote their judgment on this proposition. That is the question that is up to you. It is not a question of reflecting upon the conferees at all. Members of the House understand this question as well as the conferees, and why not vote on it here? If you are in favor of the Senate amendment as to carriers, vote so; if you are opposed, then the conferees will be so instructed. I think this is an orderly procedure. It is following the course laid down in the rules of the House, and it is not outside of precedent or the orderly procedure of the House. I think that when the House expresses itself upon this proposition the conferees will have no trouble. [Applause.]

Mr. OVERSTREET. Mr. Speaker, I sincerely hope that this motion will prevail, as it is in the interest of the expedition of the legislation of the House and of the Congress. Some gentlemen leave the inference that there is an attack, or at least a discrimination, against some postal employees. I assure the House that there is no attack or no discrimination as against one class of employees in favor of another. We simply seek to get this bill into conference to adjust the differences between the two Houses. The amendments are not numerous, nor are they very serious, and I think the House is willing and ready to trust to the conferees to settle these disputes, just as they have been settled in the past. I call for a vote.

The SPEAKER pro tempore (Mr. MANN). The question is on agreeing to the motion of the gentleman from Indiana to suspend the rules, disagree to the Senate amendments, ask for a conference, and, without intervening motion, appoint the conferees.

The question was taken; and on a division (demanded by Mr. FINLEY) there were—ayes 105, noes 40.

Mr. FITZGERALD. I demand tellers.

Mr. GARDNER of Massachusetts. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Massachusetts makes the point of no quorum. The Chair will count. [After counting.] One hundred and ninety-nine gentlemen present; a quorum.

Mr. FITZGERALD. Mr. Speaker, I demand tellers.

The SPEAKER pro tempore. The gentleman demands tellers. As many as are in favor of ordering tellers will rise and stand until counted. [After counting.] Twenty-one gentlemen rising, not a sufficient number, and tellers are refused. Two-thirds having voted in favor of the motion, the motion is agreed to; and without objection, the Chair will announce the following conferees. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

Mr. OVERSTREET, Mr. GARDNER of New Jersey, Mr. MOON of Tennessee.

MAJ. C. DE W. WILLCOX.

Mr. COUSINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate concurrent resolution No. 100, correcting the bill (S. 5989) in reference to Maj. C. De W. Willcox, which passed the Senate and the House and in which the name Willcox was misspelled, and to consider the same at this time.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 100.

*Resolved by the Senate (the House of Representatives concurring)*, That the action of the Speaker of the House of Representatives and of the Vice-President of the United States and President of the Senate in signing the enrolled bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by Government of France, be, and is hereby, rescinded, and that in the reenrollment of the bill the word "Wilcox," in line 3 of the bill, is stricken out and the word "Willcox" substituted therefor; also amend the title so as to read: "An act authorizing the Department of State to deliver to Maj. C. De W. Willcox decoration and diploma presented by Government of France," so as to correctly spell the name of the prospective recipient, inaccurately stated in the bill.

The SPEAKER pro tempore. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I believe that more care should be exercised in this respect. This is not the first instance this session when it has been necessary to correct errors that have been made in enrolled bills. We are getting to the close of the session and more care should be taken.

The SPEAKER pro tempore. The Chair is able to state from personal knowledge that the mistake was not in the enrolling of the bill.

Mr. FITZGERALD. It is immaterial where it was made. There should be more care taken to prevent mistakes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the concurrent resolution.

The question was taken, and the concurrent resolution was agreed to.

The SPEAKER. The Chair cancels his signature by order of the House.

QUESTION OF PERSONAL PRIVILEGE.

Mr. BINGHAM. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BINGHAM. A Philadelphia (Pa.) daily newspaper, the North American, under date Thursday, February 18, has been called to my attention with large type headlines:

BINGHAM'S BLUNDER WOULD KEEP KNOX OUT OF THE CABINET—MAKES MISTAKE IN FRAMING BILL FIXING SALARY OF SECRETARY OF STATE.

Mr. BINGHAM committed no blunder, nor did the managers on the part of the House having charge of the conference report on the legislative, executive, and judicial appropriation bill for the fiscal year ending June 30, 1910. The bill was constructed correctly under the existing law and was agreed upon by the conferees of the Senate and the House, and duly reported to the House and Senate February 10, 1909. In the House the report and statement went to the Speaker's table under the rule and was printed in the CONGRESSIONAL RECORD. On the 15th of February, after Mr. BINGHAM and his associates had completed their work, the eligibility of Senator KNOX to appointment as Secretary of State under President-elect Taft came up in the House for consideration and the following bill (S. 9295) in relation to the salary of the Secretary of State was passed:

*Be it enacted, etc.*, That section 4 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes," approved February 26, 1907, so far as the same relates to the annual compensation of the Secretary of State, be, and the same is hereby, repealed.

The passage of said enactment was intended to make Senator KNOX eligible, although he had voted upon increased annual compensation of the Secretary of State, approved February 26, 1907. On February 17 the conference report of the legislative bill upon the Speaker's table was called up for action in the House. The conferees of both Houses had agreed to many paragraphs in the bill covering existing law, and that relating to the compensation of the Secretary of State being one, as well as disagreements covering other paragraphs in the bill. The later action of the House on S. 9295, on February 15, changed existing conditions, but not the statute, and thereby made Senator KNOX eligible, should he be selected by President-elect Taft as Secretary of State, as far as Senate and House action could consummate. In no way, under existing rules of the House, could the managers on the part of the House change the agreed-upon paragraphs of the legislative bill. On the 17th of February the report was called up by the managers of the House. The Senate in the meantime (February 10) having adopted the report of the conference, had duly notified the House of that fact. In submitting the usual motion to adopt the conference report which covered the agreed-upon paragraphs in the bill, the fact was disclosed that the text of the bill to which both Houses had agreed long before February 10 contained words carrying the annual compensation of the Secretary of State at $12,000, while the bill of February 15, 1909, fixed it at $8,000. Mr. BINGHAM and his associates have no power to change the text of the bill to which both Houses had agreed. So far as they were concerned it was the law—it was the bill passed by the House and Senate.

The report was before the House for any line of action it should determine, and upon Mr. BINGHAM'S motion that the report go over until next legislative day was passed by the

House. Mr. TAWNEY, chairman of the Committee on Appropriations, submitted a resolution, which was referred to the Committee on Rules, reported day before yesterday (February 17), and passed by the House, giving the conferees the power they needed. The conference report now goes to the committee of the two Houses. The question was legislatively an impossible condition, under the existing rules of the House, for the managers on the part of the House to adjust, save only by the resolution adopted yesterday.

The whole issue is summed up in the question, How can a conference report made to the House, carrying the provisions of existing law and under the rules of the House, on February 10, deal with or consider a question that has arisen since that date? The President yesterday, February 18, signed Senate bill 9295, and thereby made law.

I assume the conference committee can now proceed under a law, and the headline in large type, "Bingham's blunder would keep KNOX out of the Cabinet—Makes mistake in framing bill fixing salary of Secretary of State," can be relegated to the wastebasket of the Philadelphia Journal. [Applause.]

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 11 o'clock to-morrow.

The motion was agreed to.

Accordingly (at 5 o'clock and 21 minutes p. m.) the House took a recess until 11 o'clock to-morrow.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Francis M. Sheppard against The United States (H. Doc. No. 1463)—to the Committee on War Claims and ordered to be printed.

A letter from the chairman of the Printing Investigation Commisssion, transmitting report recommending legislation relating to the printing, binding, and distribution of public documents (H. Doc. No. 1464)—to the Commttee on Printing and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. OLCOTT, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 5434) to provide for finishing the crypt of the chapel, United States Naval Academy, Annapolis, Md., as a permanent resting place for the body of John Paul Jones, reported the same without amendment, accompanied by a report (No. 2199), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KNOWLAND, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the Senate (S. 5727) to establish an assay office at Los Angeles, State of California, reported the same with amendments accompanied by a report (No. 2200), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OLCOTT, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 4924) for the relief of officers of the navy retired for disability incident to the service employed on active duty, reported the same without amendment, accompanied by a report (No. 2201), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 9006) to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia, approved February 18, 1907, reported the same without amendment, accompanied by a report (No. 2204), which said bill and report were referred to the Committee 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. 27363) to provide for improving the navigable capacity of the Sabine and Neches rivers, and the canal connecting the Sabine and Neches rivers with the mouth of Taylors Bayou, reported the same with amendmnts, accompanied by a report (No. 2198), which said bill and report were referred to the House Calendar.

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 28175) to amend section 4434 of the Revised Statutes of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 2203), which said bill and report were referred to the House Calendar.

Mr. MANN, from the Select Committee on Pulp and Paper Investigation, appointed by the House to make investigations concerning pulp wood, pulp, and paper (H. Res. 344), submitted a report (No. 2206), which was referred to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 25814) authorizing the President to appoint a professor of mathematics in the navy, etc., reported the same without amendment, accompanied by a report (No. 2202), which said bill and report were referred to the Private Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 27463) granting a pension to W. C. Whitthorne—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 27467) granting an increase of pension to George Williams—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## 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. EDWARDS of Georgia: A bill (H. R. 28244) increasing the pensions of those now receiving or entitled to pensions under the acts of Congress approved July 27, 1892, and June 27, 1902—to the Committee on Pensions.

By Mr. BEDE: A bill (H. R. 28246) to appropriate money for the purchase of homes in the District of Columbia for the Vice-President of the United States and the Speaker of the House of Representatives—to the Committee on Appropriations.

By Mr. LANDIS: A bill (H. R. 28247) to codify, revise, and amend the laws relating to the public printing and binding and the distribution of public documents—to the Committee on Printing.

By Mr. CAMPBELL: Resolution (H. Res. 577) to investigate the affairs of the Terminal Taxicab Company—to the Committee on Rules.

By Mr. HALL: Memorial of the legislature of South Dakota, requesting the Congress of the United States to make Fort Meade, S. Dak., a brigade post, with permanent brick or stone barracks, officers' quarters, and other buildings—to the Committee on Military Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ANDREWS: A bill (H. R. 28248) for the relief of the estate of Martin Vigil, deceased, and the administrator of said estate, Eslavio Vigil, of Albuquerque, N. Mex.—to the Committee on Claims.

By Mr. BARTLETT of Georgia: A bill (H. R. 28249) for the relief of the heirs of David R. Cook, deceased—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 28250) granting a pension to William Cruso—to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 28251) granting a pension to Joseph Lehner—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 28252) granting an increase of pension to John T. Mills—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 28253) granting an increase of pension to Gustav Graesle—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 28254) granting an increase of pension to John Connolly—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 28255) for the relief of the estate of F. F. Lucas, deceased—to the Committee on War Claims.

By Mr. NELSON: A bill (H. R. 28256) granting an increase of pension to Lewis C. Smith—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 28257) granting an increase of pension to Joseph W. James—to the Committee on Invalid Pensions.

By Mr. SWASEY: A bill (H. R. 28258) granting an increase of pension to William Foye—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 28259) authorizing proper accounting officers of the Treasury Department to reopen pay accounts of certain officers of the navy—to the Committee on Claims.

By Mr. WILSON of Illinois: A bill (H. R. 28260) granting an increase of pension to Isaac Little—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

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

By Mr. ACHESON: Petition of the Allied Agricultural Organizations of Pennsylvania, favoring H. R. 21318, regulating sale and manufacture of insecticides and fungicides—to the Committee on Interstate and Foreign Commerce.

Also, petition of Trade League of Philadelphia, favoring such amendment of the interstate-commerce act as will protect interest of shippers from damage arising from misquotation of freight rates by carriers—to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petition of Coshocton Council, No. 65, Junior Order United American Mechanics, favoring an Asiatic exclusion law for all save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. BARCHFELD: Petition of Carnegie (Pa.) Lodge, No. 831, and Sheridan Lodge, No. 949, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. BARTLETT of Georgia: Paper to accompany bill for relief of heirs of D. R. Cook—to the Committee on War Claims.

Also, paper to accompany bill for relief of Pierce J. Reynolds (H. R. 25421)—to the Committee on Pensions.

By Mr. BATES: Petition of Erie Business Men's Association, opposing a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Trades League of Philadelphia, Pa., asking for amendments to interstate-commerce act as will protect shippers from damage arising from misquotation of freight rates by shippers—to the Committee on Interstate and Foreign Commerce.

Also, petition of Federal Electric Company, of North Girard, Pa., asking for reduction of duty on mica—to the Committee on Ways and Means.

Also, petition of Geomer Stove Company, of Erie, Pa., asking for reduction of duty on mica—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Monmouth Grange, favoring a national highways commission—to the Committee on Agriculture.

By Mr. BURTON of Delaware: Petition of National Board of Trade, favoring full citizenship of Porto Rico—to the Committee on Insular Affairs.

By Mr. CALDER: Petition of M. E. Armstrong, favoring the antiopium bill in restraint of the opium trade—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Orange Judd Company, favoring the White Mountain and Appalachian Forest Reserve bill—to the Committee on Agriculture.

Also, petition of National Shoe Wholesale Association of the United States, against the duty on hides—to the Committee on Ways and Means.

Also, petition of New York child-labor committee, favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

By Mr. CAMPBELL: Memorial of the Kansas state legislature, favoring a just and equitable duty on zinc ore—to the Committee on Ways and Means.

Also, resolution of the Kansas state legislature, relative to interstate shipment of liquors—to the Committee on the Judiciary.

By Mr. CHANEY: Petition of Samuel U. Brown and others, of Farmersburg, Ind., favoring parcels-post and postal savings bank legislation (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK of Pennsylvania: Petition of Trades League of Philadelphia, favoring such amendment to the interstate-commerce act as will protect interests of shippers from misquotation of freight rates by carriers—to the Committee on Interstate and Foreign Commerce.

Also, petition of Applied Agricultural Organizations of Pennsylvania, in favor of H. R. 21318, relating to fungicides—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of citizens of Wisconsin, against removal of duty on farm products—to the Committee on Ways and Means.

By Mr. FORNES: Petition of Jewish Council of Women of New York, favoring a children's federal bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of Chamber of Commerce of Pittsburg, favoring appropriation of $50,000,000 per annum for internal waterway improvement—to the Committee on Rivers and Harbors.

Also, petition of coal exchange, favoring a river and harbor bill in the Sixty-first Congress, extra session—to the Committee on Rivers and Harbors.

Also, letter from John A. Stewart, of New York, favoring an appropriation for experimental farming at Morrisville, Madison County, N. Y.—to the Committee on Agriculture.

By Mr. FULLER: Petition of A. G. Rice, president of Ohio Bankers' Association, against legislation for parcels-post and postal savings bank laws (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Hard Wood Manufacturers' Association of the United States, against reduction of the duty on lumber—to the Committee on Ways and Means.

By Mr. GOULDEN: Letter from John A. Stewart, of New York, favoring an appropriation for experimental farming at Morrisville, Madison County, N. Y.—to the Committee on Agriculture.

Also, petition of New York Typographical Union, favoring census reports printing in Government Printing Office—to the Committee on the Census.

Also, petition of Manufacturers' Association of Indianapolis, Ind., and commercial and industrial organizations of Indiana, favoring ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRONNA: Petition of Commercial Club of Mayville, N. Dak., against granting San Francisco the right to use the Hetch Hetchy Valley for a water reservoir—to the Committee on the Public Lands.

Also, petition of Farmers' Mercantile Company, of Calvin, N. Dak., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Commercial Club of Mayville, N. Dak., for a reduction of present tariff duties—to the Committee on Ways and Means.

By Mr. HALE: Paper to accompany bill for relief of Mary A. Bradford—to the Committee on War Claims.

By Mr. HAMILTON of Michigan: Petition of 34 business houses in the Fourth Congressional District of Michigan, urging removal of duty on hides—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of White River Grange, No. 53, of South Royalton, Vt., for legislation creating a national highways commission and for an appropriation to aid in the improvement and maintenance of public roads—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Resolutions adopted by the common council of Passaic, N. J., in the case of Joseph S. Oakley, to accompany Senate bill 4451—to the Committee on Military Affairs.

Also, petition of Amboy (N. J.) Lodge of Elks, favoring a reserve for the American elk—to the Committee on the Public Lands.

By Mr. KIPP: Petition of Emerson W. Gammall and other citizens of Pennsylvania, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LAFEAN: Petition of residents of Warrington Township and Glenville, York County, Pa., asking passage of H. R. 21970, correcting the military record of Abram Hetrick—to the Committee on Military Affairs.

By Mr. LINDSAY: Petition of John F. Jeeke & Co., of Chicago, Ill., asking additional legislation governing sale of renovated butter—to the Committee on Ways and Means.

Also, petition of the German Savings Bank, of Brooklyn, N. Y., opposing postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of United Master Butchers' Association of New York, asking repeal of tax of 10 cents per pound on colored butterine—to the Committee on Ways and Means.

Also, petition of the Public Education Association of New York, favoring passage of H. R. 24148, for the establishment of a child labor bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of the Chamber of Commerce of Pittsburg, Pa., asking passage of liberal river and harbor bill in the special session—to the Committee on River and Harbors.

Also, petition of the Star Egg Carrier and Tray Company, of Rochester, N. Y., favoring passage of H. R. 21929—to the Committee on the Judiciary.

By Mr. MALBY: Petition of residents of Tuxedo Park, N. Y., favoring H. R. 24148, to provide for a children's federal bureau—to the Committee on Expenditures in the Interior Department.

By Mr. OVERSTREET: Petition of the Progress Club of South Bend, Ind., favoring H. R. 24148, to establish in the Department of the Interior a children's bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of Woman's Missionary Society of the First Presbyterian Church of South Bend, Ind., favoring H. R. 24148, for the establishment of a children's bureau—to the Committee on Expenditures in the Interior Department.

By Mr. PAYNE: Petition of Manchester Grange, No. 501, for parcels-post and postal saving bank bills—to the Committee on the Post-Office and Post-Roads.

Also, petition of John R. Wilson and others, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. REEDER: Petition of citizens of Kansas, favoring the Littlefield-Bacon bill—to the Committee on the Judiciary.

By Mr. ROBINSON: Petition of J. L. Williams and others, asking that the duty on lumber remain at its present rate—to the Committee on Ways and Means.

By Mr. RYAN: Petition of Trades League of Philadelphia, Pa., to increase power of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Petition of Chamber of Commerce of Pittsburg, favoring appropriation of $50,000,000 annually for improvement of inland waterways—to the Committee on Rivers and Harbors.

Also, petition of commercial and industrial organizations of Indiana, favoring the ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chicago Surgical Trade Association, against removal of duty on surgical instruments—to the Committee on Ways and Means.

By Mr. SULZER: Petition of the Chamber of Commerce of Pittsburg, favoring a river and harbor bill for the extra session of the Sixty-first Congress—to the Committee on Rivers and Harbors.

Also, petition of the Chamber of Commerce of Pittsburg, favoring an appropriation of $50,000,000 yearly for internal waterway improvements—to the Committee on Rivers and Harbors.

Also, petition of P. W. Wilde, for a children's federal bureau—to the Committee on Expenditures in the Interior Department.

By Mr. SWASEY: Petition of Oxford County Pomona Grange, of South Paris, favoring constitutional amendment granting equal suffrage to women—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of William Foye—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: Petition of Homer Monroe, of Sidney, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition of many citizens of Michigan, for removal of the duty on hides—to the Committee on Ways and Means.

By Mr. WALLACE: Petition of many citizens of Arkansas, favoring reduction of duty on lumber—to the Committee on Ways and Means.

By Mr. WANGER: Petition of Pottstown (Pa.) Lodge, Benevolent and Protective Order of Elks, for reservation in Wyoming for the care of the American elk—to the Committee on the Public Lands.

Also, petition of Trades League of Philadelphia, in favor of such amendments to the interstate-commerce act as will protect the interest of shippers from damage arising from misquotation of freight rates by carriers—to the Committee on Interstate and Foreign Commerce.

Also, petition of Allied Agricultural Organizations of Pennsylvania, in favor of H. R. 18204, known as the "Davis bill on industrial education"—to the Committee on Agriculture.

Also, petition of Allied Agricultural Organizations of Pennsylvania, favoring H. R. 21318, regulating manufacture, sale, or transportation of insecticides and fungicides—to the Committee on Interstate and Foreign Commerce.

Also, petition of Pennsylvania Child Labor Association, favoring H. R. 24148, for establishment of children's bureau in the Interior Department—to the Committee on Expenditures in the Interior Department.

By Mr. WEBB: Petition of citizens of Newbern, N. C., against repeal of the duty on lumber—to the Committee on Ways and Means.

Also, petition of citizens of Gaston, N. C., favoring a parcels-post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. WEISSE: Petition of Fond du Lac (Wis.) Benevolent and Protective Order of Elks, favoring an elk reservation in Wyoming—to the Committee on the Public Lands.

Also, petition of W. S. H. S., of Madison, Wis., in favor of H. R. 21318, relating to fungicides—to the Committee on Interstate and Foreign Commerce.

By Mr. WHEELER: Petition of Peter C. Curry and 22 others, urging removal of duty on hides—to the Committee on Ways and Means.

By Mr. WOOD: Paper to accompany bill for relief of Michael Fanley—to the Committee on Invalid Pensions.

## SENATE.

SATURDAY, *February 20, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 2982) to codify, revise, and amend the penal laws of the United States with an amendment, asks a conference with the Senate on the bill and amendment, and had appointed Mr. MOON of Pennsylvania, Mr. PARSONS, and Mr. SHERLEY managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERSTREET, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee managers at the conference on the part of the House.

The message further announced that the House had agreed to concurrent resolution 100 of the Senate, authorizing the cancellation of the signature of the Speaker of the House of Representatives, the Vice-President of the United States, and President of the Senate to the enrolled bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De Witt Willcox decoration and diploma presented by Government of France, and providing for the correct enrollment of the bill.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 23468. An act to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901;

H. R. 27054. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 27068. An act to extend the time for the completion of the Alaska Central Railway, and for other purposes; and

H. R. 27139. An act to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district.

### ENROLLED BILLS SIGNED.

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

S. 8048. An act to withdraw from settlement and entry certain lands in the State of California; and