ASSISTANT COMMISSIONER OF PATENTS.

Frederick A. Tennant to be Assistant Commissioner of Patents.

POSTMASTERS.

IDAHO.

Alfred J. Dunn, at Wallace, Idaho.

OHIO.

William D. Archer, at Pleasant City, Ohio.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 8, 1909.

Ernest W. Lewis, of Arizona, to be associate justice of the supreme court of the Territory of Arizona, vice Richard E. Sloan, resigned.

SENATE.

MONDAY, *May 10, 1909.*

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

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of the proceedings of Saturday last was read and approved.

DISCRIMINATIONS AND MONOPOLIES IN COAL AND OIL.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a report of the investigation by the Interstate Commerce Commission into the subject of railroad discriminations and monopolies in coal and oil (S. Doc. No. 39), which, with the accompanying paper, was referred to the Committee on Interstate Commerce and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of Wisconsin, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Joint resolution memorializing Congress in regard to international peace.

Whereas the progress of industry and the happiness and prosperity of the people of all countries depends upon the maintenance of peace among the nations of the world; and

Whereas international wars have resulted usually from jealousies due in a large degree to mutual misunderstandings which could have been made clear by conferences and investigations; and

Whereas it would promote the progress of peace in international relations to have a parliamentary union at stated intervals, composed of delegates from all nations; and

Whereas the friendly relations existing between the United States and all nations make it peculiarly fitting that the proposal should come from this country: Therefore be it

Resolved by the assembly (the senate concurring), That we respectfully memorialize the Congress of the United States to initiate proceedings to invite the nations of the world to send delegates to an interparliamentary union for the purpose of discussing and establishing a system of international arbitration and investigation of disputes between nations and to arrange for a permanent interparliamentary union at stated intervals; and be it further

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to the President of the United States, the President of the Senate of the United States, and the Speaker of the House of Representatives, and to each of the Senators and Representatives from this State.

L. H. BANCROFT,
Speaker of the Assembly.
JOHN STRANGE,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. E. ANDREWS,
Chief Clerk of the Senate.

The VICE-PRESIDENT presented a petition of sundry citizens of Chicago, Ill., praying for the repeal of the duty on hides, which was ordered to lie on the table.

He also presented a petition of the Commercial Exchange of Philadelphia, Pa., praying for the ratification of a reciprocity treaty with Canada by which all the products of that country shall be given entry into the United States upon payment of tariff duties not exceeding the duties charged by the government of the Dominion of Canada upon similar articles that are the products of the United States, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New York, Ohio, Pennsylvania, New Mexico, Wyoming, Delaware, South Carolina, North Dakota, Kentucky, and Missouri, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. KEAN presented a petition of sundry manufacturers of pen and pocket knives, of Sussex and Newark, N. J., praying for the retention of the proposed duty on imported knives or erasers, which was ordered to lie on the table.

He also presented a petition of sundry shoe manufacturers, of Newark, N. J., praying for the repeal of the duty on hides, which was ordered to lie on the table.

He also presented a petition of Mickleton Grange, No. 111, Patrons of Husbandry, of Swedesboro, N. J., praying for a reduction of the duty on raw and refined sugars, which was ordered to lie on the table.

He also presented a memorial of Local Union No. 3, Cigar Makers' International Union of America, of Paterson, N. J., remonstrating against the repeal of the duty on cigars imported from the Philippine Islands, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURKETT:

A bill (S. 2297) amending sections 2307 and 2308, Revised Statutes, United States—additional homestead; to the Committee on Public Lands.

A bill (S. 2298) granting an increase of pension to Wesley Coppock; to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 2299) authorizing the appointment of M. J. Hogarty, captain, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the army (with the accompanying papers); to the Committee on Military Affairs.

A bill (S. 2300) granting an increase of pension to Franklin Stauter;

A bill (S. 2301) granting a pension to Mary Bell;

A bill (S. 2302) granting an increase of pension to Cassius B. Kimball;

A bill (S. 2303) to increase the pensions of certain persons now on the pension rolls under the general laws; and

A bill (S. 2304) granting an increase of pension to Charles W. Eaton (with the accompanying papers); to the Committee on Pensions.

By Mr. KEAN:

A bill (S. 2305) granting an increase of pension to George B. Van Pelt (with the accompanying papers); to the Committee on Pensions.

AMENDMENT TO THE TARIFF BILL.

Mr. BURTON submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

AFFAIRS IN PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 40), which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

To the Senate and House of Representatives:

An emergency has arisen in Porto Rico which makes it necessary for me to invite the attention of the Congress to the affairs of that island and to recommend legislation at the present extra session amending the act under which the island is governed.

The regular session of the legislative assembly of Porto Rico adjourned March 11 last without passing the usual appropriation bills. A special session of the assembly was at once convened by the governor, but after three days, on March 16, it again adjourned without making the appropriations. This leaves the island government without provision for its support after June 30 next. The situation presented is therefore of unusual gravity.

The present government of Porto Rico was established by what is known as the Foraker Act, passed April 12, 1900, and taking effect May 1, 1900. Under that act the chief executive is a governor appointed by the President and confirmed by the Senate. A secretary, attorney-general, treasurer, auditor, commissioner of the interior, and commissioner of education, together with five other appointees of the President, constitute the executive council. The executive council must have in its membership not less than five native Porto Ricans. The legislative power is vested in the legislative assembly, which has two coordinate branches. The first of these is the executive council just described, and the second is the house of delegates, a popular and representative body with members elected by the qualified electors of the seven districts into which the island is divided.

The statute directing how the expenses of government are to be provided leaves some doubt whether this function is not com-

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mitted solely to the executive council; but in practice the legislative assembly has made appropriations for all the expenses other than for salaries fixed by Congress; and it is too late to reverse that construction.

Ever since the institution of the present assembly, the house of delegates has uniformly held up the appropriation bills until the last minute of the regular session, and has sought to use the power to do so as a means of compelling the concurrence of the executive council in legislation which the house desired.

In the last regular legislative assembly the house of delegates passed a bill dividing the island into several counties and providing county governments; a bill to establish manual-training schools, a bill for the establishment of an agricultural bank, a bill providing that vacancies in the offices of mayors and councilmen be filled by a vote of the municipal councils instead of by the governor, and a bill putting in the control of the largest taxpayers in each municipal district the selection in great part of the assessors of property.

The executive council declined to concur in these bills; it objected to the agricultural bank bill on the ground that the revenues of the island were not sufficient to carry out the plan proposed, and to the manual training school bill because in plain violation of the Foraker Act. It objected to the change in the law concerning the appraisement of property on the ground that the law was intended to put too much power in respect of the appraisement of property for taxation in the hands of those having the most property to tax. The chief issue was a bill making all the judges in municipalities elective. Under previous legislation there are 26 municipal judges who are elected to office. By this bill it was proposed to increase the elective judges from 26 to 66 in number and at the same time to abolish the justices of the peace. The change was objected to on the ground that the election of municipal judges had already interfered with the efficient and impartial administration of justice, had made the judges all of one political faith, and a mere political instrument in the hands of the central committee of the Unionist or dominant party. The attitude of the executive council in refusing to pass these bills led the house of delegates to refuse to pass the necessary appropriation bills.

The facts recited demonstrate the willingness of the representatives of the people in the house of delegates to subvert the government in order to secure the passage of certain legislation. The question whether the proposed legislation should be enacted into law was left by the fundamental act to the joint action of the executive council and the house of delegates as the legislative assembly. The house of delegates proposes itself to secure this legislation without respect to the opposition of the executive council, or else to pull down the whole government. This spirit, which has been growing from year to year in Porto Rico, shows that too great power has been vested in the house of delegates and that its members are not sufficiently alive to their oath-taken responsibility for the maintenance of the government to justify Congress in further reposing in them absolute power to withhold appropriations necessary for the government's life.

For these reasons I recommend an amendment to the Foraker Act, providing that whenever the legislative assembly shall adjourn without making the appropriations necessary to carry on the government sums equal to the appropriations made in the previous year for the respective purposes shall be available from the current revenues and shall be drawn by the warrant of the auditor on the treasurer and countersigned by the governor. Such a provision applies to the legislatures of the Philippines and Hawaii, and it has prevented in those two countries any misuse of the power of appropriation.

The house of delegates sent a committee of three to Washington, while the executive council was represented by the secretary and a committee consisting of the attorney-general and the auditor. I referred both committees to the Secretary of the Interior, whose report, with a letter from Governor Post and the written statements of both committees, accompanies this message.

I have had one personal interview with the committee representing the house of delegates and suggested to them that if the house of delegates would pass the appropriation bill without insisting upon the passage of the other bills by the executive council I would send a representative of the Government to Porto Rico to make an investigation and report in respect to the proposed legislation. Their answer, which shows them not to be in a compromising mood, was as follows:

If the legislative assembly of Porto Rico would be called to an extraordinary session exclusively to pass an appropriation bill, taking into consideration the state of affairs down the island and the high dissatisfaction produced by the intolerant attitude of the executive council, and also taking into consideration the absolute resistance of the house to do any act against its own dignity and the dignity of the country, it is the opinion of these commissioners that no agreement would be attained unless the council feel disposed to accept the amendments of the house of delegates.

However, if in the proclamation calling for an extraordinary session the judicial and municipal reforms would be mentioned, and if the executive council would accept that the present justices of the peace be abolished and municipal judges created in every municipality, and that vacancies occurring in mayorships and judgeships be filled by the municipal councils, as provided in the so-called "municipal bills" passed by the house in its last session, then the commissioners believe that the appropriation bills will be passed in the house as introduced in the council without delay.

Porto Rico has been the favored daughter of the United States. The sovereignty of the island in 1899 passed to the United States with the full consent of the people of the island.

Under the law all the customs and internal-revenue taxes are turned into the treasury of Porto Rico for the maintenance of the island government, while the United States pays out of its own Treasury the cost of the local army, i. e., a full Porto Rican regiment, the revenue vessels, the light-house service, the coast surveys, the harbor improvements, the marine-hospital support, the post-office deficit, the weather bureau, and the upkeep of the agricultural experiment stations.

Very soon after the change of sovereignty a cyclone destroyed a large part of Porto Rican coffee culture; $200,000 was expended from the United States Treasury to buy rations for those left in distress. The island is policed by 700 men and complete tranquillity reigns.

Before American control 87 per cent of the Porto Ricans were unable to read or write, and there was not in this island, containing a million people, a single building constructed for public instruction, while the enrollment of pupils in such schools as there were—551 in number—was but 21,000. To-day in the island there are 160 such buildings, and the enrollment of pupils in 2,400 schools has reached the number of 87,000. The year before American sovereignty there was expended $35,000 in gold for public education. Under the present government there is expended for this purpose a total of a million dollars a year.

When the Americans took control there were 172 miles of macadamized road. Since then there have been constructed 452 miles more, mostly in the mountains, making in all now a total of 624 miles of finely planned and admirably constructed macadamized roads—as good roads as there are in the world.

In the course of the administration of this island, the United States medical authorities discovered a disease of tropical anæmia which was epidemic and was produced by a microbe called the "hook worm." It so much impaired the energy of those who suffered from it, and so often led to complete prostration and death, that it became necessary to undertake its cure by widespread governmental effort. I am glad to say that 250,000 natives, or one-fourth of the entire population, have been treated at government expense, and the effect has been much to reduce the extent and severity of the disease, and to bring it under control. Substantially every person in the island has been vaccinated, and smallpox has practically disapppeared.

There is complete free trade between Porto Rico and the United States, and all customs duties collected in the United States on Porto Rican products subsequent to the date of Spanish evacuation, amounting to nearly $3,000,000, have been refunded to the island treasury. The loss to the revenues of the United States from the free admission of Porto Rican products is $15,000,000 annually. The wealth of the island is directly dependent upon the cultivation of the soil to cane, tobacco, coffee, and fruit, for which we in America provide the market. Without our fostering benevolence the business of Porto Rico would be as prostrate as are some of the neighboring West Indian Islands. Before American control, the trade balance against the island was over $12,500,000, while the present balance of trade in favor of the island is $2,500,000. The total of exports and imports has increased from about $22,000,000 before American sovereignty to $56,000,000 at the present day. At the date of the American occupation the estimated value of all agricultural land was about $30,000,000. Now the appraised value of the real property in the island reaches $100,000,000. The expenses of government before American control were $2,969,000, while the receipts were $3,644,000. For the year 1906 the receipts were $4,250,000, and the expenditure was $4,084,000. Of the civil servants in the central government, 343 are Americans and 2,548 are native Porto Ricans. There never was a time in the history of the island when the average prosperity of the Porto Rican has been higher, when his opportunity has been greater, when his liberty of thought and action was more secure.

Representatives of the house of delegates insist in their appeals to Congress and to the public that, from the standpoint of a free people, the Porto Ricans are now subjected under American control to political oppression and to a much less liberal government than under that of Spain. To prove this

they refer to the provisions of a royal decree of 1897, promulgated in November of that year. The decree related to the government of Porto Rico and Cuba and was undoubtedly a great step forward in granting a certain sort of autonomy to the people of the two islands. The war followed within a few months after its promulgation, and it is impossible to say what its practical operation would have been. It was a tentative arrangement, revocable at the pleasure of the Crown, and had in its provisions authority for the governor-general to suspend all of the laws of the legislature of the islands until approved or disapproved at home, and to suspend at will all constitutional guaranties of life, liberty, and property supposed to be the basis of civil liberty and free institutions. The insular legislature had no power to enact new laws or to amend existing laws governing property rights or the life and liberty of the people. The jurisdiction to pass these remained in the hands of the National Cortes and included the mass of code laws governing the descent and distribution and transfer of property and contracts and torts, land laws, notarial laws, laws of waters and mines, penal statutes, civil, criminal, and administrative procedure, organic laws of the municipalities, election laws, the code of commerce, and so forth. In contrast with this, under its present form of government, the island legislature possesses practically all the powers of an American commonwealth, and the constitutional guaranties of its inhabitants, instead of being subject to suspension by executive discretion, are absolutely guaranteed by act of Congress. The great body of substantive law now in force in the island, political, civil, and criminal code, codes of political, civil, and criminal procedure, the revenue, municipal, electoral, franchise, educational, police and public works laws, and the like, has been enacted by the people of the island themselves, as no law can be put upon the statute books unless it has received the approval of the representative lower house of the legislature. In no single case has the Congress of the United States intervened to annul or control acts of the legislative assembly. For the first time in the history of Porto Rico the island is living under laws enacted by its own legislature.

It is idle, however, to compare political power of the Porto Ricans under the royal decree of 1897, when their capacity to exercise it with benefit to themselves was never, in fact, tested, with that which they have under the Foraker Act. The question we have before us is whether their course since the adoption of the Foraker Act does not show the necessity for withholding from them the absolute power given by that act to the legislative assembly over appropriations, when the house of delegates as a coordinate branch of that assembly shows itself willing and anxious to use such absolute power, not to support and maintain the government, but to render it helpless. If the Porto Ricans desire a change in the form of the Foraker Act, this is a matter for congressional consideration dependent on the effect of such a change on the real political progress in the island. Such a change should be sought in an orderly way, and not brought to the attention of Congress by paralyzing the arm of the existing government. I do not doubt that the terms of the existing fundamental act might be improved, certainly in qualifying some of its provisions as to the respective jurisdictions of the executive council and the legislative assembly; and I suggest to Congress the wisdom of submitting to the appropriate committees this question of revision. But no action of this kind should be begun until after, by special amendment of the Foraker Act, the absolute power of appropriation is taken away from those who have shown themselves too irresponsible to enjoy it.

In the desire of certain of their leaders for political power, Porto Ricans have forgotten the generosity of the United States in its dealings with them. This should not be an occasion for surprise, nor in dealing with a whole people can it be made the basis of a charge of ingratitude. When we, with the consent of the people of Porto Rico, assumed guardianship over them and the guidance of their destinies, we must have been conscious that a people that had enjoyed so little opportunity for education could not be expected safely for themselves to exercise the full power of self-government; and the present development is only an indication that we have gone somewhat too fast in the extension of political power to them for their own good.

The change recommended may not immediately convince those controlling the house of delegates of the mistake they have made in the extremity to which they have been willing to resort for political purposes, but in the long run it will secure more careful and responsible exercise of the power they have.

There is not the slightest evidence that there has been on the part of the governor or of any member of the executive council a disposition to usurp authority, or to withhold approval of such legislation as was for the best interests of the island, or a lack of sympathy with the best aspirations of the Porto Rican people.

WM. H. TAFT.

THE WHITE HOUSE, *May 10, 1909.*

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed and the bill on the calendar is in order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. HALE. I think, as there may be important votes taken, we should have a quorum present.

The VICE-PRESIDENT. The Senator from Maine suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Bacon	Clay	Hale	Piles
Beveridge	Crane	Heyburn	Rayner
Bradley	Crawford	Hughes	Root
Briggs	Cullom	Johnston, Ala.	Scott
Bristow	Cummins	Jones	Shively
Brown	Curtis	Kean	Smith, S. C.
Bulkeley	Depew	La Follette	Smoot
Burkett	Dick	Lodge	Stephenson
Burnham	Dolliver	McLaurin	Stone
Burrows	Fletcher	Nelson	Sutherland
Burton	Flint	Oliver	Taliaferro
Chamberlain	Frye	Page	Taylor
Clapp	Gallinger	Paynter	Warner
Clark, Wyo.	Gamble	Penrose	
Clarke, Ark.	Guggenheim	Perkins	

The VICE-PRESIDENT. Fifty-eight Senators have answered to the roll call. A quorum is present. The Secretary will state the pending amendment

The SECRETARY. The pending amendment is on page 60, paragraph 180. The committee proposes to strike out paragraph 180 in the following words: "180. Lead in sheets, pipe, shot, glaziers' lead, and lead wire, $1\frac{7}{8}$ cents per pound," and to insert a new paragraph 180, as follows:

180. Lead dross, lead bullion or base bullion, lead in pigs and bars, lead in any form not specially provided for in this section, old refuse lead run into blocks and bars, and old scrap lead fit only to be remanufactured; all the foregoing, $2\frac{1}{8}$ cents per pound; lead in sheets, pipe, shot, glaziers' lead, and lead wire, $2\frac{1}{2}$ cents per pound.

Mr. HEYBURN. Mr. President——

Mr. BEVERIDGE Will the Senator yield to me?

Mr. HEYBURN. I yield to the Senator from Indiana.

Mr. BEVERIDGE On Saturday the Senator from Montana [Mr CARTER] submitted some observations to the Senate on the vast extent of information which the Senate has. Of course the Senate understood the speech very well. It did not have any misapprehension, I think; but that the country may not, I send to the clerk's desk and ask to have read the following paragraph.

The VICE-PRESIDENT. Without objection, the paragraph will be read.

The SECRETARY. CONGRESSIONAL RECORD, April 30, page 1640:

As a foundation for a perfect protective system in this country, we ought to be armed with full information as to comparative cost of production of every article without and within this country. For the most part we have not such facts before us. I presume if one would go through the eight or ten thousand pages of House hearings he could pick up considerable along that line. But nothing is presented to us in an orderly, logical, or accurate manner upon this most important subject. As I am forced to act without the information which I would like to have to aid me in the duty of fixing rates, I feel more than ever the necessity of some commission or bureau whose duty it shall be to ascertain these facts every year and keep Congress informed upon them. I do not think we need a commission to pass judgment on what we should do. Congress is charged with the duty of exercising the judgment. We should have a commission or bureau to furnish the facts upon which the judgment could be based.

Mr. HALE. What is the Secretary reading from?

Mr. BEVERIDGE. I am going to explain to the Senate what the Secretary is reading from.

The VICE-PRESIDENT. From the CONGRESSIONAL RECORD——

Mr. HALE. I desire before the explanation to know what the Secretary is reading from.

Mr. BEVERIDGE. From the speech of Hon. PORTER J. MCCUMBER, Senator from North Dakota, a member of the Finance Committee.

Mr. HALE. It had not yet been stated.

Mr. BEVERIDGE. It was a speech made on this floor, and when I hear the statement made here——

Mr. HALE. I wanted to have it stated where the Secretary was reading from. The Senator does not need to state it to me, because it has been stated.

Mr. BEVERIDGE. I do state it again.

Mr. President, this utterance, and I do not intend to comment at all upon it, is the deliberate expression of a member of the Finance Committee.

But with the indulgence of the Senator from Idaho I send to the desk to have read one sentence——

Mr. HALE. From whom?

Mr. BEVERIDGE. This excerpt is the statement of the chairman of the Finance Committee of the Senate, and it contains two sentences.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

Mr. BEVERIDGE. I shall be glad to have it read.

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

The SECRETARY. CONGRESSIONAL RECORD, May 4, 1909, page 1719:

Mr. President, I have no knowledge whatever of anything that transpired before the Committee on Ways and Means. I have never read the hearings before that body. I have no knowledge or idea about any statement that was made before that committee.

Mr. ALDRICH. Mr. President——

Mr. HEYBURN. Mr. President, I will have to let comment be reserved for some future time.

Mr. ALDRICH. That special remark which the Secretary has read was in regard to the duty on orange mineral, which I had not read. I had no idea of making any such statement, because I have——

Mr. BEVERIDGE. I will state to the Senator the only object I had was to quote statements from members of the Finance Committee a paragraph long, so that the country may understand, as I think the Senate does, the very eloquent speech of the Senator from Montana. I merely submit this and ask that it may go to the country; that is all.

Mr. ALDRICH. If the Senator means to intimate to the country that I am not familiar with this subject, that is all right. I have given thirty years' study to it. I, of course, have not brought to that study the ability of the Senator from Indiana, but such as I have I have brought to the consideration of this question. If the Senator will give a fraction of time and attention to this business that I have, he will serve his country and his constituents much better than he will by declaiming against everybody for lack of information.

Mr. BEVERIDGE. Mr. President, there was no criticism of the Senator from Rhode Island——

Mr. HEYBURN. Mr. President, I think Senators must defer——

Mr. BEVERIDGE. In order to answer the Senator from Montana——

The VICE-PRESIDENT. The Senator from Idaho declines to yield further.

Mr. BEVERIDGE. At least I have submitted sufficient for this morning.

The VICE-PRESIDENT. The Senator from Idaho declines to yield further.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. The Senator from Idaho declines to yield further.

Mr. HEYBURN. I think, it being largely a question of personal statement, it should be deferred.

The VICE-PRESIDENT. The Senator declines to yield further.

Mr. HEYBURN. Mr. President, I think we, perhaps, sometimes enact legislation that does not completely meet the requirements of the occasion for want of accurate information. That is perhaps the fault of no one, and yet the fault of all who participate in it. I have listened with very much interest to the discussion of this lead question by certain Senators, and I have been impressed with the idea that if they knew more of the subject in its details they would perhaps have arrived at other conclusions than those which they expressed. I do not say that as a reflection upon either the industry or the intelligence of any Senator. It is a condition that is frequently applicable in all walks of life, public and private.

The question has been discussed from the supposititious standpoint that ore is lying loose in or on the ground, and that you go out and the cost of mining consists in picking it up and putting it in sacks or transporting it to the mill. I think it might be practicable to give some specific facts in regard to this matter. There are not two mines in the United States that are similar in all particulars. There are not two mines in the United States from which ore may be uniformly extracted at a uniform price. There are not two months in the year when any mine in the United States represents the same condition of expense as to the extraction or as to the quantity extracted or the terms and conditions under which it is extracted. It changes with every day in the year.

Bear in mind that when we speak of these mines no one man is interested in or profits by the conditions in his neighbor's mine, and because the conditions at a certain mine may be such that a very large and inordinate profit is reached from the conditions under which the ore is mined to-day or at any time, yet the neighboring mine is the victim or the subject of a differing condition that has no application and derives no benefit whatever from the first mine.

A few mines in the world have commenced to pay from the time of discovery, but so few that they are scarcely worth taking into consideration. Ordinarily it requires the expenditure—and I am now speaking of lead mines—of a large amount of money before any returns come to the party mining. Hundreds of thousands of dollars are necessary, and then when you find the ore it is not a mining proposition at once. You must put it in such a shape that it can be mined to advantage—that is, at a profit. To sink a shaft down in the earth and strike solid galena ore does not mean that you have a mine ready for production. In the first place, you must sink the shaft down or run a drift for mining works of some kind until you have the ore in such a shape that you can take it out to advantage. Then, when you take it out, it is not all ore.

The greater part of the substance extracted from the mines is waste. It costs just as much to break a ton of waste and take it out as it does to break a ton of ore and take it out. The wages and the expense of breaking the ton of waste must be charged against the total ore output.

Then again, you strike a rich body of ore and extract it and you find you have exhausted the ore immediately available. You go to work to find another ore bank and you extend all you took out of the first one and perhaps more before you find another one.

Ore does not ever lie solid in veins. Ore is found in veins, but it does not constitute all the veins. Ordinarily it lies in pipes within the veins or in the shape of bonanzas within the veins. Sometimes there is nothing to connect these ore bodies of value except little stringers, sometimes nothing at all. I have known many mines where after having exhausted one ore body they would run hundreds or thousands of feet to find another. Nobody ever mines ore by lifting it up. Ore must be stoped down. You must get under it and then break it down, and then raise it or haul it to the surface.

I thought it might be instructive to bring a piece of ore or two into the Hall this morning, in order that those not familiar with it may know something of it. There is a piece of lead ore [exhibiting] from one of the prominent mines in Idaho. It looks very rich. It is a very enticing piece of galena. But that ore could not be smelted in the condition in which it is here presented. It must be concentrated. That piece of ore will concentrate 3 tons of crude ore into 1 ton of ore ready for the smelter. It contains about 40 per cent lead. It happens to be rich in silver. It contains about 55 ounces in silver to the ton. If any Senator desires to see it more closely, I will send it by a page or he can send a page for it, but it illustrates the proposition I have made—that what is mined is not ore, and that when you say the wages of two men amount to $8 a day, and if they mine 2 tons then it costs only $4 a ton to mine it, your calculation is wrong, because the thing they have mined was not the ore ready for the smelter, but it was crude ore.

Now, that is an exceptionally high-grade piece of ore. The majority of the ore in the camp is in such a shape that it takes from 8 to 10 tons of ore to concentrate into 1 ton of ore. We call that product "concentrate." It varies in every mine and in every stope of every mine and in every day's work in every mine.

So you can not make a hard and fast rule, such as that demonstrated by the figures of the Senator from Kansas the other day in determining the exact cost of producing ore, and you can not take up the question as one of averages of all the ore, because, as I said, one man may prosper and another starve to death. I have in mind a mine in our own camp that produces a million dollars and does not concentrate a ton of it. It comes out of the ground rich enough to ship and make a profit of perhaps a million or a million and a quarter of dollars a year to the owner. There is no such mine elsewhere in the world that I have ever heard of.

You can not estimate the equities of this case upon the basis of that mine. I know of another mine close by it where the profit to the owner is only $1.80 a ton. I know of a mine in which one stope shipped clean ore that needed no concentrating, and the next stope required 7 tons to be concentrated into 1.

I have here another piece of ore [exhibiting] of a different character, a very much richer ore than the other one, although perhaps no one would suspect it by looking at it. It contains about 120 ounces of silver to the ton, about 8 per cent lead, and about $9 in copper. But that ore could not be treated by any known process without concentrating. The base of it is gangue, as we call it—I mean carbonate of iron—which is by far the greater proportion of it. It is an interesting specimen of ore, but it would not do to legislate upon the basis of that piece of ore, because right near that property is one that had to close down during the time when the duty on lead and ore was just half what it is now; it could not work at all because it did not make money enough to pay the running expenses.

That is the way it is all through that country, and that which is true of that country is true of other mineral countries. So we must not be led away by the idea that we can average and balance all these things, to do which is to starve one man to death while another man may perhaps live and make money.

A little practical experience demonstrates the truth of this statement. At the time the duty on lead was cut in two that which is now the second largest mine in Idaho closed down because it reduced the price of lead from 4½ to 2½, and the mine could not work at 2½. Yet under the present duties that mine works and produces perhaps from two million to two million and a quarter in value of ore in a year. It can do it only because lead is 4 cents or upward. It will close when lead goes below $3.75—they say below $4, but I will be liberal in my estimate. Now, if you close that mine down, you will throw a thousand or twelve hundred men out of employment at the mine. That is what they did. I do not have to guess or prophesy about it.

We do not have to guess or prophesy as to the effect of reducing the tariff on lead or lead ore. We know from experience what the result will be. The great Morning mine, with its great concentrator, stopped and stood still during the time when lead bore the duty of one-half of that which it bears to-day, and if you reduce it the same condition will result naturally. There is no use in presenting theory and argument against conditions of this kind.

If all the ore that was mined was ready for shipment, you could see that so many men working so many hours produce a ton of ore and that the ore is worth so much. In the first place, you have got to prepare for extracting this ore. Take the great Bunker Hill mine. It run a tunnel that was 7 feet high, if my recollection is accurate, and I think it is, and 8½ feet wide for 2 miles, and it spent a couple of million dollars in doing it.

It was absolutely necessary, because they had reached a depth beyond or below which they could not go with shafts, and they had to go down 2 miles away and start a tunnel. That is chargeable properly against the ore that comes out of the mine.

A mine when it is worked out is no longer of any value. Worked-out mines, having all the ore that would be available taken out of them, are of no value. They are not like a wheat field, they are not like an ordinary commodity, because the working of them is the exhaustion of them. The profits that you derive from them from year to year is merely a partial payment on the mine.

When this ore is taken out of the mine, the average, I may say, is 7 tons of crude ore to 1 ton of concentrates. In other words, it cost $7.71 a ton to produce the crude ore in the Coeur d'Alene camp last year; and I use that because the Coeur d'Alene camp produces practically one-third of the lead of the United States, and it is all within one county—the county in which I live. I took the gross product of tons, and I took the wages paid actually—not theoretically or speculatively—and I divided them for the purpose of determining how much wages it required to produce a ton of crude ore. I find that the result is $7.71 a ton.

Now, if you have to mine 7 tons of crude ore to get 1 ton of concentrates, you have got to multiply $7.71 by 7. Who, in the discussion of this question, has taken that fact into consideration? The witnesses who gave evidence before the House committee seem to have referred always to a ton of ore that needed no concentration.

They took into account nothing of the preliminary expense of preparing the mine and preparing the ore for extraction, and it made a comparatively favorable showing to their contention. But I want to show it up in its true light. You have mined 7 tons of crude ore in order to get one of concentrates, and you have 7 times $7.71, in round figures, $50 for mining, for producing, I may say, 1 ton of what? Concentrates. It is not ore yet; it is concentrates, containing 1,200 pounds of lead to the ton, provided they are 60 per cent, and that is about the average.

So you have 800 pounds of waste in the concentrates which you have to pay freight on, which you have to accept as a basis for deduction, and which you have to pass through all the expensive treatment incident to the treatment of the ore. You send those concentrates to the smelter.

The cost of ore quits with the production of the concentrates. It is the first time you can call it a ton of ore, when it is in the shape of concentrates, and for that the cost made for mining is $50 a ton. When you take it to the smelter you commence a new series of charges. You have the ore in the ore, in the bin, or on the dump, the result of this concentration. Now, what next? It must be taken to the smelter for the purpose of extracting the waste and reducing the ore to something else, which is the bullion, the thing we are dealing with in this schedule.

The first expense that we know on our settlement sheets is one item—it is not separated—freight and treatment, $19 a ton. That is $19 a ton on this product, which is only 1,200 pounds lead and 800 pounds waste. You have to pay freight on the waste.

Mr. BRISTOW. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Certainly.

Mr. BRISTOW. I did not understand what the $19 represented.

Mr. HEYBURN. Freight and treatment by the smelter. That is the language in which you will find it on the settlement sheets. Had I thought of it a little earlier I would have brought in a few sample settlement sheets to illustrate perhaps more accurately exactly how these settlements are made.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. CUMMINS. I should like to ask the Senator from Idaho this question: The $19 a ton to which the Senator has just referred includes the freight from the mine to the smelter?

Mr. HEYBURN. To the smelter or concentrator.

Mr. CUMMINS. And includes also the freight upon the bullion or pig lead from the smelter to New York?

Mr. HEYBURN. No; I will explain that. I know what the Senator refers to. The smelter deducts, first, 10 per cent from the value of the lead that is shown to be in the concentrates after they are smelted. They do that as tare, just as the old merchants deducted for tare—that is, for the accidents of business. Men claim and charge that it is to pay the freight on the bullion to the refining works, but that is a theory. They deduct it; and if they refined it in their own building where they smelt it, they would still deduct it. So it is only a theory that they deduct it for the purpose of paying freight on the bullion to the refining works. I am speaking from practical experience and not from the testimony of anybody, because I have gone through this testimony, and it is in every instance imperfect. It only tells a part of the story, and I am going to tell you all, I hope, briefly.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Iowa?

Mr. CUMMINS. If I do not interrupt the Senator from Idaho, I should like to ask him another question.

Mr. HEYBURN. Certainly.

Mr. CUMMINS. I have been guided only by the showing made before the Ways and Means Committee of the House. Is it not true that when a mine owner takes his concentrate to the smelter he receives pay at once for all the mining or all his concentrates?

Mr. HEYBURN. I can tell the process exactly.

Mr. CUMMINS. Let me ask another question.

Mr. HEYBURN. Certainly.

Mr. CUMMINS. And in arriving at the amount that the smelter pays the miner does he not deduct the freight on the finished product to New York?

Mr. HEYBURN. No; there is no such item.

Mr. CUMMINS. Does he not also deduct the freight upon the concentrates from the point of origin to the smelter?

Mr. HEYBURN. The first proposition is not correct. The second one, as I understand it, is correct. He deducts first freight and treatment, because he makes the contract with the railroad company for the traffic rate itself, and he adds it in one item, freight and treatment, $19 a ton.

Now, when he makes a settlement he simply says contents of ore, so many ounces in silver, so much per cent lead, so much gold perhaps, if it happens to carry gold or copper. Then he says less 10 per cent on lead. He does not say what it

is for, and if you will ask him he will generally answer you with some levity. I have had them to say it was to feed the mules. No man ever said in a serious business transaction that it was to pay the freight on bullion to the refining works.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I do.

Mr. CUMMINS. Do not understand me to suggest that a deduction of 10 per cent is to cover the freight. That deduction is supposed to cover the loss, as I gather it, of the precious metals, 10 per cent upon lead, 5 per cent upon silver and gold, that takes place in smelting or concentrating, and in reaching the bullion proper.

Mr. HEYBURN. Yes; that is another way that it is stated. It is immaterial how it is stated. The mere fact is the important question because that represents the dollars and cents which the man receives.

Mr. CUMMINS. Just one more question. In what way does the smelter ascertain the price of lead, so that he may know how much to pay the miner?

Mr. HEYBURN. For years we have been settling on what is known as the Western Union quotations. In other words, the Western Union Company in the city of New York gathers up the quotations from the market from actual sales. They must be based upon actual sales, and can not be based upon anything but actual sales. That goes out and establishes uniformity in prices. It is a good thing, of course.

There is another item, and a large one, which comes in between the mining and smelting, and that is the loss in concentrating. According to testimony which I participated in taking a few years ago, when the conditions were the same as now—they do not vary—we lose 20 per cent of the lead in the process of concentration. Every once in a while some man comes forward with a new invention, by which he can save all of that, or save a part of it; but the old story goes on. We find that as between the assayed value of the ore and the results which we get there is a loss of about 20 per cent. Some concentrating machinery is a little more perfect than other, and might reduce it a little, but that is the estimate, and it is a safe one. It is the one upon which men do business when they do it upon their own responsibility. So there is that loss.

This ton of ore that we have started to keep an account of is subject to these charges. The ton of ore with which the Senator from Kansas kept an account was net profit. I have shown some of the things that are charges against it in a business transaction.

Now, after you have charged these things you still have the uncertainties of mining, the question whether to-day you will have the class of ore shown by this piece of galena ore or whether you will have a piece such as I now exhibit. The difference in value between those two pieces of ore is about four to one, and you may run out of one into the other any day.

Now, I think I have said enough at least to give a general idea of the process of obtaining ore. We have got it to the smelter. The smelter is charged, say, the freight and treatment $19 a ton. I take that as an average. I have known it to be $17; I have drawn contracts for it higher; but I take that as a safe and conservative basis to estimate it.

Now, we have it at the smelter. Of course, in the expense, in addition to fuel and plant, that the smelter is obliged to incur, is to be included the supply of those materials that make the flux. It depends upon the character——

Mr. BRISTOW. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Just a moment, and I will yield.

That expense depends upon the character of the ore. I have a piece of ore here [exhibiting], the smelting of which is done without any charge for flux, because it contains more than a certain per cent of carbonate of iron, which is necessary in the smelting of ore. You must have silica, you must have lime, and you must have iron to smelt these ores, according to the character of the ore. Those materials are all lost to the smelter. There is nothing of value which results from them at all. They are used necessarily to bring about that chemical combination that will fuse the ore; and after that, it is a question of specific gravity. Now, I will yield to the Senator from Kansas.

Mr. BRISTOW. I should like to inquire if the ore is not reduced with the concentrates before it is imported for smelting from Mexico?

Mr. HEYBURN. The record before us here on our desks shows that some of the ore is concentrated and some of it is shipped crude. We ship a great deal of crude ore. I have given you the average figures of crude ores—that is, ores that require concentration and ores that do not. We have one mine, as I say, that pays over a million dollars a year, and that has always shipped its ores as it takes them out of the ground. It is a phenomenal mine.

Mr. BRISTOW. But the ore that is mined in Mexico requires the same kind of smelting and concentration as that which is mined in the United States, does it not?

Mr. HEYBURN. I admit that it does; but I will give the Senator some figures on that ore in Mexico. You can mine a ton of ore there for $17.99, as against $53.97 in this country. That is the difference between Mexico and this country; and I have an actual instance of figures. In the United States we mine crude ore that will produce by reduction 7 tons into 1, that will produce a ton of concentrates. The cost in the United States is $53.97, as against $17.99 in Mexico.

As to concentrating and hauling, I will give actual figures. A ton of ore in Mexico costs $4.75 to give it the treatment which in this country costs $14. You see there is less difference in that product, because, as a matter of fact, some Americans are employed at the high grade of labor connected with it.

Mr. BRISTOW. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Kansas?

Mr. HEYBURN. Certainly.

Mr. BRISTOW. I should like to know what the $14 expense to which the Senator referred represents in this country?

Mr. HEYBURN. It represents transportation and concentrating. I have taken the actual expenses for this. Of course you would find some below that and some above; but I have attempted fairly to get at the average that would represent a fair condition. I can give the Senator a little further information, perhaps, in regard to that.

Mr. BRISTOW. Just a moment, before the Senator does that. This $4 expense in Mexico is for concentrating, is it? What is the $14 for?

Mr. HEYBURN. For hauling it from the mine to the concentrator.

Mr. BRISTOW. The hauling from the mine to the concentrator aggregates $4 in Mexico and $14 in the United States

Mr. HEYBURN. Yes. In the first place, there is, of course, a vast expense in the erection of the concentrators. We have concentrators costing more than a million dollars. In one gulch, at the mouth of which the city in which I live is situated, there are five concentrating plants which represent a cost of over two and a half million dollars. Those concentrating plants are being worn out and have to be continually renewed. That expense must be charged against the product resulting from them.

Take the same condition in Mexico. The character of labor employed in concentrating the ore and in transporting it from the mine to the concentrator represents the difference in the expense. That is a necessary expense. Some mines can take the ore and concentrate it for a trifling sum; other mines can take it there, and take it there only by building expensive railways. The first ores that were taken from the Coeur d'Alene country were hauled 35 miles on wagons to the head of navigation on the Coeur d'Alene River, then conveyed 35 miles by boat, and then again placed upon cars and hauled 450 miles before they could be treated at all.

Of course the result was that we left in that mine or on the dump large quantities of ore that ought to have been treated and which they are now treating. I say it, without being invidious in any sense, that in our country to-day and in all other mining countries we are working over Democratic dumps of the Wilson-Gorman tariff. Ores that were not rich enough to carry away from the mine during that period are to-day being transported and worked at a profit because of the fact that there is a difference in the tariff and a difference in the prices. Lead was 2 cents a pound during those dark days, and only such mines as had a character of ore that could be worked very cheaply or that was of very high grade were operated at all. The other mines lay idle; and the rich mine could not help the idle mine, because they were owned by different persons. You will shut off labor and you will shut off the disbursement of money for this purpose just to the extent that you reduce the duty on lead, which is the product.

It has been suggested to me, "Can you stand an eighth; can you stand a sixteenth; can you stand a little reduction?" I say we can stand it at the expense of reducing the number of men employed; we can stand it at the expense of dumping hundreds of thousands of tons of ore into the waste pile that can be marketed at a profit under existing conditions, but that could not be marketed at all if you should reduce the tariff. Every reduction of a cent—I do not care how small it is—puts somebody out of employment, and it puts some ore over the dump

that ought to go into the market and add to this commodity for which some are so solicitous.

Mr. President, that is the business side of it; and I say the testimony that was introduced before the House committee was fragmentary, and there was no complete story.

The wages paid in the lead mines in the United States in the year 1907 were $18,548,248. You can take the number of tons of ore—I do not mean the crude ore that has to be concentrated—and divide it, and you will readily see how much it costs to mine a ton of ore. The wages paid in Mexico to produce the same quantity of ore in 1907 would be $6,182,749. There is a comparison between the cost in Mexico and the cost in the United States that certainly must make an impression upon the inquiring mind. The same ore, for which wages amounting to $18,548,248 were paid in this country, would have been produced in Mexico for $6,182,749. Who would benefit by it being produced in Mexico? What wage-earner is it that we ought to take into consideration? Who would be benefited by the paying of $6,182,749 out for wages in Mexico when we ought to have paid $18,548,248 to American miners? I will give you Spain, for instance. The same product in Spain could have been mined for $9,274,124, as against the $18,548,248 paid in this country.

The object of this legislation is to keep the American laborer busy—to keep him employed. When he is idle he is not only unfruitful, but he is expensive. The law that will keep employed the largest percentage of the labor in the United States is the best law, and it is the only law that we should consider. The law that puts out of employment a single man in the United States who ought to be employed is bad to that extent. The law that would put out of employment 500,000 men can not certainly commend itself to anybody.

I will now say a word in reference to the suggestions of the Senator from Kansas [Mr. BRISTOW]. The bullion, which is the result of this labor and industry and investment and enterprise, is to be converted into paint, and a certain portion of it to be used by whom? Does the Senator from Kansas dream that it is to be used only by the farmers? There is no Senator in this body who will go further than I to shape this bill in the interest of the farmers, but I know something of the facts in regard to that matter.

The paint used upon ordinary farm buildings, in the first place, has no white lead in it. It is mineral paint. The paint used on the houses and buildings of the better class is all, or a part of it, white lead; but the farmer is perhaps to a less extent than anybody else interested in the price of white lead. If he is wise enough to use one coat of it on a building, it would last as long as five coats of mineral paint; but it is a mistaken idea to bring in a sentiment in favor of the farming community in determining so great a question as is involved in this schedule. In the first place, it is not the farmers who are clamoring for this; but it is the touters for the farmers who are wanting to make a noise, which sounds like popularity with the farmers. I naturally know something of the use of paint and the application of the paint principle to this proposition. It will not make a difference at all in the cost of paint to the farmer. There is nothing lost in transforming bullion into white lead; on the contrary, there is a slight gain. That may sound paradoxical, but it is true. It is one of those subtle laws of chemistry that has not been accurately figured out. A ton of pure pig lead will make more than a ton of white lead by the process of corroding.

Mr. President, we want to deal with this question along lines of actual experience, rather than upon some man's theory. There is always somebody ready to come in with a theory about everything that is proposed, accepting wrong premises and arriving naturally at wrong conclusions. I have been astonished at the testimony that was given before the committee of the House, but I have been more astonished at the fact that some one did not ask a few questions that would have developed the entire story.

If you reduce the duty on the result of the ores, you might just as well have left it off the ores. Of what advantage is it to bring ores into this country from foreign lands and corrode them here if you are going to throw the market wide open to the pig-lead industry from the outside? Why would a man pay duty on ore to bring it in if he could reduce it to bullion and bring it in for a much lesser duty?

We used in this country last year 245,000 tons of our own lead; we used of the lead of other countries less than 80,000 tons. The table from which the Senator from Kansas read—and I think the Senator from Georgia [Mr. BACON] used the same table a few days ago—was the table of ores imported into this country in bond. You must give credit always for that which goes out again and charge yourself with that which stays here. Forty-one thousand tons were imported in bond; 30,000 tons of it remained here in competition with our market and paid the duty; the remainder goes back again and receives the credit of the drawback. That cuts practically no figure in determining this question.

Mr. BACON. Mr. President, that, I think, is exactly the statement which I myself made when the Senator from Utah called my attention to the fact that there were larger importations than had been indicated in the figures submitted by me. The figures which I read were of ore which was imported into this country for domestic use, and the excess to which the Senator alluded represented the part of the ore which had been imported in bond for smelting with a view to exportation, upon which no duty was paid.

Mr. HEYBURN. Mr. President, I mentioned it in order to follow it with the suggestion that it is of small consequence in determining the right and the wrong of this matter.

Mr. BACON. Right on that point for information, not for controversy, I desire to ask the Senator a question. The contention, as I understand, is that the smelting can be more economically and cheaply done in other countries than here. I desire to know, for information from the Senator, who is familiar with the entire subject, why it is, if the smelting can be done more cheaply and economically in other countries, that there should be this very large importation of ore with a view to smelting it for exportation?

Mr. HEYBURN. Mr. President, it is in nearly every case a question of convenience. There are immense tracts in this country in which there is no smelter; there are great mining camps that have no smelter in their vicinity or within any reasonable distance of them; there are mines along our borders, both north and south, that have no smelters on their own side, while we have smelters on this side. The ores from the great Le Roy mine, in Rossland, are brought across to our side of the line and smelted at the Northport smelter. So the ores from Mexico that are not convenient to any possible means of reduction there come to Kansas City, and very often go to Leadville, or wherever there are any facilities for treating them. It is not every mine that has a convenient concentrator or smelter. As I have suggested, we built 35 miles of railroad to get to our first lead mine in the Coeur d'Alene country, and that had to be done by the patriotic and prophetic faith of two men. They looked at the mines—they were accustomed to estimating them—and they said, "We will try it," and they built those smelters. It turned out that the mines were profitable; so the country grew, and they were amply repaid for their faith.

Mr. BACON. The Senator will see that my inquiry was naturally suggested by the contention, which has been made with so much earnestness by Senators, that the smelting could be done more cheaply in foreign countries than it could be done here, and therefore it was necessary that there should be a differential.

Mr. HEYBURN. Of course it can be done more cheaply if you employ foreign labor.

Mr. BACON. I can not understand why some 50,000 tons of ore should be brought into this country for smelting purposes if it could be smelted more cheaply in the country from which it came.

Mr. HEYBURN. Fifty thousand tons is not much ore.

Mr. BACON. No; but still it comes in to be smelted.

Mr. HEYBURN. That is what we would call "a little jag of ore" coming in from British Columbia.

Mr. BACON. If it could be smelted more cheaply in the foreign country, it seems to me, even as to a small quantity, they would take advantage of it.

Mr. HEYBURN. It comes in because there are no facilities of treating it any nearer.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. I will say to the Senator from Georgia [Mr. BACON] that one reason why some ore is imported from Mexico and smelted in this country is because the people who are the owners of smelters in this country also own some mines in Mexico and also own some smelters in Mexico. In the past their smelters would not absorb the entire quantity of ore that was taken from their mines, and they shipped into this country the surplus for smelting. That was because they did not have sufficient smelting facilities in Mexico. But that is being remedied; the smelting industry is being extended in Mexico; and it is only a question of a little time until the smelters which those people own in Mexico will be able to smelt all the ore which they produce in their mines.

Mr. HEYBURN. And send it in here as bullion under a low tariff.

Mr. BACON. The Senators are both of them experts; I am not; but it appears to me to be a remarkable situation. If the ore can be smelted more cheaply in the foreign country than it can in this country, it seems to me, even though some of our own people may have ore property in those foreign countries, that they could utilize the same methods by which the smelting could be done more cheaply there than here.

Mr. HEYBURN. Then we stop them with a duty; that is where the duty on bullion comes in.

Mr. SUTHERLAND. The American investor is beginning to recognize the fact that the ore can be smelted more cheaply in Mexico, and therefore he is extending his investment in smelter properties in Mexico.

Mr. BACON. It is not a fact, then, that is so patent and prominent that it has been heretofore recognized; it is only beginning to dawn upon them?

Mr. HEYBURN. That question is an old one. When we were considering the lead schedule in framing the McKinley bill and in framing the Dingley bill, all those questions were up.

Mr. President, there [exhibiting] is an ore that can not be smelted without lead. You have to get it to where lead is, or bring the lead to the ore in Mexico. There is a great deal of that character of ore, great copper ore, carrying high values in silver, but with not enough lead to make a flux. They must have lead to smelt that ore and make pig and bullion, and so it is necessary either to send that ore where the lead is, or to send the lead to where the ore is. We ship lead ore from the Coeur d'Alene country to Leadville because many of their ores do not contain a sufficient percentage of lead to smelt them. That is true all over the country. The little job lots of lead ore that come into this country under the conditions suggested by the Senator from Georgia cut no figure in the determination of this question. The ore that comes in from some section of country where perhaps the only concentrator or smelter is over on the other side of a big range of mountains and must come up on a line of railroad into this country has to submit to the terms we put upon it; that is, it must come in in bond, and if it stays here it has got to pay its rent, its duty.

Now, Mr. President, I want to keep before Senators the fact this is a question of whether or not the money we pay for mining these ores shall be paid in our country or paid somewhere else. If we pay it abroad, it never comes back. I want to keep before them the question as to whether or not the millions and millions of dollars expended in these mining plants shall be expended in this country or in a foreign country. If that money is expended abroad, as I have said, it never comes back. I also want it kept in mind that the men who own these mines are not making an exorbitant profit, because they have got to keep their development work ahead of their extraction all the time. We have miles of underground work in our mines, that would reach from here to the city of Baltimore, that have been constructed in an attempt, not to take out ore, but largely to demonstrate its existence or nonexistence; and, just as often as not, its nonexistence. That great expense must be charged against the profits of mining. Because you are taking out rich ore to-day, you must not forget what it costs to find that rich ore. Our State, of which we are proud—it may seem of lesser importance to those of you who represent older States—but the State of Idaho owes its existence to the mines that were found in it. I said the other day that in the darkest hours of this Nation's history, when gold meant almost as much as muskets, because it took gold to carry them and support the armies, we sent you more than $200,000,000 in pure gold, ready for use, ready for the counter—in four years we sent more than $200,000,000 of it, and we are still sending it into the arteries of commerce and trade; and we are doing it because we have this great lead mining industry to support the gold and silver mines. That may sound paradoxical. There are many instances in which there is a loss in the lead that is only compensated by the profit resulting from the gold and silver in it. Stop lead mining, and you will stop the production of $6,000,000 worth of silver in our State, because you can not mine it for the silver, and you will stop the production of four or five million dollars of gold every year, for you can not mine it for the gold. The lead is "the grubstake," as we say in our country, that keeps the mines of gold and silver going. Therefore, the consequences of such legislation as would impede lead mining are more far-reaching than the coffers of the lead miners.

What would a country be from which you would withdraw with a stroke of the pen $18,000,000 in wages from one county?

Mr. SMITH of Michigan. In one county in a year?

Mr. HEYBURN. The annual wages in just a single camp near which I live are more than $5,675,000. Where would the merchants be and where would your cotton and woolen factories be that supply those merchants with the goods they sell? Where would the $6,000,000 worth of machinery used in the mines be? Where would the men be who mine the ore and forge it and convert it into machinery? It is like a card house; you strike down the miners' wages and you have nothing left but the ashes. It passes out of existence. It is like the stopping of the sunlight. Where would be the market for the commodities that come up to us from Kansas, if you please, that we buy, and buy because we have the money resulting from this great enterprise, and could not buy if we had not the money?

I know one of the big farmers in Kansas who came up to our camp in 1884, and right under my office window took out the fortune with which he went back to Kansas, where he lives to-day, and bought a vast tract of land and built a beautiful home. Do not think for a moment that this question is local to the prosperity of our community any more than yours is local. It is true we produce other things. We produced 16,000,000 bushels of wheat in Idaho this year, but had it not been for these mines the people would not have been there producing wheat. We produce one-third of the sugar-beet product in the United States, but had it not been for the mines that took the people there we would not be doing it.

All these industries are welded together and constitute the prosperity of the people. Senators, unless you are so sure of your facts that there can not be a doubt and could not be one created in your minds, do not dare to strike down an industry of this Republic, important not alone to the people of the State, but to the people of the whole country. Do not do it because of any imaginary promise that somebody is supposed to have made that you would reduce the tariff on all articles, without regard to sense or reason. There is no such pledge resting upon us, and there is no such duty resting anywhere. Merely because you feel yourselves sliding downward on the scale of prosperity, do not reach everything within your grasp and drag it down with you.

I have made a table that it was my intention to put into the RECORD, and I may before the dog days are over. As we are still considering this question, I may do it yet. But I suggest its purport. It is a table showing from what class of American people the reduction in expenses and revenue came during the last year. That was the year of the panic. Every dollar of it came from the rich. It was the rich who curtailed their expenses. If you look to the imports, where there was a falling off of revenue, you will find it was not upon those things used by what are called the "poor" or the "working classes." You will find you can account for every loss of revenue by the articles used by the rich. I mean by that the liberal spenders. I am not attempting to develop that idea now. I have the figures taken from the table of imports to sustain it. I throw out the suggestion in order that other Senators, if they should feel interested, can pursue the investigation along those lines.

If we were to sit here, blindly following an imaginary promise to reduce the tariff and reduce everything without rhyme or reason, we would defeat the very purpose for which we were called in extra session. We were called together to restore confidence in the business world. Had there been no special session of Congress called for the purpose of revising the tariff, had there been no promise or threat of revision, there would be no deficit in the Treasury between the income and the outgo of the Government.

I may later desire further to discuss this question. A sliding scale of law is worse than no law, because it gives power limited only as against the people. Say what it shall be: "This is the law, and no man may change it, except authorized by the power that makes it."

Mr. President, I do not feel that it ought to be necessary to take up further the various technical objections which have been raised to this schedule. I only want to warn you that the prosperity, not only of four or five States depends upon it, but that prosperity is so far-reaching that it may reach the homes of those who think it is to them a foreign question.

Mr. JONES. Before the Senator from Idaho sits down I should like to call his attention to one fact.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. JONES. The Senator has brought out very clearly, it seems to me, the very great difference in the cost of the production of ore in this country and abroad. That is a proposition which appeals to me very strongly. I assume that, from his

knowledge, he can state whether the same proportion exists in the cost of smelting in this country and abroad.

Mr. HEYBURN. The difference between the cost of smelting in this country and in Mexico is nearly one-half. In fact, it amounts to nearly two-thirds.

The difference in smelting between this country and Spain is that it costs about one-half in Spain that it does in this country, because the machinery there is cheaper. In Mexico the machinery is very much cheaper than in this country. In Spain they can do it at very much less cost than we can, and the cost in wages in that country you may place at one-half; and in Germany they can smelt the ore from Australia or any other country for very little more than one-half of what it costs in this country, because they produce the machinery cheaper and the labor is cheaper, and they get the ores for a small fraction of what our ores cost us. They come in as ballast.

Mr. JONES. I will ask what is the daily wage for smelting in Mexico and in this country, and the wage for miners in this country compared with the wages of miners in Mexico?

Mr. HEYBURN. There are some very high-class men connected with the mining industry, and, in smelting, the wage here is not less than $3 or $3.50 a day.

Mr. JONES. In this country?

Mr. HEYBURN. In this country. In Mexico the same class of men gets 40 or 50 cents a day. In this country they get $7 or $8 a day.

Mr. JONES. Those are facts which appeal to me, and the testimony of Mr. C. E. Allen before the Ways and Means Committee as to the per diem wage paid in this country and in Mexico, showing vast difference, it seems to me, indicates pretty conclusively that we run considerable risk in reducing the rate.

Mr. HEYBURN. It is the wage item that counts.

Mr. JONES. The owner of the smelter will not suffer.

Mr. HEYBURN. The owner of the smelter will shut it down or cut down wages. He does not fix the price of his product.

Mr. JONES. He will reduce the wages of the smelter employees.

Mr. HEYBURN. Yes.

Mr. JONES. I want to read from page 2321—the testimony of Mr. Allen:

> Mr. ALLEN. The question of the comparative wages paid in Mexico (from which our chief imports come) and the wages in the West, in the United States, is very interesting. I can not speak of the wages of Missouri. The scale of wages which I will give applies to the intermountain States. The miners in Mexico receive from 75 cents to $1 Mexican. That is 37½ cents to 50 cents in United States money. The mine bosses receive from $1.25 to $1.50—62½ cents to 75 cents American money. Hoister runners and pump men receive from $1.25 to $2 Mexican—half as much American money. The common mine laborer receives 50 cents a day Mexican, or 25 cents a day American money.

He goes on to state that this was the showing in 1897 before the Dingley committee, but it is also shown that there has been no substantial change in miners' wages from that time to this. He says:

> The comparative wages of the American miners and other men about the mines are as follows: Shaft men get from $4 to $5 per day—

That is not Mexican money, either—

> According to whether it is a wet or a dry shaft.

On page 2322 he says:

> Blacksmiths and carpenters receive from $4 to $5 per day. Engineers receive from $3.50 to $5 per day. Miners receive from $2.75 to $4 per day. Laborers receive from $2.50 to $3 per day.

When you contrast that with 50 cents a day for Mexican labor, Mexican money, it seems to me it shows the necessity of a considerable differential. I would not cast my vote for any differential about which there was any doubt as being sufficient to cover the difference in the cost of production in this country and abroad. I would rather it would be a little bit too high than too low.

Mr. CRAWFORD. I wish to inquire whether the labor employed in Mexico are Mexicans, natives, as against Americans for smelting in this country?

Mr. JONES. I understand they are Mexicans. I think Mr. Allen answered that proposition on page 2324.

Mr. NELSON. Will the Senator allow me for a moment?

Mr. JONES. In just a moment, when I read this in answer to the Senator from South Dakota:

> Now, one word upon the subject of Mexican labor. It is sometimes called incompetent. In some branches it is the most competent mining labor in the world. There is no man who knows ore as well as the Mexican. There are no set of men in the world that will sort ore equally with the Mexicans. They will not, under their own leadership, do as much work in a day as the American miner, but under the leadership of American bosses, and through the introduction of American machinery and American methods, the Mexican miner to-day is approaching nearer to the ability of the American miner than he did ten years ago; and his wages have not increased.

That is the statement of a gentleman who is certainly familiar with mining, and it seems to me it is borne out by our own knowledge with reference to the handling of machinery.

For instance, to drive an ox team or a horse; that class of labor is just as competent and efficient as American labor.

Mr. NELSON. In view of the quotations made from Mr. Allen, I think it is well that the Senate should know what his recent experience has been in lead mining. I call attention to page 2330 of the House Hearings, part 2, schedule C, where the following question was put to him:

> The CHAIRMAN. Do you own or do you have any control of any mine whatever, or are you interested in any mine? [Laughter.]
> Mr. ALLEN. Yes, sir.
> The CHAIRMAN. Any mine that has been in operation for ten years?
> Mr. ALLEN. Not a lead mine.
> The CHAIRMAN. How long has the oldest of them been in operation—of your lead mines? Is there any reason why you should conceal this? Why do you not answer up?
> Mr. ALLEN. I am not concealing anything, and I do not wish to have it assumed that I am. I say we have not any property that has been running that length of time.
> The CHAIRMAN. How long is the longest time any of your property has been running?
> Mr. ALLEN. As I stated to the committee, we have been prospecting in our lead mine in Utah.
> The CHAIRMAN. In all five of them?
> Mr. ALLEN. There is only one of them that is a lead mine.
> The CHAIRMAN. I thought you said you had five or six that you were the superintendent of.
> Mr. BONYNGE. They are not all lead mines.
> The CHAIRMAN. You were talking about lead mines. Well, then, there is only one lead mine, and that you have been prospecting in?
> Mr. ALLEN. That is what I have stated.

That is all there is to Mr. Allen. He has not been carrying on mining operations. He has been prospecting.

Mr. SMOOT. I know Mr. Allen——

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

Mr. NELSON. I have no time to yield. The time belongs to the Senator from Washington.

Mr. JONES. I desire to suggest to the Senator that he read this:

> The CHAIRMAN. Have you ever had any actual experience with a lead mine?
> Mr. ALLEN. Yes; I have.

Mr. SMOOT. I have known Mr. Allen for many years. There is no more experienced miner in the United States. There is no wonder that Mr. Allen answered just as he did, because the question was about any mine that had been in operation for ten years. I want to call attention to the fact that there are very few lead mines that exist for ten years. They are worked out before that time, and Mr. Allen answered exactly according to the truth of the matter. I can count all of the lead mines in Utah, and but two ever existed longer than ten years.

Mr. CUMMINS. Mr. President, I offer an amendment to the paragraph under consideration.

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

The SECRETARY. On page 60, line 21, in the committee amendment, strike out the words "two and one-eighth" and insert the words "one and seven-eighths," so as to make the paragraph read:

> 180. Lead dross, lead bullion or base bullion, lead in pigs and bars, lead in any form not specially provided for in this section, old refuse lead run into blocks and bars, and old scrap lead fit only to be remanufactured; all the foregoing, 1⅞ cents per pound; lead in sheets, pipe, shot, glaziers' lead and lead wire, 2½ cents per pound.

Mr. CUMMINS. Mr. President, unless I am diverted, I intend to be very brief and to direct my observations to the exact issue. I assume that it is agreed among us that we want the lead used by the people of the United States taken from our own mines. We want the ore converted into the finished product in our own smelters and in our own refineries, and we want to preserve the existing standard of compensation among our men. Upon these propositions I am sure that all Senators upon both sides of the Chamber will agree. Let us see, then, just what we must decide at the present time.

The other day we adopted the Senate committee amendment providing for a duty of 1½ cents per pound upon lead in the ore. My friend the Senator from Idaho [Mr. HEYBURN] directed his remarks this morning, as it seemed to me, to that part of the legislation, rather than the part now under consideration. If we have acted intelligently and wisely, we have compensated the American miner for the difference between the cost of mining lead-bearing ores in this country and those countries with which we must compete.

Now, let us put aside that proposition as one already decided. I repeat it. We have determined that a cent and a half a pound upon the lead content of lead-bearing ore will enable the American miner to put his ore at the door of the smelter upon even terms with his competitor. I agree, however, that the American miner is not completely protected unless the American smelter can take the ore and convert it into the finished product and sell it at an American price in the American market. Therefore

what we have now to consider is what compensation we must give the American smelter in order that he may compete on even or a little more than even terms with the smelter in another country.

I put you this illustration to make it absolutely plain. Suppose we have a smelter built on the Mexican side and another smelter side by side erected upon the American territory. We have already provided that the American miner can bring his ore to the American smelter with as much profit as the Mexican miner can bring his ore to the Mexican smelter, and we are now concerned in the inquiry, What protection must we give to the American smelter in order that he may take this product of the American mine which we have already cared for and convert it into the product which we use? That is the only question involved in this amendment.

Now, I intend to do what is well known in the practice of law and is familiar to all those who are members of that profession here. I intend to file a demurrer to the evidence and ask the judgment of the Senate upon the evidence submitted by those who insist upon a differential of five-eighths of a cent per pound. What evidence have you here that the smelter needs five-eighths of a cent per pound? There is not one particle of testimony. I have read every word contained in this volume with relation to the cost of smelting ore. There is but little. This great exposition here—and I am glad we have it—relates almost wholly to the mining of ore and not to the smelting of ore. I assert after this careful inquiry that there is not one word of evidence in this volume which even tends to show that it costs more than $10 per ton to the smelter, and that includes his profit, in order to reach the market upon even terms, if you please, with his competitor across the border.

But let us assume that it is $12.50. Take the extreme estimate given by the Senator from Idaho, that it costs the American smelter $12.50 to reduce his product. Let us assume further that it costs him twice as much to reduce his product as it does that of his competitor across the line. Then it costs the man in Mexico $6.25 a ton. What then must we do? We must protect the American smelter by a duty of at least $6.25 per ton. Now, this is assuming the very basis adopted by those who insist upon the duty of 2½ cents per pound.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SUTHERLAND. The Senator is discussing a duty of $12.50 a ton as though it were a duty of $12.50 upon a ton of ore.

Mr. CUMMINS. No, sir.

Mr. SUTHERLAND. It is $12.50 upon a ton of lead.

Mr. CUMMINS. Mr. President, I beg the Senator's pardon. The Senator from Idaho stated that it was $12.50 a ton upon a ton of lead. It is not $12 a ton of ore. This volume shows beyond any controversy whatsoever that the average cost of refining a ton of ore or a ton of concentrates does not exceed $3 a ton.

Mr. SUTHERLAND. I wish the Senator would call our attention to any testimony bearing upon that point.

Mr. CUMMINS. I will do it with the utmost pleasure.

Mr. NELSON. Will the Senator yield to me?

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

Mr. CUMMINS. I do.

Mr. NELSON. Mr. President, the other day when the quotation was made in the Senate from the testimony of Mr. Brush, the Senator from Utah [Mr. SMOOT], with a great deal of vehemence, got up and stated that he had never been sworn. Am I quoting the Senator correctly?

Mr. SMOOT. No, sir; the Senator is not quoting me at all. I said Mr. Lissberger had never been sworn.

Mr. NELSON. I was going to show that Mr. Brush had been sworn.

Mr. SMOOT. I did not in the least deny that he had been sworn. I said Mr. Lissberger had not been sworn.

Mr. NELSON. Here, if the Senator from Iowa will pardon me——

Mr. CUMMINS. Certainly.

Mr. NELSON. We have finally struck pretty good bed rock in this testimony, and it relates to a mine in Idaho. I read from page 2394:

The CHAIRMAN. The smelter will take it at his price, which is the market price, and when that gets down below the point where it pleases them they shut down?

Here is what Mr. Brush said:

That is what they do. I only referred to 4 cents because that was the point that was fixed upon by a number of mines, and I selected a mine in the Coeur d'Alene which was able to make money at 4 cents, although that mining company owned three other mines, all of which closed down. Now, in working out that ore—the ore ran 8 per cent lead when it was mined and 3½ ounces of silver to the ton of ore as it was mined—when it was concentrated 7.8 tons of ore made 1 ton of concentrate. In the process of concentration the mine lost 13 per cent of lead and 33 per cent of silver in the ore, and the concentrates were shipped to our smelters in Colorado. Now, without going through all of the calculations that are before me, I will say that it came down to this: The 1 ton of lead cost the mine—I am speaking now of actual cost—$48.35 to mine it and to concentrate it, and two-thirds of that cost was labor, while the other third was very largely timber. The amount paid for freight on 1 ton of lead was $25.50; that was freight on the concentrates to the smelter and freight from the smelter to the refiner of the bullion, getting it to the New York basis.

Mr. HILL. How much was that?

Mr. BRUSH. The total amount of freight—

Now, listen to this—

Mr. BRUSH. The total amount of freight paid was $25.50. The cost to the smelter was $5.55; the cost to the refiner was $4.50, making a total cost of $83.90. The silver in it was worth $16.21. If you deduct that and throw all the cost upon the lead, which is certainly not a fair way of figuring costs, you will bring out the cost of 1 ton of lead at $67.69, or $3.38 a hundred pounds. Now, at 4 cents New York, there was a profit of 62 cents a hundred pounds. That profit was divided, 31 cents to the mine, 15 cents to the smelter, and 16 cents to the refiner.

In other words, taking these figures, it costs $5.55 at the smelter per ton of lead and $4.50 at the refinery just to reduce the base bullion. That makes a total for smelting and refining of $10.05 per ton of lead. There we have the exact figures, and it is the first time we have found them in this report.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. I wish to ask the Senator when you cease computing the cost, at the smelter or at the market?

Mr. NELSON. At the market. The man whom I have quoted here is engaged in smelting and refining. He has a good many smelters and refineries in this country, in Colorado. It shows that smelting and refining, the two processes combined, cost only $10.05 a ton of lead, not of the ore.

Mr. CUMMINS. Mr. President, I fear that the question asked by the Senator from Utah will have been forgotten before I have an opportunity to answer it. The Senate will remember that he asked me where, in this testimony, it was found that it costs but $3 a ton for smelting concentrates. I refer him to page 2415, in the evidence of Mr. Brush. The question was by Mr. CRUMPACKER:

Mr. CRUMPACKER. It is safe to say, then, Mr. Brush, that it does not cost more than $8 a ton for the lead for smelting, calculating that the concentrates run about 50 per cent of lead?

Mr. BRUSH. In the example I gave I used $3 per ton of concentrates as the cost of smelting.

Mr. CRUMPACKER. Three dollars per ton of concentrates?

Mr. BRUSH. Yes.

Mr. CRUMPACKER. And at 50 per cent it would amount to $6; but suppose we fix it at $8. Eight dollars will amply pay the cost of smelting, will it not?

Mr. BRUSH. I should say so.

Now, Mr. President, Mr. Brush is the only man before the Ways and Means Committee of the House who attempted to give the cost of smelting, and if we can not rely upon his evidence, then there is no evidence before the Senate upon that point.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Will the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. Certainly.

Mr. SUTHERLAND. The Senator from Iowa is in error, if he will permit me to say so, in stating that Mr. Brush's testimony is the only testimony upon that question. Mr. Allen testified, and gave an example to the committee. He showed that the cost of smelting a ton of ore was $8 in the example which he gave. I know, because——

Mr. CUMMINS. If there is any such evidence in this volume I have been unable to find it.

Mr. SUTHERLAND. I will call the Senator's attention to it.

Mr. CUMMINS. But in the latitude that I allowed myself, taking the statement of the Senator from Utah, I assumed that Mr. Brush had understated the cost of smelting, and I allowed $12.50 a ton as the cost of smelting and refining and in producing pig lead. If I may be permitted to say so to the Senator from Utah, I do not believe that you can furnish from all the mines you have in Utah or all the mines there are in Idaho a single statement in which the smelter has charged more than $10 a ton for smelting ore. If you have any such statement, I would be delighted to see it. I have groped through this testimony as best I could. I would like to see some of the statements that have been made where the smelters have purchased ore, because the miner is not interested in this matter except as to the price of ore. The smelter pays him for the lead that he brings in his ore, and he pays him upon the spot.

Now, how much does the smelter deduct from the actual lead in the ore for smelting?

Mr. SUTHERLAND. The smelters in Utah deduct all the way from $8 to $12 per ton of ore. Let me call the attention of the Senator to the testimony of Mr. Allen.

Mr. CUMMINS. I will assume that that is so. Suppose they deduct $8 a ton on ore. That is a deduction of $16 for lead.

Mr. SUTHERLAND. Sometimes it may be, if the ore is rich, as high as 50 per cent.

Mr. CUMMINS. Suppose the ore reaches 50 per cent. It means a charge of $16 for lead. Out of that the smelter gets his $10 a ton on pig lead from Utah to New York. That is the deduction he makes, and that means that the smelter charges $6 a ton for his lead, and out of that must not only come the cost but the profit as well.

Mr. SUTHERLAND. The Senator from Iowa does not understand me. What I undertake to say is that the smelters in Utah charge the miner all the way from $8 to $12 per ton of ore, and sometimes the ore carries as low as 8 per cent lead, sometimes it carries as much as 60 per cent lead, sometimes it carries 50 per cent lead. When a ton of ore carries 50 per cent—and we assume that the smelter recovers every particle of it, which he does not—if his charge per ton is $8 for the ore, that would be $16 for the lead. But if it carries 25 per cent lead, you would have to double that amount, making $32 for the ton of lead.

Mr. CUMMINS. We will very soon get far beyond the price of lead.

Mr. SUTHERLAND. If the Senator will allow me, I wish to call attention to the testimony of Mr. Allen upon this precise point.

Mr. CUMMINS. On what page?

Mr. SUTHERLAND. In the edition of the hearings which I have the testimony is found at page 2323, but I think in the edition which the Senator has it appears a page or two after that. Mr. Allen says:

In the year 1906, upon which I have based my figures because those are more complete, we produced 125,342,836 pounds of lead, or 164 pounds of lead per ton of ore, and this contained 68,340 ounces of gold, or 0.089 ounces of gold per ton. This lead also carried with it 9,406,758 ounces of silver, or 12.27 ounces of silver per ton; that is, 82 per cent of the silver produced in Utah came from lead ores. Between 26 and 27 per cent of the gold produced in the State came from the same source. The average value of the metals produced in lead ores in that year from this State were as follows: Lead, 5.7 cents per pound; gold, $20.67 per ounce; silver, 67 cents per ounce.

I may stop there to say that lead reached in 1906 a higher price than it had reached at any time previous for a quarter of a century. Lead now is selling in New York for about $4.25, from that to $4.30. Silver is now a little over 50 cents an ounce.

The value of the contents per ton was: Lead, $9.32—

That was upon the basis of 8 per cent lead in the ore—

gold, $1.84; and silver, $8.22, making a total value of each ton of lead ore produced of $19.38.

It costs the miner to produce this ore as follows: Ten per cent deduction from the price of lead cost him 93 cents, and 5 per cent deduction from the price of gold cost him 9 cents, per ton; 5 per cent deduction from the price of silver cost him 41 cents; average wagon and railway haul cost him $2.50 per ton; sampling, 50 cents a ton; smelting, $8 a ton, and mining, $3.50 a ton.

Mr. Allen is talking about the cost of smelting a ton of ore—not a ton of lead, but a ton of ore carrying 8 per cent lead.

Mr. NELSON. Will the Senator from Utah yield to me?

Mr. SUTHERLAND. In just a moment.

Some of those figures are estimates of my own, but they are well within the facts and the sum total is conservative. The total cost, then, to the miner was $15.93, and he received $19.38 per ton, which would leave an apparent profit of $3.45 per ton.

I will stop there to say, in answer to the suggestion made by the Senator from Minnesota the other day——

Mr. NELSON. Will the Senator allow me to make a statement here?

THE PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I desire to reply in just a moment.

Mr. SUTHERLAND. The Senator from Minnesota [Mr. NELSON] the other day, reading this same testimony and commenting upon it, said that upon a ton of ore the miner would make a profit of $3.45. That was true in the particular illustration which Mr. Allen was giving; but it must be remembered that that profit was based upon a price of 5.7 cents per pound for lead. As I have already said, that is the highest price.

I think it ranged as high as 6 cents for a short period during the year, but in 1906 lead reached the highest price that it had ever reached for a quarter of a century in this country. Lead now normally is worth from 4¼ to 4½ cents. If we put it at 4.3 cents, it would reduce the profit to the miner to 2.41 cents, because he must take off 1½ cents a pound from that; and if you deduct 2.41 from 3.45, you find that now, under the operation of these schedules, 1½ cents a pound on lead means 2⅛ cents per pound on pig lead, and that the profit which the miner is making is $1.05 a ton.

Mr. CUMMINS. I am sure the Senator from Utah does not desire to continue extensively on this question——

Mr. SUTHERLAND. I beg the Senator's pardon.

Mr. CUMMINS. Or upon my time.

Mr. SUTHERLAND. I realize that the Senator from Iowa has a perfect right to the floor.

Mr. CUMMINS. I do not complain, but I should prefer that, when the Senator from Utah comes to present the case at large, he would present it in his own way and in his own time.

Mr. SUTHERLAND. I may say this by way of excuse, that I was reading to the Senator from Iowa the statement of Mr. Allen with reference to the cost of producing a ton of ore; and I was simply diverted from it. In answer to the Senator from Minnesota——

Mr. STONE. I desire to ask the Senator from Utah a question.

Mr. CUMMINS. I yield to the Senator from Missouri for a question.

Mr. STONE. I ask the Senator from Utah to tell me what is the date when lead reached its highest price?

Mr. SUTHERLAND. It was in 1906.

Mr. STONE. What was that price?

Mr. SUTHERLAND. Mr. Allen gives it at $5\frac{7}{10}$ cents a pound.

Mr. STONE. That was in 1906?

Mr. SUTHERLAND. In 1906. Under the Wilson bill in 1896 it was very much less.

Mr. CUMMINS. I can not yield to the Senators for the purpose of going into a discussion of the Wilson bill at this time; and I care nothing about the price of lead in 1906. The cost to the miner has nothing whatever to do with the question which we are discussing.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. CUMMINS. I do.

Mr. GORE. I merely wish to ask the Senator from Utah what the wages paid to the miners per ton were? I did not quite understand.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah, for the purpose of answering the question?

Mr. CUMMINS. I yield to the Senator from Utah to answer the question.

The PRESIDING OFFICER. Will the Senator from Oklahoma please again state his question?

Mr. GORE. I desire to know what were the wages per ton paid to the miners for mining lead? I did not quite understand the rate when it was read by the Senator from Utah a moment ago.

Mr. SUTHERLAND. It comes to about $3.50 per ton.

Mr. GORE. That is for the lead ore?

Mr. SUTHERLAND. For lead ore carrying 8 per cent.

Mr. GORE. How much would it be for ore carrying 50 per cent?

Mr SUTHERLAND. It might be a great deal more than that, because the ore might not be in great quantities.

Mr. GORE. But might it not be less?

Mr. SUTHERLAND. I can hardly conceive of a case where it would be less than that.

Mr. GORE. What is the average?

Mr. SUTHERLAND. I am not able to tell the Senator, and I doubt very much whether anybody is able to tell him.

Mr. CUMMINS. I take up for a moment the analysis of the paragraph of the testimony of Mr. Allen read by the Senator from Utah. I take it, now, that the Senator from Utah will agree with me that this was intended to inform the public as to the profit to the miner in his work. That is true, is it not?

Mr. SUTHERLAND. That was one of the things.

Mr. CUMMINS. That was one of the things to be ascertained. I take it that the lead mentioned in the paragraph as being contained in a ton of ore was reckoned at the New York price, that being the basis of prices in the West with respect to this ore. That is true, is it not?

Mr. SUTHERLAND. Yes.

Mr. CUMMINS. That being true, I fancy the Senator will not deny that when the item of smelting, $8 a ton, is given, that that includes the transportation upon the pig lead from Utah to New York.

It must be so; otherwise there is no charge in this specification for the reduction that must take place from the price of the lead, inasmuch as it has to be transported from Utah to New York. It appears that the transportation rate is about $9 or $10 a ton on lead, is it not?

Mr. ALDRICH. It is $25.50 a ton.

Mr. CUMMINS. If that be true, this testimony again is wrong and is absolutely unreliable; but I doubt, however, the information of the chairman of the Committee on Finance. I would have to be receiving a great deal of assurance to be able to assert that it costs $25 a ton to transport pig lead from Utah to New York.

Mr. SMOOT. I have no definite information on that; but I can assure the Senator that in the settlement with the miner for lead ore there is a deduction of one and a quarter cents per pound from the price of the lead for the expense of freight from the State of Utah to New York.

Mr. CUMMINS. It may be that the avarice of the smelter is beyond even my comprehension.

Mr. SMOOT. It is not the avarice of the smelter, but it is a question of the railroad rate.

Mr. CUMMINS. I can not believe that the ordinary railway rate upon lead from Salt Lake City to New York is $25 a ton. If that is so, then how much would the freight be on a carload of pig lead from Salt Lake City to New York if it is a dollar and a quarter a hundred?

Mr. SMOOT. I can very easily figure it, Mr. President. To transport 40,000 pounds at a cent and a quarter, it would be $500 a car. That is what the amount would be.

Mr. CUMMINS. Is the railway rate on pig lead from Salt Lake City to New York $500 a car?

Mr. SMOOT. It would not surprise me at all if it were.

Mr. CUMMINS. The Senator lives in Utah; and does he say that the railway rate is $500 a car on pig lead, or a half of it, or a quarter of it?

Mr. SMOOT. There is no doubt about it, in my mind.

Mr. ALDRICH. I think the Senator from Idaho [Mr. BORAH] has the figures.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. I have tried to secure some accurate information with reference to this very matter, because it is the controlling point with reference to this subject; and I am going to give what I believe to be, and what I believe will be found to be, the correct figures with reference to it:

Another factor in which the Mexican lead producers have a great advantage is in the matter of transportation. From the principal Mexican lead mines to the Mexican smelters the freight on ore is $3 per ton, and as the ore contains about 50 per cent lead, the freight is equal to $6 per ton of pig lead. And from the smelter to New York the freight on pig lead is $4 per ton, making the total cost of transportation from the mines to the New York market only $10 per ton of pig lead.

Mr. CUMMINS. From what point?

Mr. BORAH. The Mexican lead mines.

Mr. SMOOT. That is a water route.

Mr. BORAH. That is a water route; and that is the advantage which they get.

The Idaho mines pay $8 per ton for freight on their ore to the smelters in Colorado, equal to $16 per ton of pig lead; and from the smelter to New York the latter costs $7 per ton.

Mr. CUMMINS. Does the Senator from Utah assert that it costs a dollar and a quarter a hundred to transport pig lead from Salt Lake City to New York?

Mr. SMOOT. Wait until the Senator from Idaho gets through, and I will answer.

Mr. BORAH. The statement continues:

The total cost for freight is therefore $23 per ton of pig lead—

From the Idaho mines—

as against $10 per ton from the Mexican mines, a handicap for us of $13 per ton.

Mr. SMOOT. I will say, in answer to the Senator from Iowa [Mr. CUMMINS], that from the State of Utah to New York the freight is about $25 a ton.

Mr. CUMMINS. Very well. I am very glad to hear the Senator from Utah reassert so extravagant and impossible a proposition.

Mr. SMOOT. It is $23 from Idaho, and I think it would be $25 from the State of Utah.

Mr. CUMMINS. Now, just mark the disingenuousness of that statement. The freight on the ore from the Colorado smelter is included in the statement made by the Senator from Idaho [Mr. BORAH]. He stated that the freight upon pig lead from Salt Lake City to New York was not more than $10 a ton; but you stated it was a dollar and a quarter per hundred.

Mr. SMOOT. I still say it is a dollar and a quarter a hundred.

Mr. CUMMINS. I say it does not exceed $10 a ton.

Mr. SMOOT. That is 50 cents a hundred.

Mr. CUMMINS. And we will allow it to remain right there.

Mr. SMOOT. I am perfectly willing for it to remain right there.

Mr. CUMMINS. Further investigation may determine who is correct and who is not. If the freight on pig lead from Colorado to New York is but $7 per ton, it is impossible that the freight on pig lead from Salt Lake City to New York shall be $25 a ton.

Mr. SMOOT. Mr. President, the rate on ore is always less than the rate on pig lead, and the rate as given by the Senator from Idaho [Mr. BORAH] from the mines in his State to Colorado was $8 on the ore—not on pig lead—and 50 per cent ore would make it $16; and from Colorado to New York, $7, which would make it $23. I do know that in the settlement with the miners for lead ore by the smelters in Salt Lake City they deduct 1¼ cents per pound for freight.

Mr. CUMMINS. A statement that I have not denied; a statement that I myself made a few moments ago to the Senator from Utah. In his impatience, and in the apparent endeavor to discredit what I have said, he denied that the rate on pig lead from Utah to New York was substantially $10 a ton. You deny that yet, do you?

Mr. SMOOT. I do.

Mr. CUMMINS. You insist now that it is $25 a ton. I will allow your knowledge of this subject as compared with my own to be tested by examination of that one subject. Mark you, I am saying nothing about the freight on the ore from the mines to the smelter; that is a cost to be borne by the miner.

Mr. ALDRICH. Is the Senator from Iowa willing to admit that it costs the producer of lead in Idaho and in Utah $25 a ton to transport that lead from the mines to New York?

Mr. CUMMINS. I have not a doubt of it, Mr. President.

Mr. ALDRICH. That is the whole question involved in this controversy.

Mr. CUMMINS. No; it is not the whole question involved in this controversy, if I may be permitted to differ with the chairman of the Committee on Finance.

Mr. ALDRICH. Will the Senator tell me how much it costs the Mexican producer to transport the lead products of his mine to New York?

Mr. CUMMINS. I have no doubt that the Senator from Idaho [Mr. BORAH] stated it correctly.

Mr. ALDRICH. That is a differential of $13.50 a ton on the cost of lead between the Utah producer and the Mexican producer; and the total amount of the differential provided in this paragraph is $12.50 a ton. The transportation rate is more than the whole differential proposition of this provision.

Mr. CUMMINS. Now, Mr. President, we are perceiving the real purpose. It has not yet been disclosed. It has been admitted here all the while that it costs $12.50 a ton more for the American smelter to convert his ore into lead than it costs the Mexican smelter, and therefore he needed a compensating duty. I know that it costs more to transport lead from Utah and Idaho to New York than it does from the Mexican mines; but what you are really doing—and I am glad to have it avowed now—is to equalize, not the difference between the labor in the United States and in Mexico, but to equalize the difference between the rates in transportation. That is one of the serious evils that I think lies in this tariff bill. Are you intending, is it your purpose, to equalize freight rates? If it is——

Mr. ALDRICH. Mr. President, I will say this: So far as I am concerned, I propose, in the first instance, to equalize the cost of production, so far as I can, which I think is only fairly covered by the differential in this case. Then I propose to give the miners of our Western States a chance to live and to breathe when they are situated, as they are, farther from the markets of this country, which are upon the Atlantic coast, than their competitors in Mexico. Does the Senator from Iowa propose to deny that to them? Does he propose to open up the markets of the United States to all their competitors throughout the world if the product happens to be located in Iowa, or in Utah, or in any of the Western States? Are they to be deprived by our legislation of an opportunity to compete in the markets of the United States? I think not. That is not what my understanding is of the protective policy.

Mr. CUMMINS. Mr. President, it has happened more than once——

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. In just a moment. I want to answer the suggestion of the Senator from Rhode Island [Mr. ALDRICH]. More than once the Senator from Rhode Island has appeared at a late stage in my observations, and without having oppor-

tunity to know what the proposition is that I am attempting to support, upbraids and reproaches me as an enemy to American labor. Mr. President, I began my remarks by stating that I wanted to so adjust the schedule as to enable our people to take lead ore from our ground, to convert it into lead at our smelters, and to pay to American laborers not only the full measure of compensation which they now receive, but more as time goes on.

I was attempting to say—and I will repeat it for the benefit of those who were not here when I began—that we do put a duty of 1½ cents a pound upon lead to enable the mine owner, or the laboring man, if you please—for I will substitute the one for the other—to bring his ore to the smelter. If this 1½ cents a pound, or $30 a ton, is not for that purpose, what is it for? It is to enable the American mine owner or the American producer to take his ore from the ground and bring it to the smelter in order that it may be converted into commodities fit for use. I have not complained about that. I voted for the propositon to impose 1½ cents a pound upon the lead in ore, but now we are dealing with the smelter.

We have compensated for a large part of the difference in the cost of transportation in the 1½ cents a pound that we have imposed upon lead ore. That has already been done, and now we are trying to discover the terms upon which an American owner can take this ore and convert it into the finished product.

There, I say, our inquiry must be, How much more does it cost the American smelter to do that work than it does his rival across the border? I was trying in a very feeble and inadequate way to ascertain from testimony how much it cost the American smelter to do that work. I accepted the statement of the Senator from Idaho [Mr. BORAH], although I think it is probably 25 per cent beyond the conclusion that would be reached from an examination of the testimony.

It may be assumed that it costs $12.50 for the smelter to convert his ore into lead bullion. If it does, and the efficiency of Mexican labor is twice as great as the efficiency of American labor—that is to say, if we do not get from our workmen for the money paid them more than one-half the efficiency which the Mexican smelter gets for the money he pays to his workmen—then the cost abroad is $6.25. The amendment that I have proposed to this paragraph provides for a differential of $7.50 a ton. I do not believe that any loyal citizen of the United States will declare that the efficiency of the American workman is less than one-half the efficiency of the foreign workman, as compared with the money paid to each. I have never heard it so asserted. I have never heard it declared that it was necessary to protect any commodity that comes from the American hand more than 100 per cent. I am willing here to attach to this process of converting the ore into bullion more than 100 per cent, according to the estimates of the Senator from Idaho himself.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. NELSON. At 2⅛ cents a ton the differential amounts to $42.50 a ton. Mr. Brush in his testimony—and he is very fair—approximates the figures that the Senator from Rhode Island gave:

The amount paid for freight on 1 ton of lead was $25.50—

The figures the Senator from Rhode Island gave—

that was freight on the concentrates to the smelter and freight from the smelter to the refiner of the bullion, getting it to the New York basis.

Mr. Brush further states:

The total amount of freight paid—

He takes a ton from a specific mine. Mr. Allen is general in his statement, but Mr. Brush takes a specific mine in Idaho. He says:

The total amount of freight paid was $25.50. The cost to the smelter was $5.55; the cost to the refiner was $4.50.

That makes $10.05 for the process of smelting and refining that ore. That ore was of exactly the same grade as that which the Senator from Utah described.

As I have said, that makes $10.05 a ton for smelting and refining. If you take even the figures the Senator from Idaho gave, of a differential of $13 a ton in freight on the transportation of the ore from Mexico and from Idaho, you have a difference of $9 a ton. Nine dollars and the $10.05 which go in smelting and refining, and $13—taking the Senator's figures—make nearly $33. Deduct that from $42 and you have a difference of $9 a ton, even with these extravagant freight figures. I think the rates the Senator has given from the data he has are probably correct, but I think the rates Mr. Brush gives, which are $25.50, is a fair statement. He cites a specific case. Mr. Brush was under oath, and you have, even taking the extreme figures, the cost of refining and smelting at $10.05 a ton; and counting your differential in freights from Mexico to New York at $13 a ton, you can see the vast difference between it and $42.50 a ton, which you allow in the bill.

Mr. ALDRICH. The Senator from Minnesota leaves out of the calculation entirely the $40 a ton that is imposed upon the contents of lead ore for the protection of the miner.

Mr. NELSON. It is included in the cent and a half a pound on lead ore.

Mr. ALDRICH. Of course it is, and that is the protection of the miner before the ore goes to the smelter at all.

Mr. NELSON. There are two processes: First, reducing the ore to base bullion or bullion. There is a cent and a half to protect that process; and then 2⅛ cents for reducing the base bullion and separating the lead from the silver.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield for a question; but I desire to finish the remarks that I rose to make.

Mr. SUTHERLAND. I dislike to trespass upon the Senator's time, yet I want to say just a word in response to the testimony which the Senator from Minnesota has read. I have not read the testimony all through, at least I have not read it recently; but I undertake to say that when Mr. Brush testified that the cost of extracting a ton of pig lead was only $5.50 he talked arrant nonsense, because I know—I am not guessing about it at all, for I come from a mining State—I know that the miners in my State pay all the way from $8 to $12 a ton of ore for extracting the lead. That I know.

Mr. CUMMINS. And silver, I suppose?

Mr. SUTHERLAND. And no ton of ore that has ever been made in the State carries as much as a ton of lead.

Mr. CUMMINS. I desire, if I can, to resume the thread of my argument, and to give to the Senate the authority for my statement that the freight on pig lead from Utah to New York City was $10 a ton. It is from the testimony of Mr. Brush; and inasmuch as his company smelts about one-half of all the lead in the United States, and inasmuch as his company operates very largely in Utah, as I am told, I think that his evidence is very competent. This is what he said:

The CHAIRMAN. What do you charge them for freight—

Speaking, now, of the Silver King mine and the Daily-West mine——

Mr. BRISTOW. From what page does the Senator read?

Mr. CUMMINS. Page 2389 of the hearings.

The CHAIRMAN. What do you charge them for freight?

Mr. BRUSH. Well, whatever we have to pay. From Utah the charge to New York is, on the bullion, I believe, $10 a ton. From Colorado it is $7. Unfortunately, I have not the figures before me from Utah, but I know that from Colorado it is $7 a ton.

The CHAIRMAN. You think it is $10 from Utah?

Mr. BRUSH. I think it is; but I am not sure.

The CHAIRMAN. Our recollection is that Mr. Allen said that it was $1.25 per hundred. I think that was the statement, but I have not located it.

Mr. BRUSH. That could not be, because that would be $25 a ton; would it not?

The CHAIRMAN. Yes.

Mr. BRUSH. Of course freight rates are open to inspection; they are all published.

The CHAIRMAN. But from your recollection, it is $10 per ton?

Mr. BRUSH. Certainly not more than $10 a ton, and it may not be more than $9.

The CHAIRMAN. And from Colorado, $7.

Mr. BRUSH. Yes, sir.

The CHAIRMAN. You are positive about that?

Mr. BRUSH. Yes. We have four or five smelters in the State of Colorado, and we only have one in Utah.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. I should like to ask the Senator if he is willing to give the same credence to all the other testimony of Mr. Brush that he gives to his testimony on freight rates? I have telegraphed to New York, and I will have the rates in a very few minutes.

Mr. CUMMINS. I am very glad the Senator has been diligent about it.

Mr. SMOOT. I want to know if the Senator would take the testimony of Mr. Brush in this book upon the statement of the freight rates from Utah to New York on bullion.

Mr. CUMMINS. I do not accept in that way the statement of any man. I always give any testimony that is submitted to me the test of my own common sense and what little I know with respect to commercial and industrial affairs. I believe the freight rate upon pig lead from Utah to New York can not be

$25 a ton. It would be so disproportionate, so absurd with respect to other things with which I have some familiarity, that I can not believe it. I believe the Senator will be candid—I know he will be—when you put that freight rate upon lead from Utah to New York you had in your mind the freight rate from the mine to the smelter as well as the freight rate from the smelter to New York. Why not openly and candidly avow that? There is no humiliation about it.

Mr. SMOOT. I want to say to the Senator as positively as I can and as positive as words can put it that I have no such thought in my mind. I know what the smelters charge from the mine to the smelter, and I can bring you settlements by the thousand by the smelting companies with different mines in Utah, and I tell you now that they charge 1¼ cents for freight from Utah to New York, or they deduct it in the settlement from the lead. I will have in a very little while here what the actual freight rate is. It may be a little less than $25. I doubt whether it is very much less. But I want the Senate to know just exactly what they do charge.

Mr. CUMMINS. I am very glad, because if there is any railroad that charges $25 a ton for carrying merchandise of this kind from Salt Lake to New York City, then I believe the Congress of the United States ought to turn aside for a few moments from the consideration of the tariff and deal with any such railway.

I am quite aware that the very company of which Mr. Brush is one of the vice-presidents may oppress the people of the country. I am not here as his defender. I suppose he or his company takes from you whatever he can, and that seems to be the habit in these days. But if he takes from you, or if his company takes from you, $25 a ton, based upon the actual transportation from Salt Lake City to New York City, then I believe that the people of Utah ought quickly to awaken to some sense of the slavery under which they are held and try to emancipate themselves.

Resuming again at the point at which I was interrupted, I said that the maximum cost of producing pig lead was, as far as the smelter is concerned, $12.50 per ton. If that be so, and the efficiency of our workmen is equal to the efficiency of the Mexican workmen—I mean, as compared with the wages paid—then the difference in cost can not exceed $6.25; and when we put upon this product or upon this process a duty of $7.50 a ton, if we have failed in our duty at all, it is to the consumer of this product rather than to those who produce it.

Mr. NELSON. I wish to call the attention of the Senator before he sits down to the fact that this testimony shows that the cost of mining ore is only $3.50 a ton.

Mr. CUMMINS. They show that over and over again.

Mr. BORAH. Mr. President, I am not going to trespass upon the time of the Senate to discuss the details of this matter, but as it is one of vital concern to the people of my State, I desire to say a word in passing before the vote is taken.

Idaho, I think, produces about 33.7 per cent of the lead produced in the United States. I am interested alone in maintaining and making effective the tariff which we have already fixed upon the ore. If I could be satisfied that the rate either as suggested by the committee or as the amendments provide will do that, I should be satisfied with either. I am primarily concerned and concerned alone as a representative of my State in making effective the tariff upon ore, and to that end alone am I addressing my remarks.

There is one thing certain, and that is that by no form of legislation here can you hurt the trust. It is idle to say there is no lead trust, and it is equally idle to say there is no smelter trust. Both of them are in existence, and one does not have to live long in the Western States until he knows it. But you can not by this legislation affect the lead trust or the smelter trust, because they own their lead mines and smelters upon both sides of the line, and anything you can do here in the way of legislation will not affect them, in my judgment, one way or the other. They can transfer their base of operations from one side of the line to another in the time a telegram goes from here announcing any change.

I want to be fair, and I want the Senators from the Middle States to appreciate that the western miners, the men engaged in that great industry in our State, are paying their States more to-day for that upon which they have to live than they ever paid in the history of the mining regions of the West. A steer standing upon the hoof in the State of Nebraska or Iowa or Minnesota, notwithstanding all the argument here, will buy more lead than ever before. There is not a product which comes from your farm in the State of Kansas or Iowa or Minnesota that will not procure more paint for a house than at any time in the history of the lead legislation of this country, and not a single one of those products is injuriously affected by this tariff legislation, nor do you propose to do so.

If we should take up to-day the question of trade relations and trade balances between the great States which produce the farming products of this country and the mining regions of the country, you would find the balance of trade in favor of the agricultural States. While the price of lead may have risen, or may have to some extent gone up, you must remember in the meantime that that for which we have been paying you all the time has been going up 20 per cent above the lead rise. If you will look over the farm products, you will find that within the last ten years the rise has been from 30 to 250 per cent on everything we in the mining regions buy. Can you calculate any such rise in the price of the products of the mining region of the West?

I do not represent here the smelter trust or the lead trust, either. If we can settle the question of trusts by enacting provisions in this bill, I am perfectly willing to join in that kind of a programme. But, as I said a moment ago, that is impossible. But, Mr. President, I know there are a large class of producers in the State of Idaho wholly disconnected from either one of these organizations. There is the independent producer, the independent mine owner, and he is the man whom you affect the moment you change the schedules in this bill.

You will not take one dollar out of the pockets of the lead trust or the smelter trust by any change you may make. I say without fear of successful contradiction that by reducing the rate you will close down more than one independent mine in the States of Utah and Idaho. Consider for a moment what the independent mine producer is up against with this product. First, he is up against the lead trust; second, he is up against the smelter trust; and third, he is up against these exorbitant railroad charges, which are so great as to startle Senators when they are called out upon the floor of the Senate. He is the man you strike at when you change the differentials in this bill, for I undertake to say upon his own testimony that it is impossible to live without them and do business. He is the man who above all others in the West keeps up the rate of wages to the laboring man in the West. Turn over the production of lead to the lead trust and the smelter trust, and they will fix not only the price of lead but the rate of wages.

The controlling power for the benefit of the development of the mine and the keeping up of wages is the independent mine producer. He is the one you should consider in framing this bill. Senators have been reading testimony from day to day. Testimony by whom? I am willing to concede that these men are reputable in their professions and business, but you have been reading the testimony of men who are engaged in what kind of business? In the business of shipping lead into this country, and the men who own smelters across the line and are willing to employ peon laborers at 75 cents rather than to pay $3.75 to American workmen—men so primarily concerned in, so exercised with, their own interest that they can not relieve themselves of their personal bias. But I am not willing to have the rate of the wage-earner in the West or the price of lead fixed upon the testimony of a man who wants to get lead into this country as cheaply as he can and to employ labor at as low a wage as possible.

How much more does it cost the farmer in Kansas and Iowa and Minnesota to paint his house at the price of lead in this country as compared with Canada? It costs him the exorbitant sum of $2.76 more upon a five-room house than it does in Canada; and we pay that back in four days in the beefsteaks which we purchase from Kansas and Iowa and those States.

Take any product you will and compare it with this one product alone, and we are paying you back, day by day, a hundred per cent more than you are contributing to American labor in the mines of the great West.

If we are going to legislate in spots, it is all right. If Senators are going to stand here on this floor and advocate their interests and decry all others, that is one rule of conduct; but if you believe in the doctrine of protection, there is no place where you can embark upon it more successfully and more pointedly than in the great mines of the West employing American labor in competition with peons in Mexico. Some one said there is no evidence as to what peon labor costs in Mexico, but it is so well settled, so universally accepted, that it would not be asked for except in the Senate of the United States.

I have here a table which shows something of the rise of the products in the States of my friends from Kansas and Iowa and Nebraska—the people who are so earnest for a revision of the tariff. For instance, flour which we buy has gone up 30 per cent during the last seven years; pork, of which we consume thousands of dollars' worth a year, has gone up 70 per cent;

lard, which we buy, has gone up 200 per cent; beans, which we buy, have gone up 200 per cent; green peas, 160 per cent; dried apples have gone up 250 per cent; ham has gone up 50 per cent; bacon, 50 per cent; raisins—entirely too great a luxury for us—have gone up 100 per cent.

It is, in my judgment, worth while, if we believe in the policy of protection, to compare the figures of this situation, and see whether, or not, we can successfully attack this great policy upon the theory and principle and the basis upon which it has been attacked. There are some of us here who do not have to go and examine statistics and examine railroad tables to find out what freights are, because it is a matter of such common information that we have it at hand. But we do know this: We have to pay them. We have the lead trust and the smelter trust with which to contend, and if they get perpetual control it will stop the opening of the mines in the West, because no mines will be opened, except what they themselves own.

We are primarily concerned in this matter. There is no reason why my colleagues or the Senators representing the West should be interested in this other than as it brings prosperity to their States, and there would not be any benefit to us if it should appear that this differential was such as to impose an extra burden, because we would not get the benefit of it beyond that which is legitimate anyway.

Mr. NELSON. Mr. President, I do not want to make any extended reply to the Senator from Idaho [Mr. BORAH], but I desire to tell him in what a different attitude the people of the Mississippi Valley are with respect to this matter. I come from a State which produces more than half the iron ore of the country, and yet our people are not standpatters on that question. We are content with a reduction of 25 cents per ton from 67 cents, and we would be content even if ore was put on the free list.

Mr. ALDRICH. Forty cents a ton is the present rate.

Mr. NELSON. Forty cents. I made a mistake. We are content with a reduction from 40 cents to 25 cents a ton, and we would be content even with putting it on the free list.

The same is true in the matter of lumber. We are still one of the great lumber-producing States of the Union—Minnesota is—and we are quite willing to have lumber put on the free list.

Mr. BORAH. Of course the Senator is willing to have lumber put on the free list. For years and years, when lumber was the principal production of his State, it had protection, and now when their chief products come from the soil, they seek duties upon those products instead of lumber, and they wish to transfer the free trade farther west.

Mr. NELSON. The Senator is mistaken. We were always in favor of a reduced duty. I labored ten years ago with our people to get them to put the duty at $1 a thousand. I did not think we needed any duty at all at that time, and labored for it. We never needed a duty on lumber.

Mr. BORAH. I am aware, as the Senator says, that ten years ago he labored for that proposition, but I am also aware that his people did not respond to his labors. They differed with him.

Mr. NELSON. They agreed with me. It was the Committee on Finance of the Senate, or the Senate, that did not respond to the demand of the people.

The big States in the Mississippi Valley which furnish the bulk of the Republican vote are not standing here as obstructionists to a revision of the tariff or the reduction of it to any perceptible degree. We are willing to stand a reduction and to bear our share of it, but when we come to this question the people from the Pacific coast and the mountain States insist on having everything just as it is—the same duty on lumber, the same duty on coal, the same duty on iron ore and lead ore, the same duty on hides, and everything. We are not so hidebound as that. We are willing to stand a reduction all along the line for the good of the country.

I was very much amused the other day when my good friend the Senator from Montana called attention to the valuable documents we have here and held up the fact that there was no excuse for any ignorance here, and that we who questioned the tariff schedules were guilty of ignorance. I was very sorry the Senator from Montana did not supplement a little further the information we have in this Chamber.

We have a little information in this Chamber that reaches beyond these volumes. When it comes to lumber, we have the junior Senator from Maryland [Mr. SMITH] and the junior Senator from Wisconsin [Mr. STEPHENSON]. When it comes to the matter of lead ore and when it comes to the matter of wool and woolen goods, we have our good friend the Senator from Utah [Mr. SMOOT] to instruct us, and when it comes to the matter of glass, we have my good friend here, the Senator from West Virginia [Mr. SCOTT], whom I do not see. And so I could go all around the Chamber and call the attention of the Senator from Montana to the fact that we have far more original information than is contained in these volumes piled up on the desk.

But these men who are possessed of that information are not cranks like the Senator from Wisconsin [Mr. LA FOLLETTE]. He is a crank not to vote on a schedule that affects his own purse or affects his own interest.

Mr. President, I am tired of being lectured about these schedules and about the orthodoxy of the Republican party. Let us recognize the fact that with a tariff bill it is just as it is with the river and harbor bill. There is no use disguising it. You tickle me and I tickle you. You give us what we on the Pacific coast want for our lead ore and for our citrus fruit, and we will tickle you people of New England and give you what you want on your cotton goods.

That is all I desire to say in reply to the eloquence of the Senator from Massachusetts the other day. How patriotic he was! When you boil down the patriotism you come to the same basis as that of the river and harbor bill. You vote for my creeks, you vote for my harbors, you vote for my rivers, and I will vote for yours, and shut my eyes, and it is all right.

So it is with the tariff bill. The people that stand between these two elements—the New England element and the Mountain States—are ground between the upper and the lower millstone. We are willing to accept a reasonable reduction on our products. How is it with the rest of you?

Mr. BORAH. How much wheat does your State produce?

Mr. NELSON. I do not recall the millions of bushels produced in the State of Minnesota, but I desire to tell the Senator that the tariff on wheat which is on the statute books has not done us a particle of good. It would be like a tariff on cotton, because up to this time we have been exporting from one hundred and fifty to two hundred and fifty million bushels of wheat a year. The price of our wheat is fixed by the Liverpool price, the export price, and no duty up to this time has helped us. It may be possible that in the future it may help us, when the great Provinces to the north of us have greater development. Then we may need protection against it, but we will not go to the consumer and say, "We want protection against Canadian wheat, because it costs us more to raise our wheat than it does over across the line in Canada." We are not going to put it on any such petty ground as you put everything that you set up in connection with the tariff bill. It is all put on the shoulders of the poor laboring man. The poor laboring man has to bear the iniquities of the refining trust. He is compared with the peons of Mexico. I wish they would take the Senators who are so interested in the smelting and mining trusts and compare them with the peons of Mexico. If I want information about smelting and mining, I would not think of going to the books which the Senator from Montana piled up. I would look right in front of me to that seat [indicating] for information.

Mr. BORAH. The duty on wheat has been increased 5 cents.

Mr. NELSON. That was not with my consent. But I want to remind the Senator, to ease his conscience, that they have reduced the duty, as I said the other day, on chloroform 50 per cent.

Mr. BORAH. It is quite evident that the duty on chloroform has not had any effect.

Mr. NELSON. I think the cheapness of the duty on chloroform has evidently affected the Senator from Idaho.

Mr. BORAH. There is not a product which is produced in the State of Minnesota, so ably and well represented by the Senator from Minnesota——

Mr. NELSON. Leave that part out.

Mr. BORAH. I can not leave that out, because I am sworn to tell the truth, the whole truth, and nothing but the truth.

Mr. NELSON. You may see it with biased eyes.

Mr. BORAH. But its products are all fully protected. There has not been any reduction. There has not been any change in the Dingley Act so far as its interests are concerned.

Mr. ALDRICH. And increased.

Mr. BORAH. There has always been an increase where there has been any change at all.

Mr. NELSON. We are quite willing to have a reduction, even on cabbages and potatoes and lettuce and all garden "sass," and even dried apples, to which the Senator referred a moment ago. We in Minnesota do not, I may say, raise any dried apples, but still we are willing to have the rates reduced on those apples. We use them, and in the interest of the consumer I favor a reduction.

Mr. BRISTOW. Mr. President, there has been a great deal of interesting discussion here, but it has mostly been directed to the excessive cost of mining lead in the United States as compared with the cost in Mexico. This amendment relates to

a duty on the smelting of pig lead of five-eighths of a cent per pound.

The weight of the argument here has been advanced in behalf of the miner, and he, as was said by the Senator from Iowa, was protected when we put a duty of 1½ cents per pound on the lead in lead ore. The question now is, Is a duty of five-eighths of a cent per pound ample protection or too much for the smelter, who takes the ore after it has come from the mine and reduces it to pig lead? This duty should represent the difference between the cost of such reduction in foreign countries and here, and whatever that increased cost is in the United States as against Mexico should be protected by a duty on pig lead in excess of that on lead ore.

The cost of smelting has been fully discussed. The junior Senator from Utah [Mr. SUTHERLAND] has declared that it averages from $8 to $10 per ton of ore as it comes from the mine. I want you to remember that. I think the junior Senator from Utah has emphasized, with all the emphasis he can give it, that it costs, we will say, $8 a ton, the lowest figure given, for smelting ore as it comes from the mine. He read the testimony of a Mr. Allen, who appeared before the committee and stated that it cost $8 a ton, and added that $8 into the cost that was attached to the lead that comes from a ton of crude ore. Let us look at that a minute. First, we will take Mr. Allen's testimony, so that we can not be mistaken. On page 2323 of the House hearings Mr. Allen said:

It cost the miner to produce this ore as follows: Ten per cent deduction from the price of lead cost him 93 cents, and 5 per cent deduction from the price of gold cost him 9 cents per ton; 5 per cent deduction from the price of silver cost him 41 cents; average wagon and railway haul cost him $2.50 per ton; sampling, 50 cents a ton; smelting, $8 a ton; and mining, $3.50 a ton. Some of those figures are estimates of my own, but they are well within the facts, and the sum total is conservative. The total cost, then, to the miner was $15.93, and he received $19.38 per ton, which would leave an apparent profit of $3.45 per ton.

He states that the cost of smelting that ore was $8 per ton as it came from the mine. That was Mr. Allen's statement, which the junior Senator from Utah read. But that was not the only statement Mr. Allen made. Turning to the same volume, beginning on page 2329, at the bottom of the page, Mr. Allen was interrogated by Representative HILL, of the Ways and Means Committee, and this is what he said:

Mr. HILL. You said the rate was $8 a ton in Utah. Did you mean a ton of ore or a ton of lead?

Mr. ALLEN. A ton of ore.

Mr. CLARK. And you said you got 160 pounds of lead from a ton of ore?

Mr. ALLEN. On the average, in 1906, we got 164 pounds of lead from each ton of ore.

Senators, I want you to follow this calculation. I should like to have the attention of the chairman of the Committee on Finance.

Mr. HILL. Do you mean to tell the committee that the smelting companies charge $100 a ton for smelting the lead?

Mr. ALLEN. No.

Mr. HILL. If there are only 164 pounds of lead in a ton of ore, and they pay $8 a ton for the ore, it would make twelve and one-half times $8, or $100, for a ton of lead, or $96.32, say, and the smelter would take all the lead and part of the silver and part of the gold.

Because the entire product, the value of a ton of pig lead, is only $86 in New York, while Mr. Allen has testified that it cost the miner $96.32 to get it out of the ore for smelting.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SUTHERLAND. The Senator from Kansas will certainly not overlook the fact that in addition to the lead which is recovered from that ton of ore the miner also gets $1.84 in gold from each ton and $8.22 in silver from each ton.

Mr. BRISTOW. Just add that. I have not got the figures and the Senator has them. How much was it?

Mr. SUTHERLAND. One dollar and eighty-four cents in gold and $8.22 in silver that the miner receives in addition to the lead. In other words, if the Senator will permit me——

Mr. BRISTOW. Certainly.

Mr. SUTHERLAND. Mr. Allen says that in this ton of ore there is first of all 8 per cent lead. Then there is $1.84 in gold, and then there is $8.22 in silver. After making the deductions for the loss of percentages in the smelting, the net profit of the ore is $19.38, which includes the lead and the silver and the gold; and this $96.32 for smelting includes not only the lead but the silver and gold.

Mr. BRISTOW. Suppose there had been no silver and gold and the ore had borne only 8 per cent of lead, and he had paid $8 per ton for smelting, where would he have been?

Mr. SUTHERLAND. In that event the cost of smelting would have been too great to admit of the ore being smelted at all.

Mr. BRISTOW. Please remember your statement until I get through.

Now, we will turn again to the statement of Mr. Brush, which is found on page 2437, wherein Mr. HILL called the attention of Mr. Brush to the testimony of Mr. Allen. Mr. Allen, mind you, had testified that it cost $8 a ton to reduce the crude ore that comes from the ground to lead.

Mr. HILL. Were you present last week when Mr. Allen, of Utah, was testifying?

Mr. BRUSH. No, sir.

Mr. HILL. There is one fact there which I think, in justice to your own company, ought to be explained, and if it is wrong it ought not to continue in the record as it is. He stated that they were compelled in Utah to pay $8 a ton on ore for smelting; that that ton of ore averaged and produced 164 pounds of lead.

Mr. BRUSH. Yes.

Mr. HILL. Figuring the lead at 4.3 a pound, I asked this question: If there are only 164 pounds of lead in a ton of ore, and they pay $8 a ton for the ore, it would make 12½ times $8, or $100 for smelting a ton of lead, which, at 4.3 a pound, would amount to $96.32, and the smelter would take all the lead and part of the silver and part of the gold. Now, is that true?

Mr. BRUSH. It does not look like an economical possibility on the face of it, does it, Mr. HILL?

* * * * * * *

Mr. HILL. It seems absolutely marvelous to me that that is the situation.

Mr. BRUSH. It is not the situation. That is the reason why I endeavored to give you figures this morning in my testimony with reference to the 8 per cent lead ore as to what actually took place, where the cost came in, and who would pay it, and who would receive the profits.

Now, what was the testimony that Mr. Brush referred to in this statement? It is found on page 2394, in which he explained wherein Mr. Allen was mistaken. Mr. Brush said, in answering a question of the chairman, which I shall read:

The CHAIRMAN. The smelter will take it at his price, which is the market price, and when that gets down below the point where it pleases them they shut down?

Mr. BRUSH. That is what they do. I only referred to 4 cents because that was the point that was fixed upon by a number of mines, and I selected a mine in the Coeur d'Alene which was able to make money at 4 cents, although that mining company owned three other mines, all of which closed down. Now, in working out that ore, the ore ran 8 per cent lead—

The same as the ore in Utah—

and 3½ ounces of silver to the ton of ore. When it was concentrated it required 7.8 tons of ore to make 1 ton of concentrate.

In the process of concentration the mine lost 13 per cent of lead and 33 per cent of silver in the ore, and the concentrates were shipped to our smelters in Colorado. Now, without going through all of the calculations that are before me, I will say that it came down to this: The 1 ton of lead cost the mine—I am speaking now of actual cost—

Of a ton of lead, not a ton of ore, but a ton of lead—

cost $48.35 to mine it and to concentrate it, and two-thirds of that cost was labor, while the other third was very largely timber. The amount paid for freight on 1 ton of lead was $25.50; that was freight on the concentrates to the smelter and freight from the smelter to the refiner of the bullion, getting it to the New York basis.

The freight, which has been discussed so much here this morning, represents a shipment of concentrates from the mine in Utah to the smelter in Colorado, and the concentrates are about 50 per cent lead. So rather than smelt in Utah or Idaho they ship it to Colorado and it is smelted there, and they pay freight on half of it that is dead waste from the mine to the smelter in Colorado. Now, what has this ton of lead cost?

The amount of freight paid was $25.50.

That is from the time it left the mine until it reached New York as pig lead.

The cost to the smelter was $5.55.

That was the cost of smelting the concentrates in Colorado—$5.55 a ton—and that is all it cost, and that is the duty we are providing for now. We are not providing a duty for concentrates. The ore taken from the ground in Mexico is concentrated in Mexico before it is shipped to the United States for smelting. All of the expense that represents this $48 here is borne in Mexico before it crosses the line or before it is considered by the custom-house. What we are to consider here in fixing this duty is the cost of the labor in reducing concentrates to pig lead, and Mr. Brush, whose smelters last year reduced, I believe, about 3,000,000 tons of ore, says that it cost $5.55 a ton. Now, continuing, he says:

The cost to the refiner was $4.50, making a total cost of $83.90.

That was the entire cost for a ton of pig lead, all told, including the silver that was contained in the ore from which the lead was taken.

The silver in it was worth $16.21. If you deduct that, and throw all the cost upon the lead, which is certainly not a fair way of figuring costs, you will bring out the cost of 1 ton of lead—

This ton of lead, remember, was taken from 14 tons of ore, and the total cost of that ton of lead, which represents the product of 14 tons of ore, was $67.69, while the Senator from Utah says that it cost fourteen times $8 to smelt it alone. Mr.

Brush says it cost $67.69, or $3.38 a hundred pounds. He claims that it ought to be worth 4 cents a pound in order to pay, and he goes on and tells how this profit of 62 cents is divided:

That profit was divided—31 cents to the mine, 15 cents to the smelter, and 16 cents to the refiner.

Senators, if there is any inequity in the dealings between the smelter and miner, it is in the amount of profit that goes to the miner. It seems to be a partnership affair, and this 62 cents profit is divided between the miner and the smelter and refiner. The miner gets half and the refiner the other half. Whether that is equitable and just I do not know, but in reducing this rate of duty from five-eighths of a cent to three-eighths of a cent, as has been suggested by the amendment of the Senator from Iowa, it will simply take off a part of the profits of this 62 cents. The division that might occur should come either from the smelter, the refiner, or from the producer, wherever the equity lies. The duty of $30 per ton of producing this lead is imposed to protect the miner. If the miner is not protected in this country by a duty of $30 per ton, then there is something wrong, and that wrong ought to be corrected, but it ought not to be corrected by imposing an additional burden upon the American people.

Again, Mr. Edward Brush, on page 2390, speaks in referring to the cost of smelting from a particular mine. The chairman of the Committee on Ways and Means asked:

I think you gave me the total cost of smelting and refining, both, at $7.

The total cost of refining and smelting, both, at $7.

Mr. BRUSH. That is the charge made by the smelter, and the smelter has to pay the freight to the refinery out of that.
The CHAIRMAN. Something over $7 for that mine, the Silver King?
Mr. BRUSH. About; I will give it to you exact—

Now, this is what Mr. Brush said:

One month it was $6.91; the next month, $6.78; the next month, $7.86. It varies in accordance with the percentage of sulphur and the percentage of zinc in the ore.

Giving the exact cost month by month in specific figures, dollars and cents.

Again, I will take the testimony of Mr. Thomas L. Wood, of Colorado, as found in the hearings on page 2385. Some criticism has been made of Mr. Brush here. I do not know anything about Mr. Brush, except that he seems to know something about the smelting business and the cost of it. Mr. Wood in the paragraph which I will read is giving a statement of the charges made. I will not read the first. It is in technical terms, showing what the net profits were on so many tons of ore that were sent to the smelter; but in referring to the concentrates he says:

To produce 27,170 pounds of concentrates we crushed about ten times the amount of crude ore—

I will read that again. I want every one to hear it.

To produce 27,170 pounds of concentrates we crushed about ten times the amount of crude ore—say, 136 tons—making proceeds at mine about $3 per ton for the crude ore, against which must be charged costs of mining, milling, management, insurance, taxes, etc., which, on a 75-ton daily capacity, are not less than $2 per ton—

Now, what does that $2 cover? It covers mining, milling, management, insurance, taxes, and so forth—

and this does not cover mine development nor interest on investment.

He contended that that was not too much. It gave them a net profit of a dollar a ton on, we might say, the raw ore as taken from the ground, but $2 a ton covered in that case the expense of mining, crushing, and reducing to concentrates.

A good deal has been said here about the silver and the gold that is taken from the Utah and Idaho mines. Let us apply the declarations of the Senator from Utah as applied to the lead that is mined in the State of Missouri, where there is no silver and no gold, but simply lead, and see if it is a reasonable statement and if the cost of $8 a ton to smelt the ore is borne out by the facts. We will take the statement made by Edward A. Rozier, of Missouri, in the hearings, page 2341. If Mr. Rozier is not a credible witness, I would be glad to have one of the Senators representing the State of Missouri say so now, because I am going to read from his testimony. Mr. Rozier, from Missouri, on page 2341, says in regard to the cost of pig lead:

I will say, in a general way, that it costs in the St. Francois district about 3.5 to 3.6 cents a pound to produce pig lead. Most of the companies mine the ore and produce the lead into pigs. That is about the cost.

As to the amount of lead in a ton of ore, Mr. Rozier said, on page 2343:

The disseminated lead ore is a low-grade ore ranging from 4 per cent to 10 per cent, and it may be safe to state that practically the entire output of southeastern Missouri may be called a 5 per cent ore, considered on a metallic basis.

That is, there is 5 per cent of lead on the average in a ton of ore that is mined in southeast Missouri.

This ore is found at depths of not less than 300 feet up to 575 feet. It must therefore be apparent that the ore of St. Francois County can at best produce only about 100 pounds of pig lead to each ton of ore mined, and this 100 pounds of pig lead at the present average market price for 1908 of $4.35 per hundred would only produce $4.35 gross.

There is 100 pounds of lead taken from a ton of ore—20 tons of ore is necessary to secure 1 ton of lead—throughout the lead mines of Missouri, which produce more than one-fourth of the lead that is used in this country. If the statement of the junior Senator from Utah is correct, it costs $160 to smelt that ore alone, or $8 a ton for 20 tons. This shows the danger of Senators standing upon this floor and making statements when they are not thoroughly advised as to the facts.

Again, Mr. Marshall D. Smith, on page 2368, testifies. Mr. Marshall D. Smith is from Georgetown, Colo., and if Mr. Marshall D. Smith's testimony is not reliable, I should be glad to have a Senator from Colorado challenge it now and state why it is not. He testifies as follows:

During that period we (as well as the other large lead producers of that district) estimated that the quotation of lead needed to be in the near neighborhood of $4 per 100 pounds, and that the grade of ore mined could not fall below 4 per cent in lead, or, in other words, contain less than 80 pounds of lead to the ton of ore in order to break even and something better than this to operate to a profit.

That is, they must get 80 pounds in order to break even, and more than 80 pounds in order to have a profit.

In other words, 80 pounds of lead times $4 per hundred equals $3.20 per 80 pounds, or $80 per ton, was what it then cost to produce lead from that grade of ore in that district. Furthermore, it was estimated by engineers thoroughly familiar with that district, among whom I may name such men as Frank L. Nason, of New Haven, Conn., and Arthur M. Winslow, state geologist of Missouri, that the average grade of the commercial bodies of ore in the Fat River district of southeastern Missouri was not above 7 per cent.

Now, this ore which was mined was bearing lead at 4 per cent; and if it did not bear more than 4 per cent of lead of native ore, it did not pay to mine it; if it did bear more than 4 per cent, it could be mined at a profit; or if they could get a ton of lead out of 25 tons of crude ore, then they could mine it at a profit; but if they had to pay what the junior Senator from Utah says has to be paid for the smelting of the crude ore, it would cost eight times twenty-five to smelt it alone, or $200 per ton for the lead when it sells in the market for $86.

Senators, I want to know if we are expected to fix duties in this bill upon statements of that kind. I guess it is not worth while for me to read any more of this evidence. I want to confirm the declaration of the Senator from Iowa [Mr. CUMMINS], and to invite any Senator in this body to go through that stack of literature which was piled upon the desk of the Senator from Montana [Mr. CARTER] the other day, and which is brought here in such great abundance for our guidance, to point to a single line of testimony there to show it costs more than $8 a ton to smelt ore and reduce it to pig lead.

I am not talking here at random, and I am not giving information that comes from experience. I am standing here protesting against this, not because I have any personal interest in it. I resent the insinuation made by the Senator from Idaho recently against the sincerity of purpose of the men who are standing here protesting against this exorbitant and, in my humble judgment, outrageous differential. If a Senator can not stand here on this floor and defend what he believes in his conscience is just and right to his constituents without having his motives impugned by Senators who hold different views, I think it is time that there was a higher grade of men sitting in this Chamber.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. BORAH. Did the Senator from Kansas intend to refer to the junior Senator from Idaho?

Mr. BRISTOW. No; I beg the junior Senator's pardon; I did not. I referred to the senior Senator, when he stated that the men who were complaining of this excessive duty had not received any complaints from their constitutents, but were doing so to curry popularity with them. That is the remark that I am now resenting, not in my own behalf, because it seemed to be directed to every Senator on this floor who appeared to take issue with the senior Senator from Idaho in regard to this matter.

If it does not cost to exceed from five to eight dollars a ton to smelt lead ore and reduce the lead from its state in the ore to pig lead, why should there be placed a duty of twelve dollars and a half to represent the difference in cost here and in a foreign country? Concede that it does not cost half as much

or 40 per cent as much to smelt the ore in Mexico as it does in the United States, it costs only $8 in the United States. I challenge any Senator to show a line of testimony before Congress that shows it to cost more. This challenge stands open; and I should be glad to have such testimony pointed out. If it costs, then, but $8, there can be no reason for fixing the duty or differential at $12.50.

The amendment offered by the Senator from Iowa [Mr. CUMMINS] reduces it from $12.50 to $7.50—50 cents less than the maximum cost as shown by the testimony. Of course, I do not think that is a sufficient reduction in duty. Two-eighths would be abundant. I am, however, willing to accept the judgment of the Senators who are as earnestly desirous of these reductions as I am. I think the rate ought to be less. I am willing, however, to yield to the judgment of the Senators who are in favor of this reduction, and support the proposition which they agree covers every possible contingency in protecting the wages of the American miner.

It was said on Saturday in this discussion that there are lead miners in Kansas. I am glad there are, and I wish there were more. It was for the protection of the American miner that I voted the other day for a cent and a half duty on lead ore, and for no other reason. I do not believe that the duty of a cent and a half on lead ore ought to have been imposed, but it was imposed in the wisdom of a past Congress. Under that stimulus, that subsidy, if you please, there have been opened up mines throughout the Mountain States which, if you reduce the duty below a cent and a half now, would doubtless be closed, because they are barren and do not produce a great deal of lead per ton of crude ore. Rather than close those mines and start men out seeking employment, I supported the measure, which I did not think was justified for any other reason; but to say that you have got to give the smelting industries of this country a protection of four dollars and a half a ton more than it costs them to smelt their product in order to protect the wages of the miner, seems to me, is a very extravagant and farfetched conclusion.

If you take this $4.50 a ton off the profits of these smelters, they in turn have the power to take it out of the pockets of the miner, it is said, and this they have no right to do. That may be; but to correct that evil and injustice requires different legislation than can be had in a tariff bill. If there is a smelter trust in this country that has so intrenched itself that it can crush the miners in order to gratify its insatiable greed, then the thing to do is to legislate against that trust, so as to take from it that power, and not to impose an additional burden upon the people of the United States that it may reap all of the profits that its greed may demand.

There is no Senator on this floor who will stand more earnestly in favor of measures to curb the power of these great combinations of capital than I; but you can not do it by imposing additional burdens upon the American people in the shape of tariff taxes. Every cent of duty that is placed upon lead bullion or white lead increases the cost of lead bullion and white lead to the people of the United States, for we do not produce as much lead as we consume; and for that which we have to buy in foreign countries we pay the cost in the foreign countries plus the duty that is levied at the ports of the United States. I stand here and am pleading to you as earnestly as I know how to fix this rate at a figure that will be just, not only to the smelter and to the miner, but to the people who buy their products. I hope, in considering this matter, Senators will cast aside the consideration which seems to weigh upon the minds of many—that is, that they fear a reduction of this duty will be a rebuke to the Committee on Finance. I have not the slightest desire to rebuke or to differ in opinion from the Committee on Finance; I had rather a hundred times agree with them than to disagree with them; but I can not consent to vote a duty upon a product which is $4.50 per ton more than the entire cost of the labor in this country.

Mr. BRADLEY. Mr. President, as one of the junior Members of this body, I want to say that while I have listened to this discussion with a great deal of pleasure, it has been absolutely confusing. One Senator will address this body and refer to certain testimony, another to yet other testimony, and one will make assertions that are promptly contradicted by another. I must confess that, so far as I am concerned, I have been more confused than enlightened by this discussion. I am somewhat in the condition of an old Kentucky friend who was describing to me on one occasion the extent of a great crowd he had seen assembled in New York City. He described it by saying that there was such a crowd that when he went to scratch his own arm he found out he was scratching another man's arm. [Laughter.]

The question that occurs to my mind is: What are we to do? We have a Finance Committee, which has heard all the testimony in this case. That committee, in arriving at its conclusions, doubtless weighed all the testimony that was heard, while we in this body are listening here and there to excerpts from the testimony of various witnesses. I take it, sir, that the committee which heard all this testimony, and which weighed all this testimony, is in a much better condition to pass upon what is right and what is wrong than any individual Senator in this body. I have confidence in the ability of that committee; I have confidence in the honor of that committee; I have confidence in the honor and ability of the Senators who come here from the lead States, who are more interested by far than are the rest of us; and it occurs to me, sir, that the most sensible thing for the Senate to do is at as early a moment as possible to suspend this debate, and before we are entirely lost in the fog to vote to sustain the report of the committee.

Mr. STONE. Mr. President, I desire to make a brief statement, not to debate the question before the Senate further than I have already done; but I am anxious that the exact situation should be distinctly understood, to the end that there may be no misunderstanding now or hereafter regarding it.

Paragraph 179 of the bill, as it came from the House of Representatives, provided that—

> Lead dross, including all dross containing lead, lead bullion or base bullion, lead in pigs or bars, old refuse lead run into blocks or bars, and old scrap lead fit only to be remanufactured, lead in any form not specially provided for in sections 1 or 2 of this act, and the lead contents contained in lead-bearing ores of all kinds; all the foregoing, 1½ cents per pound.

That is the form in which the House of Representatives sent that paragraph to the Senate. It laid a duty of 1½ cents per pound upon the lead contents of lead-bearing ore, and 1½ cents per pound upon pig lead or bullion. The Senate Finance Committee amended that paragraph so as to provide a duty on the contents of lead-bearing ore of 1½ cents per pound, but took out lead bullion, pig lead, and so forth, from that paragraph, transferred those articles to paragraph 180, and raised the duty to 2⅛ cents per pound.

Mr. President, when I read paragraph 179, as it passed the House and came to the Senate, I felt that the House had not wisely determined the rate as between lead ore and lead bullion. It seemed to me then, and does now, that, considering all things, with a view to a symmetrical and scientific arrangement of the schedule, a somewhat higher rate should have been imposed upon the bullion than upon the ore. If I could have framed the House provision, I would have fixed the duty on the lead contents of ore at not less than 1 cent and not more than 1¼ cents per pound, and would have fixed the rate on lead bullion at about 1½ cents per pound. I mean to say that, upon the theory on which the bill was constructed, those rates of duty would have been laid in about the right proportion; but, as the House, after full deliberation and after a thorough hearing of all the interests concerned, thought proper to fix rates between the ore and the metal as they did, I felt inclined to accept them, although it was not as I myself would have constructed the paragraph.

The Senate committee has established a differential between the ore and the bullion. I think that was the proper thing to do, only, in my judgment, they did it in the wrong way. I think it would have been better and more wisely done if the Senate committee had reduced the rate on the lead contents of ore somewhat and left the duty as fixed by the House on the bullion; or, if they raised it at all, to have done so by a very slight fraction.

So, Mr. President, the other day, when the question before the Senate was upon agreeing to the amendment proposed by the Senate committee to paragraph 179, I voted against it. I voted against it because I believed then, as I do now, that the rate fixed by the House bill upon the more refined products of the ore, pig lead or bullion, at a cent and a half a pound, was as high as it ought to be. I believed then, as I do now, that the rate on the lead contents of the bullion should have been somewhat lower; but I was unable then, and still am, to see that any particular harm or serious commercial disturbance would occur by leaving both at the same rate in this instance. So I voted against the Senate amendment to paragraph 179, with the understanding—which was a correct understanding—that if it should be rejected by the Senate, it would restore the House provision and leave both ore and bullion at the rate of 1½ cents per pound. I preferred that, in the interest of the entire constituency of my State and of the Union, to agreeing to the amendment proposed to paragraph 179 by the Senate committee, as that would lead inevitably, or, at least, in the

ordinary and natural course of making rates, it would lead to a higher rate on pig lead or bullion. I prefer the House provision to the Senate amendments, as they are presented in paragraphs 179 and 180.

Mr. SMOOT. Mr. President, I do not rise to make any extended remarks on this question, for I consider that it has been pretty thoroughly discussed, but at the request of a number of Senators I desire to make a concise statement of just what the results have been in the State of Utah not only in the mining of lead, but of silver and gold as well. I have carefully gone over the statistics of the State for the year 1906, and I wish in a few brief words to present to the Senate the results with respect to mining in that State for 1906. I think it will be a fair average of lead mining, for we produce in Utah some 65,000 tons of lead each year, and we are the third State in the Union so far as production goes.

In 1906 we produced 125,342,836 pounds of lead or 164 pounds of lead for each ton of ore mined. But in that ore mined and smelted were 68,340 ounces of gold, or an average of 0.089 ounce of gold in each ton of ore. It also contained 9,406,758 ounces of silver, or an average of 12.27 ounces of silver to each ton. Eighty-two per cent of all the silver produced in Utah came from lead ores. Twenty-six or 27 per cent of all the gold produced in that State came from lead ores.

The price of lead ore in 1906 was $5.70 per hundred. The price of gold was $20.67 per ounce. The price of silver was 67 cents per ounce. Therefore the value of the contents of the average ton of ore in our State was, lead, $9.32; gold, $1.84; silver, $8.22, or an average to the miner of $19.38 per ton.

It cost the miner to produce this ore the following amounts: There was 10 per cent deduction for the loss of lead in smelting, which amounted to 93 cents; 5 per cent deduction for the loss of gold, 9 cents; 5 per cent on silver, which is 41 cents. The average wagon and railway haul costs the miner $2.50 per ton. The sampling per ton of that ore was 50 cents. The average smelting per ton of that ore was $8, and the mining of that ore averaged $3.50.

And, mind you, Mr. President, that mining means the mining of ore produced by mines paying—that is, by mines upon a paying basis. It does not take into consideration the hundreds of thousands of dollars that are paid every year for the prospecting and development of nonproducing mines in trying to make them producers. The total of all the cost to the miner was $15.93. The miner receiving $19.38 per ton, with this cost deducted, shows what would appear to be a profit of $3.45, and was for that year. But a mine is not like a farm. A dividend from a mine is not like a dividend from a mercantile establishment or a bank. A dividend from a mine is the capital of the mine, because no ore that you take from it can ever be replaced.

And note the difference in the prices of lead and silver during 1906 and to-day. To-day lead is worth $4.30. In 1906 it was worth $5.70, which would show a difference of $2.29 for every ton produced. Silver in 1906 was worth 67 cents an ounce. To-day it is worth 50 cents an ounce. That means a difference in every ton of $2.09, making $4.38 which to-day it would fall short of what it was in 1906, or the apparent gain in 1906 of $3.45 is entirely lost. That simply means, then, that there are a number of low-grade mines that have had to suspend; and I could name now a number of producing mines in 1906 which have been compelled to suspend.

The trouble in this whole matter has been that some Senators have mixed up the cost of smelting a ton of ore with the cost of smelting a ton of pig lead, and then have tried to figure the differential of five-eighths of a cent on the cost of smelting a ton of ore in one case and the cost of producing a ton of pig lead in another; and these figures, based upon two distinct and separate propositions, never will instruct Senators as to what the differential should be. Let us figure on 2,000 pounds of pig lead. During the year 1906 the average lead in a ton of ore in the State of Utah was 164 pounds. That means it took 12⅛ tons of ore to produce 1 ton of pig lead. The differential we are talking about here is five-eighths of a cent on pig lead or $12.50 on 2,000 pounds. The mistake of the Senator from Kansas is that he says that that differential is $12.50, and as it costs only $8 to smelt a ton of ore there is a differential of $4.50 per ton of pig lead too much. That is the trouble here.

I desire to call the attention of Senators to the fact that it costs $8 to smelt. Let us assume that there is only a difference between the cost in Mexico and the cost in the United States of smelting a ton of ore, not pig lead, of $1; and there is not a Senator here who will not say there is more than $1 difference between the cost in Mexico and the cost here. Then, on 12⅛ tons of ore required to make a ton of pig lead, means $12.20, as every Senator here can figure.

Mr. BRISTOW. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. Certainly.

Mr. BRISTOW. I should like to inquire how the $12.20 is expended; in what way; how; what different processes does the ore go through? Do you count the concentration as well as the smelting?

Mr. SMOOT. I have counted nothing but $8 for smelting, and I take the testimony of the very man whom the Senator quoted. I have not assumed there would be 40 per cent between the smelting charges of the two countries, but I simply take $1 a ton difference; and in the lead ore of our State, of which it took 12⅛ tons of ore to make a ton of pig lead, $1 difference means $12.20, and the differential of five-eighths of 1 cent we are asking here on 2,000 pounds of pig lead means $12.50; and that is within 30 cents on 1 ton of pig lead.

Mr. BRISTOW. I may be dull, but I do not exactly understand how, if it costs only $8, the Senator gets $12.20.

Mr. SMOOT. Let me explain it again to the Senator. The Senator will admit that it costs $8 a ton to smelt here, on the average.

Mr. BRISTOW. I will admit this: That that is the maximum rate given by anyone who appeared before the House committee.

Mr. SMOOT. I beg pardon of the Senator. That is not the maximum of anyone who has appeared, but that is the price which the Senator himself has been quoting here to-day; and what I ask the Senator is, Do you admit that the average ore costs $8 a ton to smelt in this country?

Mr. BRISTOW. I will say, so far as I have been able to examine, it costs from $5 to $8 to smelt a ton of pig lead, to reduce it from the ore to pig lead.

Mr. SMOOT. That is so absurd that there is no need of my explaining further to the Senator, because there is no such testimony, and there could not be, and no man living can smelt enough average lead ore to make a ton of pig lead for $5 or $8. A ton of pig lead is entirely different from a ton of ore.

Therefore I call the attention of the Senate to the fact that all I ask is $1 a ton on the 12⅛ tons of ore which during the year 1906 it took to make a ton of pig lead in my State, and that means $12.20; and the differential asked here between the contents of ore in lead ore and the duty upon pig lead is five-eighths of 1 cent per pound, and five-eighths on 2,000 pounds is $12.50.

It seems to me it is so plain that anyone can see without a question that we have no more than is required under the conditions existing, at least in my own State.

Mr. BRISTOW. I should like to inquire where in the hearings the evidence is which states that it costs more than $8 a ton to smelt alone.

Mr. SMOOT. Mr. Brush himself said it cost more.

Mr. BRISTOW. Where?

Mr. SMOOT. The Senator from Minnesota read it here this afternoon, where it cost $10 and something.

Mr. BRISTOW. I beg your pardon. That quotation stated that it cost $5.55 to smelt and $4.50 to refine. There is no duty on the refining. The duty is on the smelting.

Mr. SMOOT. So far as that is concerned, the bill itself will tell you what the duties are. It covers pig lead and bullion.

I do not think there is any use of my taking any further time on the subject. It seems to me the statement is so plain that any man here who will sit down and figure for one moment can see how simple it is when he will get it out of his mind that a ton of pig lead is the same as a ton of ore.

Mr. NEWLANDS. Mr. President, the senior Senator from Idaho [Mr. HEYBURN] read last Saturday a telegram from the bullion inspector of my State, calling attention to the importance to that State of the lead-mining industry, the number of mines of that kind in the State, the number of men employed in the industry, contrasting the wages which prevail there with the competitive wages in Mexico. I stated at the time that whilst I concurred with the sender of that telegram in the optimistic view which he had regarding the mining industry of that State, I could not be controlled by the considerations presented as to my vote on this question.

I should regret, of course, to cast a vote which any citizen of the State of Nevada would regard as prejudicial to the interests of that State. Whilst I believe that the general sentiment of that State is that the present tariff duties are excessive and should be reduced, I am aware that there is considerable sentiment among the people of that view that so long as the protective-tariff system continues to exist each State should insist upon receiving its fair proportion of the protection afforded.

But, Mr. President, if this consideration is to control each and every one of us who believe in the reduction of excessive duties, it will mean, of course, that no duties will be reduced, for there is not a section, there is not a State in this country in which some industry that pertains to that section or State is not protected by this tariff and oftentimes by excessive duties. If it is necessary for us to unite the vote of the revisionists upon this question, it is apparent that a defection by the representatives of the several States interested in a particular industry may prevent a favorable vote regarding the reduction of excessive duties, and the result will be that whilst in the end all will vote for some reduction of duty, they will never be able to unite their votes upon the same reduction, and will be unable to accomplish anything.

Mr. President, regarding this particular industry, I have to say that so far as lead in ore is concerned the average protective duty is over 70 per cent, and that as to lead which has reached a stage beyond that of ore the average duty is about 50 per cent. I regard those duties as excessive. I do not believe that such a duty as 70 per cent should be imposed on any commodity, except, perhaps, spirits and tobacco. I do not believe that so high a duty should be imposed even upon the luxuries of life. Under this bill duties of 100 and 150 per cent are imposed upon so-called "luxuries." I regard such duties as absolutely unreasonable, unjust to the producers in other countries, unfair when you consider fair reciprocity of trade throughout the world, and the comity which nations should bear to each other.

But so far as the necessaries are concerned, such as lead may be regarded to be, I consider a duty of 70 per cent, or even 50 per cent, as excessive. Under this tariff we find that this duty can be sustained as a revenue duty, for about $1,000,000 in duties is collected annually upon lead in its various forms, nearly one three-hundredths of the entire revenue obtained from customs duties. If we were looking to revenue alone, and without reference to the fairness of the apportionment of the taxes as between the various commodities covered by the tariff, that duty could be justified as a revenue-producing duty; but it is so high as to be unfairly protective, and to involve a price for lead to our domestic consumers higher than that which should be exacted.

Now, what is that price? To-day lead stands in the London market at 3 cents per pound and in New York it stands at about 4½ cents per pound. We can therefore safely assume that the difference in price is due to the duty imposed by the United States—an average duty of about 2 cents. The entire duty is not imposed as an additional price, but a very large proportion of it is. Under this duty we collect $1,000,000 in revenue. But how much have the producers of lead collected from the consumers under this system of protection? We look over the statistics furnished us by the Committee on Finance and we find that the total production of lead in this country was in value $30,000,000, at 4½ cents a pound, the cost imposed on the consumer. If that price was 3 cents—the London price—the American consumers, instead of paying, as they do now, $30,000,000 annually to the domestic producers, would pay only $20,000,000, or one-third less.

So the American producers collected from the American consumers this tax to the extent of $10,000,000, whilst the Government collected from the outside producers only $1,000,000. It may be safely assumed throughout our entire tariff system that the consumers of the country pay ten times as much to the domestic producers for the commodities produced by them as is collected by the Treasury in the shape of duties upon the similar products of foreign producers.

The total duties collected upon foreign products amount to $300,000,000. So it is safe to assume that the domestic producers in America collected from domestic consumers ten times $300,000,000—$3,000,000,000—annually as taxes through this protective system, and that the Government itself receives only one-tenth of the entire burden placed upon the American people.

Mr. President, with reference to this particular industry, the Senate has already determined that the basic duty upon lead in ore shall be 1½ cents per pound, which is the present duty, and that is the duty which protects the American miners, for if you will look into the statistics you will find that almost the entire importation of lead into the United States is in the shape of lead in ore.

We are now considering simply the differential, the additional duty that is to be imposed upon the lead which has reached a higher stage of production, namely, pig lead as contrasted with lead in ore. There you have to consider not the wages of the miners, but simply the wages of those engaged in the smelter and the profit of the smelter and possibly the service and the profit of the railroad.

Now, what differential should be imposed? I admit that some differential should be imposed, for if you were to impose an ad valorem duty instead of a specific duty, the pig lead being more valuable than the lead in ore would produce a higher duty. What evidence have we regarding it? The best evidence that has been presented to my consideration in these hearings is that of Mr. Brush, of the American Smelting and Refining Company, a protectionist, who insists upon it that the basic duty on lead in ore should be 1½ cents a pound, and who simply presents his views as to the differential in case the duty were put at 1 cent a pound, as he understood the committee of the House intended to do.

He declares that a differential of one-eighth for smelting and an additional differential of one-eighth for refining is sufficient, two-eighths in all. As I understand it, there is no distinction here between the smelting and the refining. They are both in one item and are covered by the term "pig lead." The junior Senator from Iowa has presented an amendment reducing the differential from that called for by the committee, five-eighths of 1 cent, to three-eighths of 1 cent, one-eighth of 1 cent higher than Mr. Brush declares is necessary to cover both processes of smelting and refining. It seems to me that that is a liberal allowance for smelting and refining.

It is true that some effort has been made to discredit Mr. Brush upon the ground that the great trust organization in which he is interested also owns smelters in Mexico. It seems to me the very fact that this company owns smelters in both countries would add to the impartiality of the witness and would increase our confidence in his credibility. We have upon this floor the most substantial indorsement of the character and the integrity of Mr. Brush, and no one can question his knowledge. He did not appear voluntarily before the Ways and Means Committee. He was brought there by a subpœna and he was brought there by the committee as an expert in these matters, having full knowledge and information.

So far as my mountain friends are concerned, I can realize how those who stand for a general revision of the tariff, who regard many of the duties of this tariff as excessive and who wish them reduced, should regard with solicitude any change which will affect materially the industrial conditions of the States in which they live. But I wish to urge upon them, and I wish to urge particularly upon the junior Senator from Idaho, if he will give me his attention, the importance of this vote. I understand that he is one of the progressive Senators upon the Republican side who is disposed to accept the assurances given by Mr. Taft in the campaign, who is disposed to interpret the dubious Republican platform in the interest of the people, and who believes that there are excessive duties which should be reduced.

If the men from the mountain States who believe that these excessive duties should be reduced refuse to give the progressionists their votes at this critical stage of the proceedings, may they not be responsible for an entire defeat of the movement for tariff reduction and reform? For if they lead in the exclusion of the particular industry in which their State or section is interested from the general scheme of reform it will justify Senators of similar views from the Middle West, it will justify Senators of similar views from the South, in taking similar action; and, if we lack three or four votes upon each of the proposed reductions essential to carry out needed reforms in the aggregate, the entire movement for reform will fail. I urge, therefore, that every Senator, regardless of party, who believes that tariff reduction is necessary to support the reasonable reduction proposed by the junior Senator from Iowa.

I submit that a grave responsibility rests upon each one of us, and it is important, if we would be true to our convictions, to take some little personal risk regarding the State or the section from which we come, and to be willing to indulge in some sacrifice at home as well as to require sacrifices abroad. It is this consideration above every other that leads me to take the view I have taken against the protests of many in my own State, and possibly with serious consequences to my political future in that State.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. CUMMINS] to the amendment of the committee.

Mr. BRISTOW. I ask for a roll call.

The yeas and nays were ordered.

Mr. GORE. Mr. President, before the roll call begins I wish to say that there has been considerable conflict of opinion in regard to the freight rate on pig lead from Salt Lake City to New York. I think it material to this debate that the record should disclose the rate. I have obtained what I regard as exact and reliable information. The combination rate from

Salt Lake City to New York by way of Kansas City is 70 cents a hundred pounds, which of course means $14 per ton, or $280 per carload lot.

Mr. CUMMINS. I ask that the amendment I offered to the amendment of the committee be read.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The SECRETARY. On page 60, line 21, in paragraph 180, it is proposed to amend the committee amendment by striking out the words "two and one-eighth" and inserting in lieu thereof the words "one and seven-eighths," so that if amended it will read:

All the foregoing, 1⅞ cents per pound.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when Mr. BAILEY's name was called). I will state for all the roll calls to-day that my colleague [Mr. BAILEY] is necessarily absent. He is paired generally with the Senator from West Virginia [Mr. ELKINS]. If my colleague were present he would vote "yea."

Mr. BANKHEAD (when his name was called). I have just come into the Chamber. What is the question?

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS] to the amendment of the committee.

Mr. KEAN and others. Let the roll be called.

The Secretary resumed the calling of the roll.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I will transfer that pair to the Senator from Oklahoma [Mr. OWEN] and will vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I do not know how that Senator would vote were he here. If I were at liberty to vote, I should vote "nay," but I respect the pair.

Mr. McLAURIN. If the senior Senator from Mississippi [Mr. MONEY] were here he would vote "yea."

The roll call was concluded.

Mr. ELKINS. I am paired with the Senator from Texas [Mr. BAILEY]. If he were present and voting I should vote "nay."

Mr. CULLOM (after having voted in the negative). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I voted, supposing that he would come in before the vote would be closed; but I do not see him here. So I will withdraw my vote.

The VICE-PRESIDENT. The vote will be withdrawn.

Mr. FRYE. The senior Senator from Oregon [Mr. BOURNE] is detained from the Chamber by the serious illness of his mother.

The result was announced—yeas 35, nays 44, as follows:

YEAS—35.

Bacon	Clay	Gore	Shively
Bankhead	Crawford	Johnston, Ala.	Simmons
Beveridge	Culberson	La Follette	Smith, Md.
Bristow	Cummins	McLaurin	Smith, S. C.
Brown	Daniel	Nelson	Stone
Burkett	Dolliver	Newlands	Taliaferro
Chamberlain	Fletcher	Overman	Taylor
Clapp	Frazier	Paynter	Tillman
Clarke, Ark.	Gamble	Rayner	

NAYS—44.

Aldrich	Crane	Heyburn	Perkins
Borah	Curtis	Hughes	Piles
Bradley	Depew	Johnson, N. Dak.	Richardson
Brandegee	Dick	Jones	Root
Briggs	Dixon	Kean	Scott
Bulkeley	du Pont	Lodge	Smith, Mich.
Burnham	Flint	McEnery	Smoot
Burrows	Frye	Nixon	Stephenson
Burton	Gallinger	Oliver	Sutherland
Carter	Guggenheim	Page	Warner
Clark, Wyo.	Hale	Penrose	Wetmore

NOT VOTING—12.

Bailey	Davis	Foster	Money
Bourne	Dillingham	McCumber	Owen
Cullom	Elkins	Martin	Warren

So Mr. CUMMINS's amendment to the amendment of the committee was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment of the committee.

Mr. BEVERIDGE. I move to amend the committee's amendment by striking out, in line 21, the words "and one-eighth" so as to read "2 cents per pound."

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

The SECRETARY. In the amendment of the committee, on page 60, line 21, strike out the word "one-eighth," so as to read:

All the foregoing, 2 cents per pound.

Mr. BEVERIDGE. Mr. President, before the vote is taken, I wish to make one or two observations as to why I shall cast my vote as I do upon this amendment.

I have before me the speech of the chairman of the House Committee on Ways and Means, who explains at great length—and I shall not read it for that reason—the very exhaustive hearings and inquiry which the House made into this and all matters. I suppose it is true that that inquiry and consideration were the most extensive of any tariff bill ever passed. That is the first point.

The second one is this: The majority of the House were and are protectionists. The majority of those protectionists are high protectionists. The majority of the Ways and Means Committee of the House was made up of what are familiarly known as "standpatters." And yet, Mr. President, after these months of consideration, after what the chairman of the House committee says was his patient hearings, after their protectionist leanings, which are no greater than my own, they fixed the rate as we find it in the House bill. That is the second consideration.

The third consideration is that that great body is presided over by that extraordinary man, the Speaker of the House, who, perhaps, is the highest protectionist from conviction in all the country, a man of dominant personality, and whose great influence with the House is accentuated by the affection felt for him there. Yet, in spite of all these facts, in spite of all these influences, the House fixed the rate as we find it in the bill.

The Senate committee then took it, and we find it reported back with an enormous differential. I make no criticism whatever of the committee for that, and yet it must be said here, Mr. President, that up to this moment there have been no new facts presented, more than the House had, why the differential was increased. A discussion which, I think, has been too long—but nevertheless it has been very fruitful—has occurred, in which, it seems to me, it is demonstrated that the differential is too high.

So far as I am concerned, on this and each schedule I mean to vote for what appears to me to be right, and I assume that every other Senator means to do precisely the same thing.

Now that it has appeared to a majority of the Senate that we should not reduce the differential as fixed by the Senate committee two-eighths, it has occurred to me that not even the most earnest advocate of a higher differential can object to a reduction of one-eighth of 1 per cent—only two dollars and a half a ton.

Something was said the other day by the eloquent senior Senator from Idaho [Mr. HEYBURN] about the ruin of this business in his State under the Wilson law. But the rates under the Wilson law were three-fourths of a cent for ore and 1 cent for bullion, greatly lower rates than are here proposed; and, in addition to that, the failure of those mines in those days was not only on account of the extraordinarily low rates, but because of the prostration of business throughout the entire country that used the products of those mines. I do not think that Senators who have been working for this advance will say that they can not get along with 2 cents.

Mr. President, I was impressed with the statement of the Senator from Kentucky [Mr. BRADLEY]. He said that the Senate committee, having investigated this matter, had much better judgment upon it than any of the rest of us—and that is probably true—and that therefore it was our duty to accept immediately what the committee had reported. That, of course, would make the Senate the instrument of the committee instead of the committee being the instrument of the Senate. I think there is no more strenuous advocate on the floor than I of the general rule of following committee reports in ordinary legislation, because we can not ourselves examine every bill. But a tariff bill is the great business measure of 90,000,000 people. When it is passed it ought to stand for at least ten years, and it becomes the duty of every Senator to inquire into it and to place his vote according to his judgment. If the Senator from Kentucky, who is voicing a sentiment which is being circulated in the Senate, is correct, it becomes the duty of every Senator here to vote immediately for a resolution which will pass the bill to the House with instructions to our conferees to stand by the provisions of the Senate. It reverses the whole theory of legislation. Instead of a committee being the servant of the Senate, the Senate becomes the servant of the committee.

Only one word more, Mr. President. We decreed for a revision of the tariff. That decree was for a revision downward. I

do not think there is any use in trying to dispute that that is what was in the minds of the people. I agree with the Senator from North Dakota [Mr. McCUMBER], one of the ablest members of the Finance Committee, who the other day, in his most earnest speech, declared—and I will not stop to quote it—that beyond all doubt the people understood that the revision was to be downward. If it was not, will anyone say it was to be upward? And if it was to be neither upward nor downward, why were we called in special session?

As I caught the drift of the campaign, as I understood the meaning of the issues, it was that, wherever possible, we should reduce these rates which are now something over eleven years old. And yet, Mr. President, whenever an attempt is made to reduce those rates, we are confronted with the statement that those who in mere justice wish to reduce them are attacking the system of protection. I think that those who are attacking the system of protection are those who would keep rates at a fixed place if they could, and I think the greatest defenders of that system are those who insist that rates shall be fixed by justice, and that wherever the will of the people decrees that some rates shall be moved downward, then we should register their decree.

I think that wherever you say "protection," the American people will march forward with you; but the only thing that ever will break down the protective system is that the people shall believe that it is weighted down with a single ounce of injustice.

It is not my intention, Mr. President, to speak more; it had hardly been my intention to speak this much; but I think that here is an amendment fixing a differential which can not possibly hurt anybody. I would not offer it if it had been shown to the Senate that one single new fact was in the possession of the Finance Committee which had not also been in the possession of the House; if one single new reason had been given to the Senate that was not also before the House.

On several occasions statements have been made upon the floor as to what Senators had learned in private conversations; and it is for this reason only that I refer to this fact.

We have been told what the House committee's opinion was—that they made a mistake at the last minute, and much of that must have come from private conversations—and of that I make no complaint. But on that account I call the Senate's attention to the fact that only within the last three or four days I talked with a Republican member of the Ways and Means Committee of the House, and he said that they did not then think they had fixed the rates too low and did not now think they had fixed the rates too low. If that had been lightly done, if we did not have the word of the chairman of the Ways and Means Committee of the House that every schedule had had months spent upon it, or if a new fact had been shown here, I should not complain of the differential; but in view of these facts it seems to me that Senators who earnestly want to do the right thing, and if they make an error, to err on the side of a higher differential than justice would fix, can vote, and vote conscientiously, for a reduction of one-eighth of a cent.

Mr. ALDRICH. Mr. President, I have no intention of undertaking to make any response to the general observations submitted by the Senator from Indiana [Mr. BEVERIDGE]. I shall be very glad to do that on a subsequent occasion.

This matter has been discussed for three days, practically. A duty to be imposed by this bill is either protective, or it is not. If five-eighths of a cent differential is necessary, as has been the universal impression of all the Senators in this body who seem to have any information upon the subject, then four-eighths of a cent is not protective, and four-eighths of a cent is no better than three-eighths or two-eighths or one-eighth. If the proposition is not to turn this industry over to foreign competitors, the suggestion made by the Senator from Indiana is no better than the suggestion made by his fellow-progressive, the Senator from Iowa [Mr. CUMMINS]. There is no use of juggling about terms in this matter. Either this differential is needed, or it is not. If it is needed, then I expect every protectionist in this body to vote for it. I am not talking about terms at all. The duty is either needed or it is not. If it is needed, it should be sustained.

Mr. BEVERIDGE. Mr. President——

Mr. ALDRICH. I meant to call for the yeas and nays, Mr. President.

Mr. BEVERIDGE. Mr. President, every time the lowering of a duty is asked, every time the action of a Republican House in reducing a duty seems to be wise to any Senator, the only argument with which we are met is the obsolete argument that we have heard from our childhood, that we propose "to turn the industry over to foreigners." Did the other House intend to turn this industry over to foreigners? The Senator says that their action did just that. Were the great majority in the other House men who came directly from the people, from the homes of the people, knowing the sentiment of the people, earnest, everyday fighting protectionists, were they not true protectionists? Did they mean to "destroy this industry?"

Did the Speaker of the House, who campaigned in a lead district and made certain promises, want to destroy the industry? Did the chairman of the Ways and Means Committee of the House want to "turn this industry over to foreigners?" Did the majority of the Ways and Means Committee, who were Republicans of as long standing as any Senator in this honorable body, and whose devotion to the principle of protection has been proved by their conflicts in every campaign for years and years—did any one of that House committee want to "destroy this industry" or "turn it over to foreigners?" The Senator from Rhode Island will have to invent a new argument. That one is outworn, threadbare, and moth-eaten. It is more—it is monotonous.

Why, Mr. President, the Senator seems to think that there is something sacred about the figures one-eighth. The Senator says this particular duty "is needed or it is not needed." Is it not all a matter of calculation? Is it not a matter of business, after all? Is there any particular halo about the figures one-eighth?

Mr. GALLINGER. There is, if it makes the protection sufficient.

Mr. BEVERIDGE. Yes; but there has been demonstration here that 35 Senators believe that five-eighths is too high a differentjal. I have been inclined to think that myself, and I am satisfied——

Mr. ALDRICH. Forty-four Senators, however, voted the other way.

Mr. BEVERIDGE. Yes; 44 Senators did vote the other way. I understand that perfectly well; but did that make your one-eighth sacred? What the Senator from Rhode Island is quarreling about now, what the Senator is now declaring is that, if we strike down the one-eighth rate, we "strike down the industry" and "turn it over to foreigners." It comes like the sound of a phonograph from an ancient campaign. I ask whether it is true that the Republican House have deliberately proposed to "strike this industry down?"

The Senator from Rhode Island speaks about "juggling." Well, I never applied that word to any of the mysterious figures in the Senate bill. I would almost be willing to put this question up to certain Senators on this floor who do know about this industry, and myself vote as those particular Senators would say, as to whether or not 2 cents would be enough.

I want to repeat what I said a moment ago about the danger to the protective system. There are Senators here who have done much more work for it by far—older Senators, who have fought more bravely and more ably for it than ever I have. I have not done much, but I can see before me years of a strenuous devotion to the system of protection in the future, as older and veteran Senators have given it in the past; and if I see anything clearly, it is that the peril of that system does not come from the earnest wish of those who hope to take any excess out of it, but from the fervent insistence of those who have clothed it with a sacredness which no human law can possibly possess. I think, so long as we go forward upon a protective system based upon justice, the American people will follow us to victory in the future, as they have in the past; but I think their sentiment to-day, Mr. President, is the same that ran in their blood upon another historic occasion which I might now paraphrase. They once said: "Millions for defense, but not a cent for tribute." They now say: "Millions for protection, but not one cent for extortion."

Mr. McCUMBER. Mr. President, I have taken no part in the discussion of this particular schedule, for the reason that I wanted to get all the information I could from the arguments that have been given here for several days, and for the further reason that I knew there were many here in the Senate Chamber who were better qualified to express an opinion upon that subject than I.

The mass of figures that have been produced in argument here are somewhat bewildering, and I do not believe that many of us, unless we are experts in the particular line of business, can say absolutely whether we should agree to the one-eighth cent extra or cut it down. But every Senator who has spoken upon the subject from the Republican side has declared—I do not care whether you call him a "stalwart" or a "progressive," or anything else—that he is in favor of a sufficient duty adequately to protect American industry.

That is all there is to it. Every Republican is a believer in that, and there is no necessity of attempting to divide us upon that line. We may differ as to what may be a reasonable protection and what may not be a reasonable protection, but I do not believe that there is one of us who does not believe in the protective policy. The only question now is whether or not the proposed rate of 2⅛ cents per pound is necessary for adequate protection. I know some Senators claim that that rate is not necessary, while others claim that even more than that is needed. As I understood the Senator from Indiana, he said that no one had shown that 2⅛ cents per pound was necessary for adequate protection.

Mr. BEVERIDGE. I said that there was nothing sacred about the figure one-eighth. I said——

Mr. McCUMBER. Mr. President——

Mr. BEVERIDGE. The Senator referred to what I said, so he will let me correct him. I said further that I would be willing to put it to Senators upon this floor who do know about it—but I will not go into that—as to whether 2 cents would not be sufficient protection.

I do not wish to disturb the Senator, but while I am up I wish to ask the Senator this question: Did not the Senator declare the other day, on May 3, in the Senate, that our promise was for a revision downward, in more forcible language than I have used?

Mr. McCUMBER. Oh, I could state again what I said then. I stated then positively how the different sections of this country understood revision. I understood, first, that it was to be on the lines of protection. That was written in the platform first. Every argument was that we would reduce downward, within the lines of protection.

Mr. BEVERIDGE. Certainly.

Mr. McCUMBER. But protection first. And I want to be dead certain that we are staying within the protective lines upon every product that I believe ought to be protected.

Mr. BEVERIDGE. Yes; so do I.

Mr. McCUMBER. I want to ask the Senator from Idaho [Mr. HEYBURN], who certainly does know something about this matter and who has made a special study of it, whether or not this 2⅛ cents per pound is a necessary protection? If he would ask me anything about any industry in my State that I am acquainted with, I could give him the figures, and I believe that the figures I would give ought to have some weight in the Senate. So, when the Senator from Idaho, the Senator from Missouri, and the Senator from Utah—from three great lead-bearing States—express their opinion from the protective standpoint upon the proposition that the duty of 2⅛ cents per pound is necessary, and that without it many of their mines that are to-day profitable would be closed down, I am going to give great weight to what they say, and I am going to ask the Senator from Idaho——

Mr. BEVERIDGE. Mr. President——

Mr. McCUMBER. Just one moment. Let me finish the sentence. I am going to ask the Senator from Idaho to state directly, whether, in his candid judgment, the duty of 2⅛ cents per pound is necessary; and I know that the Senator will give me his best judgment; and I shall rely upon that judgment.

Mr. BEVERIDGE. I have not the slightest doubt upon that, but would not the Senator think that the Senator from Idaho would be inclined, in the enthusiasm of his cause, to get the highest protection he could for this industry?

Mr. McCUMBER. No.

Mr. BEVERIDGE. For example, the other day the Senator from West Virginia [Mr. ELKINS], a Senator whom we all very highly esteem, because we have that habit among ourselves, in answer to a question put, I think, by the Senator from California [Mr. FLINT], said that when he tried to get a rate of duty on coal, he would get it just as high as he could. Now, while the Senator from North Dakota is on his feet——

Mr. McCUMBER. I am not asking the Senator whether he wants it as high as that, but the question I am putting to him is whether 2⅛ cents per pound on this article is absolutely necessary for protection? That is the question that I put to him.

Mr. BEVERIDGE. I have no objection to the Senator putting that question to him, but I want to ask a question after he answers. We want to get the right of this thing.

Mr. HEYBURN. Mr. President, I do not belong to the school of statesmen that will make a statement as to the necessity of a rate of protection merely because it is the highest they can get. We have adjusted the business of our country for the last eleven years to the existing rate, and it affords a reasonable protection. Two cents would not afford any protection. There is no difference between the safety which lies behind a door that is open an inch and behind a door that is thrown back on its hinges. It does not follow that you can whittle off the element of protection.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. Let me inquire of the Senator whether the view which he has expressed regarding the particular duties that the business of his State has adjusted itself to in this particular would not apply to every other duty?

Mr. HEYBURN. It would.

Mr. NEWLANDS. And the industries related to it, and thus prevent the reduction of any of the duties fixed by the Dingley law?

Mr. HEYBURN. I did not intend to confine my statement to a single State. I undertook to say that this great industry, in the element of the investment, in the development of the properties, in all the attributes that go to build up and maintain a business at a certain standard of prosperity as measured against the business of the outside world, has been afforded the element of protection, and the duty proposed by the committee, which is the existing law and has been for eleven years, ought not to be disturbed. I speak in conscience, and not for personal gain.

Mr. BEVERIDGE. The Senator from Idaho has given the first new reason that I have heard in listening to these debates—a reason not given to the House—for this duty; and the reason that he has given should be, in our judgment as Senators, its death. He said the one-eighth ought to be retained not because it was a just differential, but because their "business was adjusted to it."

Mr. HEYBURN. Pardon me, I did not——

Mr. BEVERIDGE. Was adjusted to it, and had been adjusted to it for eleven years.

Mr. HEYBURN. I made no such statement.

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. Certainly.

Mr. HEYBURN. I made no such statement——

Mr. BEVERIDGE. Did the Senator not suggest that the "business was adjusted to it?" Did not the Senator say that "business was adjusted to it," and they could not change it now? He said, furthermore, that you might as well throw the door wide open as to open it an eighth of an inch? I will say to the Senator that I understood him to say three different times in his very lucid statement that "the business was adjusted to it," and therefore the duty should not be changed even the eighth of a cent.

Mr. HEYBURN. Mr. President, what I just said is to be taken in connection with what I have heretofore said in the discussion of this question.

Mr. BEVERIDGE. I take it that way.

Mr. HEYBURN. And the Senator will not contend for a moment that, in answering the question that was submitted to me, I was under the necessity of rearguing or re-presenting that which I had already presented. It was merely an application of the principle that was suggested in the question of the Senator from North Dakota [Mr. McCUMBER]. Had the Senate nothing else to do I might be willing to enter or reenter upon the consideration of the question; but the Senator must take what I have said in the preceding argument, and he will not be able to draw any such conclusion from what I have said recently as he is proceeding to draw.

Mr. BEVERIDGE. I always take anything the Senator from Idaho says, as he well knows, not only in good conscience, but at 100 cents on the dollar; but I must call his attention to the fact that the Senator from North Dakota, voicing exactly my position, that I always want to do the right thing with reference to protection and no more than that, asked the Senator from Idaho to state, as he knew more about it than we, whether the proposed duty was necessary for protection.

Mr. HEYBURN. I said it was.

Mr. BEVERIDGE. The platform states that protection is to be measured by the difference in the cost of production here and abroad. In answer to that question, the Senator said three times that it, even the one-eighth of a cent, ought to be retained, because "business was adjusted to it." Now, Mr. President, taking that statement in connection with the rest of the statement of the Senator and applying it to every schedule in the bill, it would be a business crime for us to disturb a single schedule in the whole bill or a single item of a single schedule.

Mr. HEYBURN. Mr. President——

Mr. BEVERIDGE. Pardon me; I can not yield now. Not only according to that could we not do that now, but we never could do it, because "business was adjusted to it." One of the great reasons for tariff revision is that the tariff may be adjusted to the changed conditions of business. Now, I ask the Senator from Idaho and the Senator from North Dakota—neither of whom, I think, differs very much with me, if at all, upon our general principles and policies—I ask them if they do not think that the Republican Members of the House, which passed this bill after months of study and consideration of all these schedules, are not protectionists? Is not Speaker CANNON a protectionist? Has it come to the time when JOSEPH G. CANNON, the high priest of the most ultra, ultimate, die-in-the-last-ditch protectionists, is considered as wanting ruthlessly to "destroy an industry" and "turn it over to foreigners?"

Mr. HEYBURN. Mr. President, this morning, at considerable length, I compared the figures representing the difference of wages between the miners and producers of this country and those of foreign countries. I want the attention of the Senator from Indiana—I evidently did not have it this morning when I compared the difference in wages between our country and Mexico and our country and Spain and other countries, and it was not necessary for me to repeat that argument in answering the question of the Senator from North Dakota.

Mr. BEVERIDGE. That is quite right.

Mr. McCUMBER. Answering the Senator from Indiana most briefly, the question with me is not whether Speaker CANNON is a protectionist or is not a protectionist. The sole and only question is whether a duty of 2⅛ cents affords necessary protection to this lead business.

Mr. BEVERIDGE. Will the Senator permit me to interrupt him right there?

Mr. McCUMBER. If that rate is necessary, it does not make any difference to me whether the House made a mistake or whether it did not.

Mr. BEVERIDGE. Certainly.

Mr. McCUMBER. I am considering it as a Senator, and not from the opinion of any Member of the House.

Mr. BEVERIDGE. That is exactly right; and the only reason I referred to the House, or referred to that eminent man, Speaker CANNON, was because the Senator from Rhode Island rose and, in reply to my very mild remarks, asked: "Do you want to turn this industry over to foreigners? Do you want to ruin it?" So it just occurred to me to inquire as to whether Mr. CANNON and the Republican members of the Ways and Means Committee of the House, and that great body of Republicans fresh from the people, actually had wanted to "destroy an industry" and "turn it over to foreigners."

Mr. McCUMBER. I hope, also, that we will not hurry a vote upon this matter so rapidly that we can not have the conclusion in definite words from the Senators from Utah, who have spoken on this question, whether or not in their opinion 2⅛ cents is necessary. It is not necessary for me to say that I am putting them upon their honor on this question, because they are always upon that, and I know they will give it according to their best judgment, but I want their judgment in the one clean-cut statement whether or not the 2⅛ cents is necessary.

Mr. SUTHERLAND obtained the floor.

Mr. BURKETT. I wish to ask the Senator a question.

The VICE-PRESIDENT. The Chair has recognized the Senator from Utah.

Mr. BURKETT. I desire to ask the Senator from North Dakota a question.

Mr. SUTHERLAND. Have I the floor?

The VICE-PRESIDENT. The Senator from Utah rose first.

Mr. SUTHERLAND. I want to ask the Senator from Indiana a question. I endeavored to do it while he was on his feet. Does the Senator think there should be any differential between the duty on lead ore and lead bullion?

Mr. BEVERIDGE. Certainly, I do. I think there should be a differential wherever there is a difference in the cost of production between the raw material and the finished product.

Mr. SUTHERLAND. Then——

Mr. BEVERIDGE. I want to say right now——

Mr. SUTHERLAND. Then——

Mr. BEVERIDGE. The Senator will pardon me. I want to say right now that I am not going into the argument that we have listened to here for three days on that subject. I am very much inclined to think that what the Senator from Rhode Island has told us as to the original action of the House, after months of consideration—a cent on ore and a cent and a half or less on bullion—was plenty, and this extra Senate differential seems to me excessive.

Mr. SUTHERLAND. If the Senator from Indiana thinks there should be any differential between the duties on lead ore and lead bullion, it follows, as a necessary consequence, that he does not believe the House action was right——

Mr. BEVERIDGE. Oh, no.

Mr. SUTHERLAND. Because the House declared there should be no differential at all.

Mr. BEVERIDGE. I do not want to prolong the discussion, but the Senator is wrong there. If the Senator will read the hearings before the House committee he will find that the whole point was put by Judge CRUMPACKER, a member of the Ways and Means Committee, when they were arguing for 1 cent, just 1 cent, on ore, and perhaps a differential, and he said, Would not 1½ cents cover not only the ore, but the other thing, too? And they thought it would. I understand from a member of the Ways and Means Committee of the House, a Republican in pretty good standing, that they still think so. I do not want to argue the question with the Senator, because we have taken three days on it.

Mr. SUTHERLAND. The Senator does not agree with the action of the House?

Mr. BEVERIDGE. I think we ought to stand by the action of the House, but we can not do that.

Mr. BURKETT. I should like to ask the Senator from North Dakota, in line with his turning over to the Senator from Idaho his judgment on lead, whether he is going to turn his judgment over to the Senator from Washington on lumber and the Senators from other States on other items. If he is, is there any good reason for North Dakota having a Senator here in this body? Why not let the Senators who are interested in each particular schedule and from the States affected meet and put in what, in their judgment, is right, and the rest of it go out, and ratify it after it is done?

Mr. McCUMBER. Whenever the Senator from Nebraska thinks that I will yield my judgment to him upon a matter of this kind, he had better come around to me and see how easily I will yield that judgment. I have an idea that upon some matters I may be as thoroughly acquainted with conditions as is the Senator from Nebraska. I have an idea that I know about as much concerning the lead schedule as does the Senator from Nebraska. I have an idea that I have given it as much consideration as he has, and while I am willing to accept information from the Senators from those mining States upon a product that I know very little about, I think the Senator is hardly justified in assuming that I will submit my judgment to him or to anyone else upon matters concerning which I have full and adequate information.

Whenever Senators give me a fact to go on, I will act upon that fact. I may act upon their conclusions when I know they are fully acquainted with the facts or have a better knowledge of the facts upon which that conclusion is based than I have. I have read the testimony of the witnesses given upon the lead schedule; I have heard the testimony of the Senators upon the same proposition, and I am willing to abide by the information and the conclusions that come from those Senators who have peculiar knowledge about a certain business in their own particular States.

I submit that the Senator has little justification for assuming that because upon that subject I am willing to take their opinion, based upon the arguments they have given, that I must necessarily yield my judgment upon every proposition. I do not even yield it upon the evidence that is given, but I do think that the Senators from those States, upon an article produced in their own State, Senators who have carefully studied the business, are as well prepared to speak on that subject as is either the Senator from Nebraska or I.

Mr. BURKETT. The Senator would not question the ability of the Senator from Washington, for example, to speak with equal authority upon the lumber schedule, would he?

Mr. McCUMBER. Possibly the Senator may think that I am not informed about the lumber business.

Mr. BURKETT. No; the Senator——

Mr. McCUMBER. I spoke for about three and a half hours the other day, and if I did not demonstrate to the Senator that I at least knew something of the subject, then I failed in a very good intent on my part.

Mr. BURKETT. I will say the Senator could speak for three and a half hours on the lead schedule. The Senator does not understand my question.

Mr. McCUMBER. The Senator from North Dakota could not speak that long on the lead schedule, because he has not the information. I might speak on it as others have spoken on it—without giving a great deal of definite information. I would

not attempt to speak on it for any length of time with the limited amount of personal knowledge I have of the subject.

Mr. BURKETT. I will say that the Senator took this thing entirely too seriously. But it only shows how very——

Mr. McCUMBER. I beg the Senator's pardon. I did not take him seriously at all.

Mr. BURKETT. It merely shows how sensitive the members of this committee are when a question is asked as to the matter of their investigation. The Senator started out with the statement, in asking the Senator from Idaho for his judgment, with the proposition that he had come here to listen to those who have the information, and that he was going to vote on this matter, as I understood it, according to the judgment of the Senator from Idaho.

Mr. McCUMBER. Oh, the Senator had no cause whatever for such understanding.

Mr. BURKETT. Let me quote what he said. He said in case the Senator from Idaho had information that 2 cents was not a proper rate, he would not vote for it; or he left that impression, certainly. Then I asked why, if the judgment of the Senator from Idaho should govern in this matter, the judgment of the Senator from Washington should not also go upon the question of lumber, and why the judgment of other Senators should not go as to other items. It all demonstrates——

Mr. ALDRICH. Mr. President——

Mr. BURKETT. Let me finish the sentence. It all demonstrates that in these matters the Senators from the States that are particularly concerned are interested in these schedules, but it also demonstrates that we ought to come here and listen not only to their statements, but the evidence as given, and try to make up our own judgment instead of voting according to the judgment of the Senator from Idaho or the judgment of other Senators.

As I stated yesterday, on the lead schedule, paragraph 179, I sat here and was persuaded that that was needed. I have listened to the rest of this discussion as to the differential, and I will confess that in my opinion three-eighths is enough differential to protect this interest. If I had not thought it would be, I would not have voted for three-eighths. I will vote for this amendment. I will vote for as low a rate as I can get now, but I have not taken altogether the statement of any other man or the judgment of any other man.

Mr. NELSON. Will the Senator yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota.

Mr. BURKETT. I have the floor.

The VICE-PRESIDENT. No; the Senator from North Dakota has the floor.

Mr. NELSON. Will the Senator from North Dakota yield to me for a moment?

Mr. McCUMBER. I yield.

Mr. NELSON. I simply wish to say that this discussion illustrates what I contended for a moment ago, that all these books which the Senator from Montana [Mr. CARTER] piled up on his desk are of little value. We have a higher and better source to go by.

Mr. McCUMBER. The Senator from Nebraska evidently did not follow the line of argument that brought forth my question asking for the conclusions of expert witnesses. The Senator has practiced law for some years. He understands that whenever we have an expert witness we not only ask him for the facts, but we are also justified in asking for his conclusions. We have in the Senate at least three or four Senators who are certainly experts upon the lead schedule. The Senator from Indiana had indicated, as I understood it, that no one had shown or possibly had even stated that 2⅜ cents per pound was necessary for protection of the lead industry. In order to see whether that was correct or not, and not necessarily for my own judgment, because I understood that they had stated it, I put the question directly to those Senators, to arrive at their conclusions from their expert knowledge as to whether 2⅜ cents was necessary. I did this so that there should be no question as to whether or not there was any direct evidence bearing upon that point.

Mr. BURKETT. Did not the Senator say in advance that he would accept his conclusions?

Mr. McCUMBER. No; not necessarily as conclusive.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the junior Senator from Idaho?

Mr. McCUMBER. I yield. I shall be glad to hear from the Senator.

The VICE-PRESIDENT. Does the Senator from North Dakota yield the floor?

Mr. McCUMBER. I do.

Mr. BORAH. Mr. President, the proportion of the differential under the present proposed tariff bill and that under the Wilson Act is practically the same. If you take the figures of the Wilson Act and the proposed figures of this bill you will find the differential in proportion is about the same. We know that under the Wilson Act it closed our mines. That is a historic fact, a fact that is known to all throughout that country. If under that proportional differential it did close our mines, are those Senators who believe in protection desirous of speculating upon the effects of one-eighth of 1 per cent and as to whether or not it will close our mines?

This is no new question in the State of Idaho or in the intermountain country. If there is any one proposition which was submitted to the people last fall throughout the intermountain country it was the lead schedule. The distinguished Senator from Indiana [Mr. BEVERIDGE] passed through our region of country last fall and we yet can hear the cadence of song and poetry in the mountains, but he never mentioned reducing the rate upon lead, and no Democratic orator and no Republican orator broached that subject in the campaign when they were talking to the men working down in the mines.

It was submitted to the intermountain people. They knew what they were passing upon, and it was not passed upon by the experts who come here to testify for the trust, either the lead trust or the smelter trust. It was before the people who cast votes, and I call the attention of the Senator from Indiana to the fact that my colleague and I went through our State discussing our idea of revision, and it was based upon protection to American labor and American industries. I call his attention to the further fact that Idaho returned a greater majority by far for Mr. Taft on that interpretation than Indiana did upon the interpretation which the Senator from Indiana seems to have given the platform.

Mr. ALDRICH. I appeal to the Senate to take a vote upon this proposition.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Indiana to the amendment of the committee, on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a pair with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "nay."

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. MONEY]. If he were present, and I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. CULLOM. I transfer my pair with the junior Senator from Virginia [Mr. MARTIN] to the Senator from Louisiana [Mr. McENERY], and will vote. I vote "nay."

Mr. NELSON. I again announce my pair with the junior Senator from Texas [Mr. BAILEY]. If he were present, I should vote "nay."

Mr. BEVERIDGE (to Mr. CULLOM). The Senator from Louisiana would vote "nay."

Mr. ALDRICH. And the Senator from Virginia would vote "yea."

Mr. BEVERIDGE. But that is not the pair. The pair is between the Senator from Illinois and the Senator from Louisiana. Is not that the standing pair? The Senator from Illinois announced it twice.

Mr. CULLOM. I transferred my pair with the Senator from Virginia [Mr. MARTIN] to the Senator from Louisiana [Mr. McENERY], who would vote as I have voted. I think that is entirely right.

Mr. CULBERSON. I understand the Senator from Louisiana is paired with the Senator from New York [Mr. DEPEW].

Mr. ALDRICH. Not on this question.

Mr. CULBERSON. He has a general pair with him, and the Senator from New York was authorized to vote by the Senator from Louisiana. If the Senator——

Mr. DEPEW. I was informed that for the purposes of this vote the Senator from Louisiana released me from the pair.

Mr. CULBERSON. That is what I was stating, but that will not allow the Senator from Illinois to transfer his pair to the Senator from Louisiana and vote.

Mr. BEVERIDGE. You can not pair two Senators with one Senator.

Mr. ALDRICH. I think there is no question about this. I suppose the Senator from Texas is willing to admit that if the Senator from Louisiana were present he would vote "nay"

and the Senator from Virginia would vote "yea." So it is a good pair.

Mr. CULBERSON. I understand the Senator from Louisiana would vote with his pair, the Senator from New York. That is all right. But the Senator from Illinois now transfers his pair to the Senator from Louisiana and leaves the Senator from Virginia unpaired.

Mr. ALDRICH. Oh, no. He leaves the Senator from Virginia paired with the Senator from Louisiana, which is a perfectly proper pair.

Mr. CULBERSON. I do not think so.

Mr. ALDRICH. Of course it is.

Mr. McLAURIN. Of course I have nothing to do with what the Senator from Illinois does with his pair; but I do not think it is fair to presume that because the Senator from Louisiana voted a certain way on the last vote, previous to this, he would vote against this amendment.

Mr. ALDRICH. Undoubtedly he would.

Mr. McLAURIN. I do not know about that. Has the Senator from Rhode Island any authority from the Senator from Louisiana to make that statement?

Mr. ALDRICH. I feel as though I have full authority.

Mr. CULLOM. Suppose the Senator were not paired. We would have a right to pair him.

Mr. McLAURIN. You have not a right to pair one Democrat with another.

Mr. CULLOM. I am not a Democrat, or, at least, have never been so considered.

Mr. McLAURIN. So much the worse for the Senator from Illinois that he is not a Democrat; so much the worse for the country that he is not a Democrat. But, as I understand the Senator, he proposes now to pair the junior Senator from Virginia with the senior Senator from Louisiana. That is pairing one Democrat with another.

Mr. CULLOM. The theory of the Senate is that every man here has the right to vote.

Mr. McLAURIN. Of course; that is what I said.

Mr. CULLOM. And if a Senator is absent he has the right to a pair. So far as I am concerned, I do not care anything about it, except that I understood the senior Senator from Louisiana was not paired and that I could transfer my pair to him. I did so, but if there is any question about it I will withdraw my vote. I do not care anything about the matter. I simply want to vote when it is my right to vote.

Mr. ALDRICH. Then, the Senator from Louisiana is without a vote.

The VICE-PRESIDENT. The Chair understands the Senator from Illinois to withdraw his vote.

Mr. CULLOM. I withdraw my vote, if there is any question about it.

The result was announced—yeas 37, nays 45, as follows:

YEAS—37.

Bacon	Crawford	Johnston, Ala.	Simmons
Bankhead	Culberson	La Follette	Smith, Md.
Beveridge	Cummins	McLaurin	Smith, S. C.
Bristow	Daniel	Nelson	Stone
Brown	Dolliver	Newlands	Taliaferro
Burkett	Fletcher	Overman	Taylor
Chamberlain	Foster	Owen	Tillman
Clapp	Frazier	Paynter	
Clarke, Ark.	Gamble	Rayner	
Clay	Gore	Shively	

NAYS—45.

Aldrich	Curtis	Hughes	Richardson
Borah	Depew	Johnson, N. Dak.	Root
Bradley	Dick	Jones	Scott
Brandegee	Dillingham	Kean	Smith, Mich.
Briggs	Dixon	Lodge	Smoot
Bulkeley	du Pont	McCumber	Stephenson
Burnham	Flint	Nixon	Sutherland
Burrows	Frye	Oliver	Warner
Burton	Gallinger	Page	Wetmore
Carter	Guggenheim	Penrose	
Clark, Wyo.	Hale	Perkins	
Crane	Heyburn	Piles	

NOT VOTING—9.

Bailey	Davis	McEnery	Money
Bourne	Elkins	Martin	Warren
Cullom			

So Mr. BEVERIDGE's amendment to the amendment of the committee was rejected.

The VICE-PRESIDENT. The question now is on the amendment of the committee, striking out paragraph 180 and inserting a new paragraph 180.

The amendment was agreed to.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 56 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 11, 1909, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 10, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Thursday, May 6, was read and approved.

PHILIPPINE TARIFF.

Mr. PAYNE, by direction of the Committee on Ways and Means, reported with amendments the bill (H. R. 9135) to revise and amend the tariff laws of the Philippine Islands, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (H. Rept. No. 7), ordered to be printed.

Mr. PAYNE. I give notice that I desire to call this bill up for consideration on Thursday at the meeting of the House.

Mr. CLARK of Missouri. I should like to ask the chairman of the committee what suggestion he has about general debate?

Mr. PAYNE. I had not thought about it. I do not know who wants to speak upon the subject. As far as I am concerned, I want to speak very briefly.

Mr. CLARK of Missouri. How long will you speak?

Mr. PAYNE. I should say fifteen minutes.

Mr. CLARK of Missouri. I have had only one application, for three-quarters of an hour.

Mr. PAYNE. I think we can arrange that. For the present, we had better let it rest until Thursday. There may be more applications.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

PORTO RICO.

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

To the Senate and House of Representatives:

An emergency has arisen in Porto Rico which makes it necessary for me to invite the attention of the Congress to the affairs of that island and to recommend legislation at the present extra session amending the act under which the island is governed.

The regular session of the legislative assembly of Porto Rico adjourned March 11 last without passing the usual appropriation bills. A special session of the assembly was at once convened by the governor, but after three days, on March 16, it again adjourned without making the appropriations. This leaves the island government without provision for its support after June 30 next. The situation presented is therefore of unusual gravity.

The present government of Porto Rico was established by what is known as the Foraker Act, passed April 12, 1900, and taking effect May 1, 1900. Under that act the chief executive is a governor appointed by the President and confirmed by the Senate. A secretary, attorney-general, treasurer, auditor, commissioner of the interior, and commissioner of education, together with five other appointees of the President, constitute the executive council. The executive council must have in its membership not less than five native Porto Ricans. The legislative power is vested in the legislative assembly, which has two coordinate branches. The first of these is the executive council just described, and the second is the house of delegates, a popular and representative body with members elected by the qualified electors of the seven districts into which the island is divided.

The statute directing how the expenses of government are to be provided leaves some doubt whether this function is not committed solely to the executive council; but in practice the legislative assembly has made appropriations for all the expenses other than for salaries fixed by Congress; and it is too late to reverse that construction.

Ever since the institution of the present assembly the house of delegates has uniformly held up the appropriation bills until the last minute of the regular session, and has sought to use the power to do so as a means of compelling the concurrence of the executive council in legislation which the house desired.

In the last regular legislative assembly the house of delegates passed a bill dividing the island into several counties and providing county governments; a bill to establish manual training schools; a bill for the establishment of an agricultural bank; a bill providing that vacancies in the offices of mayors and councilmen be filled by a vote of the municipal councils instead of by the governor; and a bill putting in the control of the largest