Also, a bill (H. R. 10008) granting an increase of pension to George Alexander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10009) granting a pension to Clara Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10010) granting a pension to Freeman A. Cobb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10011) granting a pension to Lucy A. Palmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10012) granting a pension to Edward H. Dickerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10013) to correct the military record of Joshua Herringon—to the Committee on Military Affairs.

By Mr. SMITH of Texas: A bill (H. R. 10014) to reimburse Hilery Windham for loss of money order funds—to the Committee on Claims.

By Mr. STURGISS: A bill (H. R. 10015) granting an increase of pension to Jacob Zirkle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10016) granting an increase of pension to Andrew A. Stewart—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 10017) granting an increase of pension to Solomon Robertson—to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 10018) granting a pension to Sarah Wade Garnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10019) granting a pension to Eugene U. Proctor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10020) granting a pension to James Mesker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10021) granting an increase of pension to Thomas M. Garrison—to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By Mr. ENGLEBRIGHT: Memorial of legislature of California, against an inheritance tax—to the Committee on Ways and Means.

Also, petition of J. J. Jackson and others, of California, against a tariff on tea and coffee—to the Committee on Ways and Means.

Also, petition of J. E. Gries and others, of California, favoring a tariff on casein—to the Committee on Ways and Means.

Also, petition of J. M. Foley and others, of California, against tariff on tea and coffee—to the Committee on Ways and Means.

Also, petition of Merchants' Exchange, of Oakland, Cal., against reduction of tariff on wool—to the Committee on Ways and Means.

Also, petition of R. Castagona and others, of California, against a tariff on tea and coffee—to the Committee on Ways and Means.

Also, petition of Los Angeles (Cal.) Chamber of Commerce, against a national consular school—to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of D. M. Frederiksen, of Chicago, Ill., favoring a horizontal reduction of the tariff—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of New York City, for a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of J. C. Wistz, of matting importers' committee, of New York City, favoring 4 cents per yard duty on matting—to the Committee on Ways and Means.

Also, petition of American builders of machines for paper making, against reduction of tariff on paper and pulp—to the Committee on Ways and Means.

Also, petition of American manufacturers of paper makers' felts and jackets, favoring reduction of present duty on news print paper and wood pulp—to the Committee on Ways and Means.

Also, memorial of legislature of the State of Illinois, for improvement of the Kankakee and Iroquois rivers of Illinois—to the Committee on Rivers and Harbors.

By Mr. HAYES: Petitions of Chamber of Commerce of Portland, Oreg.; traffic bureau of Merchants' Exchange of San Francisco, Cal.; Associated Shippers of Los Angeles, Cal.; transportation bureau of Seattle Chamber of Commerce; Traffic Association of Tacoma, Wash.; and Merchants and Manufacturers' Association of Sacramento, Cal., against division of powers now exercised by the Interstate Commerce Commission and against railways controlling water rates, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL of Iowa: Memorial of legislature of Iowa, favoring appropriation to improve post-roads in Iowa and for acquisition of land for a national park at the confluence of the Wisconsin and Mississippi rivers—to the Committee on the Post-Office and Post-Roads.

By Mr. HUMPHREY of Washington: Petition of Washington Grange, No. 82, of Vancouver, Wash., favoring parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LANGHAM: Petition of New Bethlehem Window Glass Company, against reduction of duty on window glass—to the Committee on Ways and Means.

By Mr. MACON: Paper to accompany bill for relief of Gabriel M. Settlemire—to the Committee on Invalid Pensions.

By Mr. MURPHY: Petitions of various farmers' unions of Texas County, Mo., for parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. OLDFIELD: Paper to accompany bill for relief of Samuel A. Strond—to the Committee on Invalid Pensions.

Also, petition of John C. Farr, against a tariff on tea and coffee—to the Committee on Ways and Means.

By Mr. PAYNE: Paper to accompany bill for relief of John Boyst, of Lyons, N. Y.—to the Committee on Invalid Pensions.

By Mr. RAINEY: Petition of citizens of Manito, Ill., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Hull, Ill., for repeal of tariff on lumber—to the Committee on Ways and Means.

Also, petition of business men of Jacksonville, Fla., against advance of duties on razors—to the Committee on Ways and Means.

By Mr. SHEFFIELD: Petition of the Shepord Company, of Providence, R. I., opposing increase of duty on foreign gloves and hosiery—to the Committee on Ways and Means.

Also, petition of Wool Sorters' Union of Providence, R. I., and vicinity, against reduction of tariff on textile goods—to the Committee on Ways and Means.

Also, petition of Rhode Island Horticultural Society, against importation of and interstate traffic in infected honey and bees—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. C. Hall & Co., of Providence, R. I., and 33 of their employees, asking for increase of duty on lithographic products—to the Committee on Ways and Means.

SENATE.

FRIDAY, *May 21, 1909.*

The Senate met at 10 o'clock a. m.

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

The VICE-PRESIDENT. The Secretary will read the Journal of yesterday's proceedings.

The Secretary proceeded to read the Journal.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. The Journal should be first read before any business intervenes.

Mr. STONE. I did not desire to intervene in order to transact any business. I intended to intervene that I might make a suggestion that there is no quorum present.

The VICE-PRESIDENT. Until the reading of the Journal has been concluded, not even that suggestion can be made. Before the Journal is approved, the suggestion can be made, under the rules of the Senate. The Secretary will read the Journal.

The Journal of yesterday's proceedings was read and approved.

SUGAR IMPORTATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to resolution No. 40, submitted by Mr. BRISTOW on the 29th ultimo, reports from the collectors of customs at New York, Boston, Philadelphia, New Orleans, San Francisco, and Port Huron, showing the amounts of raw sugar imported by sugar refineries at those ports during the fiscal year ended June 30, 1908, etc. (S. Doc. No. 53), which, with the accompanying papers, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented a memorial of sundry citizens of Clarksburg, W. Va., remonstrating against an increase of the duty on print paper and wood pulp, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Wheeling, Morgantown, and Independence, all in the State of West Virginia, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. CULLOM presented sundry papers to accompany the bill (S. 303) granting an increase of pension to Jacob Souder, which were referred to the Committee on Pensions.

Mr. PAGE presented petitions of sundry citizens of St. Johnsbury, Vt., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BURKETT presented a petition of Subdivision No. 303, Brotherhood of Locomotive Engineers, of Chadron, Nebr., praying for the passage of the so-called "Burkett boiler-inspection" and "Borah-Dawson full-crew" bills, which was referred to the Committee on Interstate Commerce.

Mr. OLIVER presented a petition of Laughlin Lodge, No. 633, Brotherhood of Locomotive Firemen and Engineers, of Pittsburg, Pa., praying for the passage of the so-called "Burkett boiler-inspection" and "Borah-Dawson full-crew" bills, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Welcome Council, No. 134, Junior Order of United American Mechanics, of Pittsburg, Pa., praying for the enactment of legislation to prohibit the immigration into the United States and the Territory of Hawaii of all Asiatics except merchants, students, and travelers, which was referred to the Committee on Immigration.

He also presented a memorial of Local Grange No. 1020, Patrons of Husbandry, of Indian Orchard, Pa., remonstrating against an increase of the duty on imported gloves, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Westfield and Sabinsville, in the State of Pennsylvania, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DILLINGHAM presented petitions of sundry citizens of Cavendish, Vt., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DEPEW presented petitions of Local Grange No. 117, Patrons of Husbandry, of Lorraine; of Local Grange No. 66, Patrons of Husbandry, of Orwell, and of sundry citizens of Perch River, all in the State of New York, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Schenectady, N. Y., praying that the lowest possible rate of duty be placed on sugar imported into the United States, which was ordered to lie on the table.

He also presented a memorial of sundry importers of foreign hops and dealers in and importers of American hops in the United States, remonstrating against an increase of the duty on imported hops, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying for the appointment of a permanent tariff commission, which was ordered to lie on the table.

He also presented a memorial of Local Grange No. 66, Patrons of Husbandry, of Orwell, N. Y., and a memorial of Local Grange No. 117, Patrons of Husbandry, of Lorraine, N. Y., remonstrating against the increase of the duty on imported gloves, which were 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. 2454) granting an increase of pension to Alfred N. Scott; to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 2455) granting an increase of pension to Joseph L. Buckley (with the accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 2456) granting an increase of pension to Charles H. Bartlett; to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 2457) granting an increase of pension to John F. Clough; to the Committee on Pensions.

A bill (S. 2458) to amend the act of March 3, 1883, commonly known as the "Bowman Act," and the act of March 3, 1887, commonly known as the "Tucker Act;" to the Committee on Claims.

By Mr. CRAWFORD:

A bill (S. 2459) authorizing the Minnesota, Dakota and Pacific Railway Company to build a bridge across the Missouri River; to the Committee on Commerce.

AMENDMENTS TO THE TARIFF BILL.

Mr. DICK 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.

Mr. BROWN 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.

Mr. ELKINS submitted two amendments 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 were ordered to lie on the table and be printed.

THE PHILIPPINE ISLANDS.

The VICE-PRESIDENT. The morning business is closed.

Mr. STONE. Mr. President, before we take up the tariff bill in regular course I wish to occupy just a few moments of the time of the Senate. I desire to place a matter in the RECORD, and I may as well do it now as at any time. It is an interview printed in a paper a few days ago given by Mr. OCAMPO, one of the Resident Commissioners of the Philippine Islands at Washington. This interview concerns the relations existing between the United States and the Philippine Islands. It is my purpose at the proper time to offer an amendment to the pending bill declaratory of the purpose of the United States with reference to those islands. I wish to insert this matter in the RECORD, hoping that Senators will take occasion to read it.

Mr. ALDRICH. What is the nature of the article to be printed in the RECORD?

Mr. STONE. I had just stated, while the Senator's attention was diverted, that it is an interview recently printed given out by Mr. OCAMPO, one of the Philippine Commissioners. It is not long.

Mr. ALDRICH. I have no objection.

Mr. STONE. Permit me to say that Mr. OCAMPO is a real Filipino of high class, and thoroughly representative of his people. He is well qualified to express their feeling and sentiment upon public questions, and has been delegated to do that.

Mr. President, I believe the longer we maintain political relations such as exist now with the Philippine Islands and people the worse it will be for all concerned. The closer our political and industrial life becomes identified with theirs, the more difficult it will be for us to sever relations with them, because the firmer will become our foothold and the greater the reluctance on the part of many influential men to yield any larger liberty to those people or anything more nearly approximating autonomy in government.

I believe if we go on as we are, if we establish free trade, for instance, with the islands and continue our present connection with them, not many years will elapse until the great resources of those islands—their fields and forests and mines and their principal industries—will be in a large measure absorbed and controlled by Americans.

It is because of that belief which I entertain, and which Mr. OCAMPO entertains, that I desire to insert this interview of his in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

In reply to a question about a statement that appeared Tuesday morning in the Washington Post purporting to be a protest against free trade between this country and the Philippines from some Filipinos residing in Boston, Mr. OCAMPO, one of the Resident Commissioners from the Philippine Islands, said:

"When I spoke in the House last month, discussing the proposed free trade relations between this country and the Philippines as contained in the Payne bill, I clearly stated that the establishment of such relations would inevitably hinder the political aspirations of the Filipinos; in other words, their constant and profound desire of being an independent country would be imperiled by such commercial ties.

"The Philippine assembly, the true representative of popular sentiment, has, in conjunction with the upper house, which is composed largely of Americans, expressed itself before this in opposition to free trade, and since the passage of the bill by the House of Representatives, the feeling against it has grown more intense for the reasons stated above, apart from the economic view point of the matter, which also is in no way encouraging, because it necessarily will embarrass the Philippine government financially.

"This free-trade proposition is a case of life and death with us. The ambition of the Filipinos to live an independent life is one which is undeniable and persistent, and any measure tending to oppose it would only stir the people of the islands and operate to prevent the development of a better feeling between Americans and Filipinos.

"The Filipinos who signed the protest have done nothing more than to give expression to a feeling universal in the islands against free trade for the consequence it would bring to the islands in the long run.

"I hope that no one will think that in expressing the aspiration of the Philippine people for ultimate reasonably prompt and absolute independence, I am lacking in or that they have ceased to feel profound gratitude for the opportunity that the American Republic gave us to be rid of Spain. Surely in the land of Washington, Jefferson, and Adams it can be permitted us to express the wish that we may be allowed to govern ourselves. It ought to be understood that in the centuries of protest against the rule of Spain we were not merely trying to throw off one foreign yoke to go under another.

"Providence in its wisdom made us a different race. Our problems are not those of Europe or America, and we can not approach their consideration with the same mind. What is best for Europe or America is not necessarily best for Asia, and Asiatic problems ought better be left to the people of that part of the world for solution. But one idea we do have in common, and that is a desire to be permitted to govern ourselves. This thought is stronger with us than the desire for more economic gain, and while we would like the greatest possible commercial prosperity, we are willing to defer it rather than forever lose our hope of independence by an artificially rapid development through American corporations. I concur in the protest of the Filipinos who reside in Boston."

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed and 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.

The VICE-PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. The next paragraph passed over is on page 20, paragraph 85, as follows:

85. Lime, 5 cents per 100 pounds, including weight of barrel or package.

Mr. JONES. It was my understanding that when paragraphs to which no amendment had been offered by the committee have been passed over amendments by individual Senators are not in order until after the committee amendments have been disposed of.

Mr. ALDRICH. They are in order now.

Mr. JONES. They are in order now?

Mr. ALDRICH. Yes; under the present procedure of business the amendments of individual Senators are in order.

Mr. JONES. I did not understand that. I desire to say that some data with reference to this paragraph I have not yet received, and I wish to recur to it later on.

Mr. ALDRICH. I suggest to the Senator from Washington to allow the paragraph to be agreed to, and if subsequently he has an amendment to offer it can be offered either in the Senate or by general consent as in Committee of the Whole. I will see that the Senator loses no rights in relation to the matter.

Mr. HALE. Mr. President——

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

Mr. JONES. Certainly.

Mr. HALE. I have the same interest in this product the Senator has, and under the suggestion made by the chairman of the committee I am sure that no rights of his or mine will be lost. If the paragraph is adopted for the present, the Senator and I will confer and bring it up in the Senate.

Mr. JONES. That will be satisfactory to me.

Mr. ALDRICH. I ask that the paragraph be agreed to.

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

Mr. BURTON. Was not an amendment proposed to paragraph 82 referring to magnesite brick and chrome brick?

Mr. ALDRICH. The committee had an amendment which I think, has been agreed to. There was an amendment suggested to paragraph 82, I think, proposed by the Senator from Ohio.

Mr. BURTON. I have not the phraseology of it before me, I will say.

Mr. ALDRICH. The Senator from Pennsylvania perhaps has the amendment of the committee if it has not been agreed to.

Mr. PENROSE. I have the amendment. In line 5, on page 19, I move to add the words "magnesite brick, chrome brick, and."

Mr. ALDRICH. That amendment was agreed to by the committee, and I thought it had been agreed to by the Senate.

Mr. PENROSE. It does not alter the present law. It conforms to judicial decision and puts it in statutory phraseology.

Mr. NELSON. The RECORD does not show that it has been adopted.

Mr. ALDRICH. I thought it had been adopted. I was mistaken.

Mr. PENROSE. I offer it now.

The VICE-PRESIDENT. The amendment proposed by the Senator from Pennsylvania will be stated.

The SECRETARY. On page 19, line 5, after the words "ad valorem" and the semicolon, insert "magnesite brick, chrome brick, and," so as to read:

Magnesite brick, chrome brick, and brick other than fire brick.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

The VICE-PRESIDENT. Without objection, the paragraph as amended is agreed to. The next paragraph passed over will be read.

The SECRETARY. On page 20, line 7, in paragraph 86, the committee propose, before the word "cents," to strike out "forty" and insert "twenty," so as to read:

Plaster rock or gypsum, crude, 20 cents per ton.

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

Mr. CURTIS. I ask for a yea-and-nay vote on the amendment.

Mr. ALDRICH. I hope the Senator will not ask for the yeas and nays. It will simply take the time of the Senate.

Mr. CURTIS. I will let it go.

The VICE-PRESIDENT. The Senator from Kansas demands the yeas and nays on agreeing to the amendment of the committee.

The yeas and nays were not ordered.

The amendment was agreed to.

The VICE-PRESIDENT. Without objection, the paragraph as amended is agreed to.

Mr. ALDRICH. I should like to have the paragraph agreed to with the understanding that later on the committee may recommend a specific rate in place of the ad valorem rate on Keene's cement.

The VICE-PRESIDENT. Is there objection to the committee returning to it?

Mr. ALDRICH. The committee may ask to return to it.

Mr. NELSON. What was done with paragraph 85?

Mr. ALDRICH. Paragraph 85 has been agreed to. I ask that paragraph 86 be agreed to as amended.

The VICE-PRESIDENT. Without objection, paragraph 86, as amended, is agreed to. No objection is heard. The next paragraph passed over will be read.

The SECRETARY. Paragraph 87, pumice stone.

Mr. ALDRICH. I ask that the paragraph be agreed to; but the committee may have an amendment to substitute a specific duty in that case.

Mr. BROWN. I wish to suggest that this paragraph has been passed over twice, on the first reading at my request and on the second reading at the request of the committee. My understanding, also, is that the committee has practically agreed upon an amendment. I have understood that the amendment is agreeable to the people interested in this business. I am very much in hopes that the committee may offer that amendment now, if it will do so.

Mr. ALDRICH. The committee think there ought to be an amendment, but the Senator is misinformed if he thinks they have agreed upon any particular amendment. I think there ought perhaps to be a change in the paragraph.

Mr. BEVERIDGE. Can not that be done during the day?

Mr. ALDRICH. I do not know whether it can or not. I suggest that the paragraph be agreed to, and if we subsequently agree upon an amendment, I will ask the Senate to reconsider its action.

Mr. BROWN. I can not consent to the adoption of the paragraph with the understanding that possibly the committee may offer an amendment to it. I have been led to believe by members of the committee that there would be an amendment offered—not that there might be, but that there would be.

Mr. ALDRICH. The Senator from Nebraska of course can offer any amendment he desires.

Mr. BROWN. I understand I have that right, but I have found from observation that the committee amendment is the one that is adopted. I should like to have that amendment presented now, if the committee will do so. If not, I will offer an amendment myself.

Mr. BEVERIDGE. If the chairman of the committee will offer the amendment during the day, will that satisfy the Senator?

Mr. ALDRICH. I will say to the Senator from Nebraska that as soon as I get an opportunity to consult with various members of the committee as to this particular amendment, I will then state to the Senate frankly whether we think it ought to be adopted or not.

Mr. BROWN. I am willing to have the paragraph passed over, but not adopted.

Mr. ALDRICH. It can be passed over for the present.

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

Mr. PENROSE. I desire to offer an amendment to paragraph 88, which I believe has been accepted by the committee. On page 21, line 12, after the words "fluor spar," I move to insert

the words "and feldspar." I believe this amendment was offered by the Senator from Kentucky [Mr. BRADLEY], who is not here to-day.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 21, line 12, after the words "fluor spar," insert the words "and feldspar."

The amendment was agreed to.

Mr. ALDRICH. The Senator from Kentucky has an amendment pending to this particular clause to make the duty $3 a ton instead of $1.50 a ton.

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

Mr. BURTON. On what is that?

Mr. ALDRICH. On fluor spar. The Senator from Kentucky is still ill. The committee are willing to accept the amendment, and I ask that it may be adopted.

Mr. RAYNER. I should like to ask the Senator from Rhode Island why is this duty put upon fluor spar? I understand that it is found in only one State, and there is not much of it left in that State.

Mr. ALDRICH. It is found in several States.

Mr. RAYNER. In what States?

Mr. ALDRICH. In Kentucky, Tennessee, and various other States. It is found in a number of other States.

Mr. RAYNER. I think not, Mr. President. It is found in Kentucky, and Kentucky is the only State in which it is found. I should like to have the amendment passed over for the present.

Mr. SMOOT. The product is found quite extensively in the State of Illinois.

Mr. RAYNER. The testimony before the Senator's committee does not show that to be the fact.

Mr. BEVERIDGE. But before the House committee.

Mr. CULLOM. I can state that it is found in Illinois in large quantities.

Mr. RAYNER. All I desire to say is that the testimony does not show it.

Mr. CULLOM. I do not know what the testimony shows, but I know the fact.

Mr. RAYNER. I should like the amendment, at least, to be passed over so that I can look at it. I have had quite a number of communications on the subject.

The VICE-PRESIDENT. The Senator from Maryland asks that the amendment be passed over. Without objection, it will be passed over.

Mr. ALDRICH. I will take it up later in the day, after the Senator has had a chance to examine it.

The VICE-PRESIDENT. Without objection, the amendment is passed over until later in the day.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. The amendment presented by the Senator from Kentucky [Mr. BRADLEY] has not yet been stated. Will the Senator permit the amendment to be stated so that the RECORD will show it?

Mr. CULBERSON. Certainly.

The SECRETARY. It is proposed to strike out, after the words "fluor spar," the words "crude or crushed, ground or otherwise treated or manufactured, $1.50 per ton" and insert the words "or gravel spar, crude, $3 per ton; crushed, ground, or otherwise treated, $3.50 per ton."

Mr. ALDRICH. The committee do not accept anything of the amendment except the rate of $3 a ton on fluor spar.

Mr. PENROSE. The amendment adding the words "and feldspar" has been adopted, I understand.

The VICE-PRESIDENT. That amendment has already been adopted.

Mr. CULBERSON. Mr. President, with the indulgence of the Senate I propose to take advantage now of the latitude of debate to submit some general observations upon the pending bill, and that not at length.

Mr. GALLINGER. Will the Senator allow the next paragraph to be acted upon, as I may be absent, and I am quite interested in it? I think it will be passed in a moment. It is paragraph 89, mica.

Mr. CULBERSON. Very well.

Mr. ALDRICH. I am willing that the paragraph in regard to mica shall be acted upon, but I am not certain but that the committee may have an amendment to offer to the paragraph later on. The committee withdraws its amendment to the paragraph as it stands, and I am willing that the paragraph shall be agreed to, but I give notice that subsequently the committee may report a different provision.

Mr. NELSON. Mr. President——

Mr. CULBERSON. If it provokes debate, I hope the Senator will let me make my observations now.

Mr. GALLINGER. The Senator from Texas yielded to me, and I was about to say if there is to be any debate on the matter, I will not ask that it be considered now.

Mr. NELSON. Mr. President, I rise to a question of order. I am here all the time trying to keep track of the bill. If amendments are agreed to, I want to know what they are. If the committee have any amendments to a paragraph, I insist that those amendments shall be presented before we vote on the paragraph and not after it is passed over, and then afterwards say that it shall be amended. By such a proceeding we do not know where we are.

Mr. ALDRICH. I made the suggestion, if the Senator had listened to me with his usual attention——

Mr. NELSON. I am trying to keep track of the bill here, and I want to know what amendments are offered.

Mr. ALDRICH. For the very purpose which the Senator now suggests, I said the committee might subsequently have an amendment to offer.

Mr. NELSON. Then, do I understand that paragraph 88 is passed over?

Mr. ALDRICH. That was passed over at the request of the Senator from Maryland [Mr. RAYNER].

Mr. NELSON. Very well; that is all.

The VICE-PRESIDENT. The Chair suggests, however, to the Senator from Rhode Island that the Secretary has not yet stated the amendment to paragraph 88, as the Senator desires it to be offered, and the Senator will again indicate it to the Secretary, so that it may be stated and the RECORD may show it.

Mr. ALDRICH. On page 21, lines 13 and 14, strike out "$1.50 per ton" and insert "$3 per ton."

The VICE-PRESIDENT. By unanimous consent the amendment will be passed over for the present.

Mr. GAMBLE. Mr. President——

The VICE-PRESIDENT. The Senator from Texas has the floor. Does he yield to the Senator from South Dakota?

Mr. CULBERSON. I prefer to go on now.

Mr. GAMBLE. Do I understand that paragraph 89 has gone over for the present?

The VICE-PRESIDENT. It has not been taken up.

Mr. ALDRICH. It has not been taken up yet.

Mr. GAMBLE. I want to be heard on that paragraph.

Mr. CULBERSON. Mr. President, I stated a moment ago that I would take advantage, with the indulgence of the Senate, of the latitude of debate to submit some general observations upon the pending bill, and that not at any great length. Before attempting to apply them, as I shall do only in a very general way, to the great question of tariff taxation now pending here, let me state somewhat briefly my conception of the fundamental principles of the Democratic party.

Mr. ALDRICH. I beg the Senator's pardon. Did the Senator say he expected to occupy only a few minutes?

Mr. CULBERSON. I said that I would speak comparatively briefly, and I think when I have finished the Senator from Rhode Island will agree that I have kept my promise. If that were not the case, I think all Senators will bear witness that I have occupied very little of the time of the Senate in this debate, and even outside of that I am entitled to occupy as much time as I want; and I intend to do so.

Mr. ALDRICH. My suggestion was not in that line at all.

Mr. CULBERSON. I understood the facetious character of the suggestion of the Senator, and it was none the less out of place.

Mr. ALDRICH. I beg the Senator's pardon. My suggestion was not as to the time the Senator has occupied. He has occupied very little time, of course, and I realize that; but when he was stating, as I understood him to state, that he proposed to lay down the fundamental principles of the Democratic party, I thought it would probably take him more than a few minutes to perform that task.

Mr. CULBERSON. It occurred to me, in view of the speech of the Senator from Rhode Island at the outset of the debate, in which he undertook to lay down the Democratic doctrine, that probably some of us on this side from time to time should do so. As I said, Mr. President, before attempting to apply them to the question of tariff taxation now before the Senate, I want to state, somewhat briefly, my conception of the fundamental principles of the Democratic party.

The Democratic party arose, in some measure, from the character of the Constitution of the United States and the relation of the several States to the Union which that instrument established, but in a better and larger sense perhaps it sprung from the essentials of individual right and public authority. Since the adoption of the Federal Constitution the founder, in his lifetime, and the loyal adherents of the Democratic party in every generation, as opposed to the Federalist, the Whig, and the Re-

publican parties, have contended for the proper limitation and restriction of all public authority, for the separation and independence of the three great divisions of government, and for such construction of that Constitution as would maintain, unimpaired, the just and constitutional distribution of state and federal powers.

While the Democratic party stands more resolutely than any other party for the rights of the States and is their foremost and historic champion, it is not the state-rights party alone; and, while it contends for all the constitutional powers of the General Government, it is not the Federal party. It is, rather, Mr. President, the party of the Constitution.

Jefferson rightly declared that the essential principles of our Government, which affect this particular subject, consist "in the support of the state governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies;" and, on the other hand, "the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad."

Besides the natural and inherent objection to a strong government, with its tendency to encroach upon private rights and to vex, harass, and oppress the citizen, the Democratic party conceives that especially in a great country like the United States, with a population spread over a far-extended continental territory, the people immediately affected and concerned can best regulate their own local and domestic affairs, and that a consolidated, central government will in time become extravagant, corrupt, and oppressive. Instead of consolidating, it would therefore decentralize the Government within its fair constitutional limits, as was the aspiration of the founders, not only because that is the constitutional mandate, but also because within that principle lies the public welfare, for the nearer the seat of power is placed to the people the more responsive will it be to their will, and the farther it is removed from them the more it will be disregarded. It has insisted that the Government of the United States is one of limited and enumerated powers, and as declared in the tenth amendment—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

As a necessary consequence, Mr. President, the Democratic party for more than a century has combated the great mass of implied powers in the Federal Government contended for by Alexander Hamilton and the several political parties which have succeeded to his views.

Not content, sir, with the progress of the ancient doctrine of implied powers, the imperious and baseless dogma of constructive constitutional amendment has very recently been boldly proclaimed by one of the great leaders of the Republican party, and the Democratic party should resist it as it would an army with banners.

But, Mr. President, as I have already suggested, the organic principles of the party are even stronger than constitutional law. The political philosophy of the party finds deeper root than in the interpretation of the limitations and safeguards of a written Constitution, precious though they be.

While believing in such a Constitution, and while part of its mission is to preserve the one under which we live as the best hope of mankind yet devised, the great aim of the party is to achieve and perpetuate personal and political and religious freedom. Appealing to the philosophic truth of history, the party bears ever in mind that the natural course of affairs is for government to encroach upon private rights, for the functions of government to be perverted, "for freedom to lose and government to gain ground."

This inevitable movement, Mr. President, would unduly enlarge the powers of state and abridge the rights and liberties of the citizen. The political philosophy of the party, indeed, rests upon those manhood liberties to which Jefferson gave imperishable voice in the Declaration of Independence, in the Bill of Rights which he forced into the Federal Constitution, and in his first inaugural address.

This philosophy is woven indestructibly in the belief that free institutions are founded in unceasing and sleepless vigilance; in the fearless restriction of government to its legitimate purposes; in jealousy and distrust of rulers and not in faith and confidence in them; in equal rights to all and special privileges to none; in the theory that the government is best which governs least; in individualism and not paternalism; in dispersion, not concentration, of governmental power; in the limitation of taxation to the necessities of a frugal administration; and in an abiding conviction of the efficacy and wisdom of popular sovereignty. These are its proverbs; in these are comprised the vital forces of Democracy.

For more than half a century the Democratic party, almost without interruption, conducted the Federal Government in consonance with these principles and made it the marvel of the world. The Republican party, on the other hand, like the Federalist and the Whig parties of which it is the successor, antagonized these principles, both those of a constitutional and those of a more general character.

During and since the civil war, and partly by reason of the reactionary and centripetal forces it developed, Republican policies largely prevailed. They have resulted in evils inseparable from such policies; in extravagance, and sometimes in profligacy and corruption; in the decline of individualism and the growth of paternalism; in the dwarfing of home rule; in the overthrow of state authority; in the creation of favored and privileged classes; in the perversion of the functions of government; in the encroachments of government upon the natural and reserved rights of the people; in the imposition of taxation not for public purposes alone but for private purposes also; and in the centralization of irresponsive and often despotic power at the capital.

When we turn, Mr. President, to the question of tariff taxation and apply to it the basic principles of the two great parties which are pertinent, it is obvious that they are antagonistic and irreconcilable. Whatever may be thought of the several schedules of the pending tariff bill, the measure as a whole is avowedly constructed on the principle of protection; that is, on the principle that the power of the Government may be used to tax imports, not primarily to raise revenue to support the Government, but primarily to protect American producers and manufacturers against foreign competition, whereby the price of the home articles to American consumers may be enhanced to the extent of the tax. By legislative decree, by operation of law, a burden is laid upon consumers not based upon natural trade conditions, not their share of the expenditures of government, but is levied for the sole purpose of augmenting the profits and private fortunes of manufacturers and producers. This is the Republican doctrine of protection, stripped of sophistry and embellishment. It is founded neither in constitutional nor moral right, and is opposed to the nature, the spirit, and the genius of our institutions.

Individual Democrats may doubtless be found who believe in free trade or in protection, yet the Democratic party believes in neither. It stands for a revenue tariff—that is, for a tariff which will admit imports and yield revenue primarily—and is opposed to a protective tariff, whether the duties are levied on finished products or on raw material. Under whatever grant of federal power it is sought to be justified, a tariff law which compels the great body of consumers of the country to pay mere tribute to those from whom they purchase is a gross and palpable abuse of legislative authority.

No greater or more unjust burden in the guise of taxation was ever laid upon a free people than that contained in the present tariff law. With astonishing candor, it has been admitted by some who took part in framing the law that the rates were deliberately placed excessively high, higher than the demand of the most rapacious protectionist, in order to negotiate reciprocity treaties with foreign countries, and yet such treaties have not been negotiated, or if negotiated have not been ratified. For twelve years the people have borne the burden, for twelve years they have poured part of their earnings into the coffers of the oil, the sugar, and the steel combinations, out of which monuments in benevolences and in charities have been erected throughout the land to those whose avarice and greed and lawlessness wrung the exactions from the toiling millions; and now that tariff revision in some form can no longer be postponed, it is said with familiar and characteristic audacity that it must be done by the friends and beneficiaries, who would fasten the indefensible and vicious system upon the country.

While it is not my purpose to discuss the pending bill to-day in detail, something of the oppressive character of the present law and the failure to relieve it by the proposed measure should be succinctly pointed out. The average existing ad valorem rate on all articles is 44.88 per cent. In 1906 tariff taxes actually paid on 91 groups of articles were 100 per cent or over. It has been estimated by a leading Republican and protectionist that under the Dingley Act the people pay to the protected interests annually a mere tribute or subsidy of at least $500,000,000. This is practically divided among the trusts, among them the sugar trust receiving $20,000,000, the oil trust $20,000,000, and the steel trust $80,000,000 yearly. Notwithstanding the exorbitant rate now imposed, the pending bill carries a higher one, an average rate of 46.45 per cent, or 1.57 per cent over the Dingley rate.

Mr. Jefferson asserted as a just limitation upon government that after making provision for an economical and efficient

administration it should not take from the mouth of labor the bread it has earned. At the bottom of this is the Democratic doctrine of individualism and its opposite is the Republican doctrine of paternalism, the one embodying the idea, as applied to taxation, that the property of the citizen may not be taken except for public purposes, and the other that it may also be taken for private advantage. As long as a large part of the revenue of the Federal Government is raised by taxes on imports, as is now the case, incidental and unavoidable benefit will accrue to American products by lessening foreign competition, even when such taxes are imposed on a purely revenue basis. A tariff levied, however, not for necessary revenue, but wholly for protection is perhaps the highest and most pernicious form of paternalism, because in addition to imposing unnecessary taxation the powers of government are grossly perverted in order to enhance the private interests of the favored class. Against such injustice and such perversion of the taxing power the Democratic party has ever protested, and the practical consequences which have followed the protective system justify the condemnation.

The protective policy has fostered a dependence upon government for the promotion of trade and industry which is hurtful to individual effort and detrimental to general prosperity. It has increased the cost of living enormously, out of all proportion to the increase in wages when that has occurred, and thus in the end has injured the wage-earners. It has enabled protected interests to sell cheaper to foreign than to home markets and to demand extortionate profits from the people of the United States. Under the operation of the Dingley Act during the past ten years the steel corporation alone exacted perhaps $250,000,000 more from American consumers than it would have been satisfied with from foreign consumers. The protective tariff has undoubtedly encouraged and contributed to the formation of trusts and combinations in trade in this country by stifling foreign competition and limiting the field of operations of these combinations, for the larger the field the more difficult will be its control and monopoly. It has created a favored and privileged class, and has enabled that class to amass colossal fortunes, which are used to bind the protective system upon the people by degrading and debauching the suffrage and the national conscience. Mr. President, although there is penury and want in every community in the land, and although this is due in part to the burden which the people bear for protection's sake, yet the wealth of its beneficiaries rivals the wildest dreams of kings. These vast fortunes, challenging the credulity of mankind, are not the fruit of unaided individual or corporate effort, but result in large degree from the operation of these unequal and unjust laws.

The Democratic party makes no war upon wealth nor would it embroil capital and labor nor embitter the poor against the rich. But on this subject it would gradually embody in legislation equality of right; it would dissolve the government copartnership with special privileges and protected interests, and it would not by law give to any man or class a favor or advantage above another in the race and struggle of life.

The VICE-PRESIDENT. Is there objection to agreeing to paragraph 89, to which the committee amendment in line 15 has been withdrawn?

Mr. GALLINGER. Let that go over, Mr. President.

Mr. ALDRICH. I ask that the paragraph may be agreed to as it stands; but I give notice, as I said before, that the committee may later on recommend an amendment.

Mr. GAMBLE. Mr. President, when this paragraph was reached on the first reading of the bill it was suggested by the chairman of the Finance Committee that it be passed over, and he coupled that request, as I recall it, with the suggestion that the committee might report an amendment placing mica on the free list.

Mr. ALDRICH. My statement was that a large number of industries specially engaged in the electrical business believed that mica should be on the free list. They have made certain statements to that effect to the committee, and have asked to be further heard with reference to it. The committee are now willing to agree to the House provision, but if it should appear to them later on that some changes should be made, they reserve the right to recommend an amendment.

Mr. GAMBLE. It was my purpose, Mr. President, when this paragraph was reached to submit some observations thereon, because of the great interest of the western part of our State in the production of mica. If, however, the paragraph is not to be finally disposed of at this time I would not care now to unduly take up the time of the Senate. If it is proposed to take up the paragraph later I should like an opportunity to be heard, and possibly at some length.

Mr. ALDRICH. I will give the Senator from South Dakota due notice when the paragraph is to be taken up.

Mr. GAMBLE. Mr. President, the reduction as proposed from the Dingley Act of 1897 on unmanufactured mica is from 6 to 5 cents a pound and on the manufactured article from 12 to 10 cents a pound. The ad valorem duty of 20 per cent remains as in the existing law. The industry is being very rapidly developed in this country against most active foreign competition, and it occurs to me, Mr. President, the rate of duty provided by the present law should be retained, in justice to this industry. The people of 11 States are interested in this industry, and are producers of mica. There has been an immense increase in the production of this article during the past two or three years, and at this time nearly 50 per cent of the consumption of the United States is produced in this country as against the importations from abroad.

The importation for 1908 was 1,310,877 pounds, with a valuation of $567,550. The domestic production for the year 1907 was 1,060,182 pounds, with a valuation of $349,311. The domestic production for the year 1902 was 373,266 pounds. It will be observed the production during the five years increased nearly 400 per cent.

The statistics for the year 1908 show a very marked decrease in importations over that of 1907. For the former year the importations were 1,310,877 pounds, against 3,448,452 pounds for the latter.

Mr. NELSON. To what paragraph does the Senator refer?

The VICE-PRESIDENT. Paragraph 89 is before the Senate.

Mr. GAMBLE. Mr. President, I am addressing myself briefly to paragraph 89. I repeat, this industry is largely in process of development. The product is essential to the development and to the uses of many industries, and should receive the protection and encouragement. There are inexhaustible mines of this product in South Dakota, where last year one-third of the mica in the United States was produced. A large plant in the western part of the State has been successfully operated for the past two years. I am informed another of equal capacity is being installed and will be in operation within the next sixty days. I am assured from the extensive and rich supply in that region, with both plants in operation, they will be able to produce a sufficient supply for all the electrical uses of the entire country. The production of mica is largely in competition with the cheapest labor in the world. The largest importations for 1908, as shown by the statistics of the Government, were from India.

Mr. ALDRICH. Will the Senator permit me to ask him a question?

Mr. GAMBLE. Yes, sir.

Mr. ALDRICH. Among the representations which were made to us by people who wanted lower duties on this product, or the placing of it on the free list, is that it is controlled by one concern, and that to keep this duty up would simply be for the benefit of the trust. I should like to have the Senator from South Dakota explain to us whether or not that is true, and how many people there are engaged in the production of mica in this country.

Mr. GAMBLE. I have not the statistics at hand at this moment to show the number of people employed in this industry, but they are scattered over 11 of the States of the Union.

In the matter of trusts, I have more particular knowledge in relation to conditions in my own State.

In the vicinity of Custer, from a report of the Geological Survey just issued, there are 13 mines, 4 of which, I am informed, are operated and owned by the Westinghouse Company. It is my understanding the 9 other mines are owned and operated by independent concerns and individuals.

North Carolina has been the largest producer of mica and has the greatest number of producing mines. In no sense do I understand this industry is owned or controlled by a trust, and have never heard such a statement made. The production comes from so many States and from such an extended area I do not believe such a condition is likely to occur.

Mr. President, it is my purpose, on account of the statement made by the chairman of the committee, to take the time of the Senate on this paragraph only for a moment. As I stated before, the largest importation is from India; and the statistics of last year show an importation of 543,722 pounds from that country, where there are between fifteen and sixteen thousand people engaged in the mining of mica at the lowest possible wages. Against such competition the American laborer should receive the full measure of protection.

Mr. ALDRICH. Can the Senator from South Dakota give us the relative wages in South Dakota and India upon this product?

Mr. GAMBLE. The comparative rate of wages between India and this country has been frequently given during this debate. The rate there is only a few cents per day, and is only a frac-

tion of the rate of wages paid in this country. The information furnished us by the Finance Committee is that mica from India can be mined and landed in this country at a price lower than the cost of production at some of the mines in the United States.

It seems to me, Mr. President, the rate of the present law should be retained. If the paragraph is to be again taken up, I will not longer detain the Senate at this time. However, should the committee propose a further amendment of the nature suggested, I will again ask to be heard at greater length.

Mr. ALDRICH. I do not ask to have it go over. I ask the Senate to agree to the House provision.

Mr. GALLINGER. Mr. President, the Senator from Rhode Island is undoubtedly incorrect, or he is the victim of misrepresentation, when he imagines that mica is controlled by a trust. It is not. We have independent companies operating in the little State of New Hampshire and doing considerable business.

The Senator asked about the wages in India as compared with the wages in this country. I understand that they get 8 or 10 cents a day in India, and we pay considerably more than that in the United States.

But what I rose for more particularly was to call attention to a fraud that has been perpetrated in the importation of mica, and to ask the chairman of the committee, or some member of that committee, if we will be reasonably protected against that fraud if the paragraph shall be agreed to as it came from the House of Representatives? Here is a piece of mica [exhibiting] imported from India. That was called "rough trimmed" mica. It is almost a complete sheet of mica; in fact, it looks like a complete sheet to me; and yet the Board of Appraisers in New York ruled that that was rough-trimmed mica, and it came in and was accepted as rough-trimmed mica. The friends of this industry propose that the words "thumb trimmed" shall be inserted in place of "rough trimmed," that having been a former process by which they broke off the edges with the thumb, but I understand that has been abandoned. The Board of Appraisers, as I am informed, have since decided that this character of mica can not come in as "rough trimmed;" but the question I wanted to ask was whether it may not come in almost as completely manufactured as this under the term "rough trimmed?" What protection have we, as a matter of fact, against this fraud that has been perpetrated and which, it seems to me, may be continued only in a less degree? The Senator from Utah [Mr. SMOOT] has given a good deal of consideration to this matter, and I will ask him if he thinks we will be really protected, as we ought to be, in reference to this matter if we agree to the House phraseology and leave in the words "rough trimmed?"

Mr. SMOOT. My opinion is that to entirely protect the American mica the words "thumb trimmed" should be used instead of "rough trimmed."

Mr. GALLINGER. Yes; and the Senator understands this piece which I have here was at one time imported and passed the custom-house as "rough trimmed." Now I understand that decision has been reversed; but may it not be imported not in quite as complete a form and yet be admitted as "rough trimmed?"

Mr. SMOOT. The decision of the court in New York was that whenever it comes in in shapes and forms it always comes under a higher rate, and wherever it is sickle cut, then it comes under a lower rate. It is true that in the past that form of mica did come into this country, or they tried to get it into this country, as "rough trimmed."

Mr. GALLINGER. They did actually, I think, at one time, did they not?

Mr. SMOOT. At one time they did.

Mr. GALLINGER. I am quite willing to have the paragraph agreed to with the phraseology of the House; but will take occasion to repeat what the Senator from South Dakota [Mr. GAMBLE] said, that I can see no earthly reason why the rates on this product should be reduced from those in the existing law.

Mr. DU PONT. Mr. President——

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

Mr. GALLINGER. Certainly, I yield.

Mr. DU PONT. Why would not the term used by the Senator from Utah, "in shapes and forms," be a complete protection? I suggest that to the Senator from New Hampshire. People in my State also are interested in the mica industry.

Mr. GALLINGER. I understand, Mr. President, that the committee are going to give this matter further consideration with a view to making this paragraph conform to what some of us think it ought to be, if in their wisdom they think it necessary to change it; but I think for the present we had better agree to it as the House passed it.

The VICE-PRESIDENT. Without objection, paragraph 89 is agreed to, the committee amendment having been withdrawn. The Secretary will state the next paragraph passed over.

The SECRETARY. Paragraph 94—gas retorts.

Mr. ALDRICH. I will say that the committee proposes to ask that the paragraph regarding pumice be adopted as it came from the House. I do not know whether the junior Senator from Nebraska [Mr. BROWN], whom I do not see in the Chamber at this time, but who is interested in it, desires to offer an amendment or not. Perhaps I had better defer action upon it until the Senator comes into the Chamber. We will take up, therefore, the next paragraph—carbons and gas retorts.

The VICE-PRESIDENT. The Secretary will state the next paragraph passed over.

The SECRETARY. Paragraph 94, page 23. The committee proposes, in line 12, to strike out "$3 each" and insert "30 per cent ad valorem."

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

The amendment was agreed to.

The SECRETARY. In lines 14 and 15 the committee proposes to strike out "35 per cent ad valorem" and insert "70 cents per 100 feet."

Mr. ALDRICH. The committee modifies its amendment in that respect and moves to insert the words which I send to the desk.

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

Mr. ALDRICH. The amendment is to take the place of lines 14 and 15.

Mr. BAILEY. What page?

Mr. ALDRICH. Page 23, line 14, after the words "ad valorem," to strike out "carbons for electric lighting, 70 cents per hundred feet," and insert the words which I send to the desk.

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. On page 23, line 14, after the words "ad valorem," it is proposed to modify the committee amendment by striking out the words "carbons for electric lighting, 70 cents per hundred feet," and insert "carbons for electric lighting made entirely from petroleum coke, 35 cents per hundred feet; if composed chiefly of lampblack or retort carbon, 65 cents per hundred feet."

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

Mr. LA FOLLETTE. Mr. President, I hope that amendment will not be adopted. Electric carbons are used in every city in America and in nearly every village. They are also used by every industrial and commercial establishment of any size in this country. The rate under the existing law is 90 cents per hundred carbons. That is equal to about 47 per cent ad valorem.

The House took considerable testimony upon this subject, and fixed a rate of 35 per cent ad valorem; and the Senate bill as first reported proposed a duty of 70 cents per hundred feet, an increase of 55 per cent over the existing rate. The committee amendment proposed this morning makes a new classification. It proposes a rate of 35 cents per hundred feet on low-grade carbons and a rate of 65 cents per hundred feet on high-grade carbons.

Mr. President, this rate of 35 cents per hundred feet on low-grade carbons in this new classification has no significance whatever.

There are no low-grade carbons imported into this country, and there can be none. That statement is based upon the testimony of Mr. Crider, secretary of the National Carbon Company, who appeared before the Ways and Means Committee, representing this monopoly, which is the sole producer of high-grade electric carbons and dominates the market for low-grade carbons in this country.

Mr. Crider says:

> The common grade of carbon is made from petroleum coke (a raw material that they do not have at a reasonable price abroad).

At another place in his testimony he reaffirms that statement in language equally definite, clear, and positive. Just what the purpose of the committee was in making this new classification and this apparent reduction in the duty, I do not know. It has not been explained. I shall be glad to hear an explanation when it is made. None has been offered, but a vote has been demanded upon this amendment.

Mr. SIMMONS. Mr. President——

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

Mr. LA FOLLETTE. I do.

Mr. SIMMONS. I have just come into the Chamber; and as I did so I heard the Senator say that this reduction was an

apparent one. Perhaps the Senator had, before I came in, given the reasons for that statement. I did not hear them, however.

Mr. LA FOLLETTE. I will say to the Senator from North Carolina that I was speaking especially of the new classification and the 35-cent rate that is provided for low-grade carbons. I had just read the testimony of the secretary of the National Carbon Company, which has a monopoly of the manufacture of high-grade carbons and controls the market of low-grade carbons in this country, to show that low-grade carbons are not manufactured at all in foreign countries, because they can not get, at reasonable prices, the petroleum coke out of which these low-grade carbons are made.

Mr. SIMMONS. I wish the Senator to understand that I am in entire sympathy with him in desiring a reduction in the duty. I had heretofore supposed that a reduction had been made, because I noticed in our Book of Estimates that the duty under the present law is 90 cents per hundred, while under the Senate bill it is 70 cents per hundred.

Mr. LA FOLLETTE. The Senator is misled by the figures. The duty under the present law is about 47 per cent. It is 46.79 per cent.

Mr. SIMMONS. Yes; but I was not speaking about the ad valorem duty.

Mr. LA FOLLETTE. I mean the ad valorem equivalent.

Mr. SIMMONS. I was not speaking about the ad valorem equivalent.

Mr. LA FOLLETTE. I beg the Senator's pardon.

Mr. SIMMONS. The ad valorem equivalent indicates there has been a reduction of about 10 per cent; but the specific duty is 90 cents per hundred under the present law, and under the Senate bill 70 cents per hundred, which would indicate a reduction. The ad valorem rate also indicates a reduction; but I understood the Senator to say that the reduction is only apparent.

Mr. LA FOLLETTE. Those figures are utterly misleading. They show an apparent reduction, but if correct would show an increase of 55 per cent over the existing rate. I am speaking of the amendment as first reported by the committee. The amendment proposed by the committee this morning is an increase of about 45 per cent over the existing rate.

Mr. GORE. Mr. President——

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

Mr. LA FOLLETTE. I do.

Mr. GORE. I wish to ask the Senator if it is a fact that in one case the duty is laid per hundred and in the other case it is laid per hundred feet? Is that true or not?

Mr. LA FOLLETTE. That is true.

Mr. GORE. The reason why I asked the question is that I have here a letter from a party concerned, who says that in the change of the duty from so much per hundred to so much per hundred feet there is concealed a "joker" that will result in a large and unreasonable increase.

Mr. SIMMONS. That is the reason I asked the question.

Mr. LA FOLLETTE. There is really an increase instead of a decrease.

Mr. SIMMONS. I wanted to see the "joker" worked out. I noticed that myself.

Mr. LA FOLLETTE. I do not care to call it a "joker" or to charge anyone with bad faith. But in effect and in operation it will work out as an increase of duty of 55 per cent as first reported in the Senate bill, and 45 per cent as proposed in this last committee amendment.

Mr. GORE. Mr. President——

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

Mr. LA FOLLETTE. I do.

Mr. GORE. I wish to state that the reason I used the term "joker" was that I remembered that the word was used in the letter to which I have referred. I am not responsible for the expression; and I am sure that if any such consequence should follow, it will be due to mere oversight on the part of the committee and not due to design.

Mr. LA FOLLETTE. Oh, certainly.

Mr. JOHNSON of North Dakota. Mr. President——

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

Mr. LA FOLLETTE. I do, if it is for a question.

Mr. JOHNSON of North Dakota. Before we leave the point about the so-called "increase" in the duty on carbons, whereas on the face of it there is an apparent reduction, I should like to ask the Senator from Wisconsin if this is not a fact: At the time the present law was written, the only carbons that were known to commerce under this schedule were about 11 inches long, and the present law levied on them a duty of 90 cents per hundred; and afterwards the importers invented a method of circumventing our tariff laws by making these carbons 6 feet long and subsequently cutting them off, so that they could import under this duty of 90 cents per hundred a much larger quantity than the framers of the law contemplated? Is it not true that in that way the importers really wrote our tariff law in this respect, and very largely reduced the duty on this article?

And is not that the only excuse or semblance of excuse for the Senator's contention that there is a "joker" in this language? We are now revising the tariff law for the purpose of bringing it up to date and correcting these inequalities which have not been written in our laws, but have been crowded into them by the ingenuity of importers.

Mr. LA FOLLETTE. I will say to the Senator that when he interrupted me I was about to take up this very proposition and present it fully to the Senate.

It is true that the importers did increase the length of the carbons for importation, and thus obviated what otherwise would have been a prohibitive duty. It is also true that the courts held that they could lawfully do that. And I think it will appear that this was not more ingenious than the advantage that was taken by somebody who must have imposed on the conferees in getting into the conference report the rate that was fixed by the Dingley law. That rate put upon a product that is manufactured largely by mechanical processes a duty from 100 to 150 per cent, laying the foundation, as it did, for the formation of the carbon monopoly that we have in this country to-day, with headquarters at Cleveland, Ohio.

I desire to place before the Senate all the facts that I have been able to gather relating to this subject.

The reason for this change in the duty on electric-light carbons is that under the present law, which fixes the duty at 90 cents per hundred, the carbons are imported in double lengths—that is, twice the length required for ordinary use, which is about 1 foot. I will say to the junior Senator from North Dakota [Mr. JOHNSON] that it would not be possible to import such carbons in 6-foot lengths. I have no doubt the importers would do it if they could. I am not apologizing for or defending the importers.

I presume they tried to import these carbons, under the provisions of the Dingley bill, in lengths as great as it was possible to handle without loss by breaking; and I think they found, upon trial, that they could not import them longer than double lenghs without sustaining a greater loss from breakage than gain from increasing the length of the carbons.

Under the present law, which fixes the duty at 90 cents per 100, carbons are now imported in double lengths—that is, twice the length required for the ordinary use, which is about 1 foot. But in computing the ad valorem equivalent under the duty proposed by the Finance Committee, the rate is given on the assumption that 12-inch carbons are imported.

Under the present law probably 80 per cent, certainly a large proportion, of the carbons imported are imported in 2-foot lengths. Two hundred feet of carbon is imported for a duty of 90 cents, which is about equivalent to a 47 per cent ad valorem. Under the proposed amendment of the Senate committee, as I have before stated, 200 feet of carbon would be subject to a duty of $1.30, an increase in the duty over the existing rate of 45 per cent, thus making a great increase in the existing rate instead of a great reduction, as would appear on its face.

Mr. President, I am ready to stand for an increase of the rate in this bill whenever it can be justified as necessary to encourage production in this country, and there is reasonable hope that the higher duty will increase production and, under competition, reduce the cost to the consumer.

Mr. SIMMONS. Will the Senator from Wisconsin pardon me?

The PRESIDING OFFICER (Mr. ROOT in the chair). Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LA FOLLETTE. I do.

Mr. SIMMONS. If the Senator is right in his contention—and I think he is—and if all the carbon came in in lengths of 2 feet, under the present law the rate would be only 45 per cent per foot, would it not?

Mr. LA FOLLETTE. The ad valorem equivalent is about 47 per cent.

Mr. SIMMONS. This is a specific raise of 30 cents per hundred feet.

Mr. LA FOLLETTE. Twenty cents per 100 feet, I think.

Mr. SIMMONS. No; the difference between 45 and 70.

Mr. LA FOLLETTE. The pending amendment is 65 cents per 100 feet.

Mr. SIMMONS. I was not here when the amendment was introduced.

Mr. LA FOLLETTE. The Senate committee has offered as a substitute for this proposed amendment to the bill an amendment which makes a new classification, putting a rate of 35

cents per 100 feet on the low-grade carbon and a rate of 65 cents per 100 feet on the high-grade carbon.

Mr. SIMMONS. I was not in the Chamber when the amendment was offered.

Mr. LA FOLLETTE. The representative of the National Carbon Company, of Cleveland, Ohio, the so-called "carbon trust," argued before the House committee that the Government was being defrauded on account of the increased length of the carbons. This argument has been repeated here. The senior Senator from Massachusetts [Mr. LODGE], the first time this paragraph was read for consideration, made that statement, and made it, I suppose, upon information which came from the same source. The suggestion of the Senate amendment is that the importers, and the consumers, who may fairly be assumed to have benefited by the reduced price made possible by the practice of the importers, are now to be punished by this increase of duty. It may be that Congress did not, in fixing the duty in the Dingley bill, contemplate that the length of the carbons should be increased for import. The length of the carbons imported at the time of the enactment of the Dingley bill was the commercial length of about 12 inches; maybe a trifle below that. Because I want the Senator to have full possession of all the facts I have, I will say that on the enactment of that law, and for the purpose of bringing——

Mr. BEVERIDGE. Mr. President——

Mr. LA FOLLETTE. In just a moment.

Mr. BEVERIDGE. Very well.

Mr. LA FOLLETTE. For the purpose of bringing in the carbons at all, the importers did increase the length. If they had not done so they would have been up against the barrier of a prohibitory duty ranging from 100 to 150 per cent—that is, the rate under the Dingley law—assuming it to have been intended to apply to carbons of just that length and not to have permitted the importation of carbons of greater length. But the court decided that it did permit the importation of carbons of any length, and simply gauged the duty by the number of carbons imported. A hundred carbons paid a duty of 90 cents, no matter what their length. It was soon found that owing to the large percentage of breakage they could not be imported in lengths exceeding 2 feet.

I now yield to the Senator from Indiana.

Mr. BEVERIDGE. I wish to ask the Senator a question. I gather from his argument that the Senator is assuming that the duty fixed by the Senate committee is an increase over the present law. Is that right?

Mr. LA FOLLETTE. It is an increase over the present law. It is not an assumption. It is a fact. I think that is very clear.

Mr. BEVERIDGE. I see here—I have not studied this—in the comparative statement that the present law is 90 cents per hundred carbons, the Senate bill is 70 cents per hundred feet, and the House bill is 35 per cent ad valorem. Therefore, the Senate rate at first was made 5 per cent. I understand that an amendment has been brought in by the Finance Committee which reduces that 5 cents per hundred feet, which makes the ad valorem about what the House rate is, which, as I understood from the Finance Committee the other day, is a reduction. Is the statement of the Finance Committee correct in that connection?

Mr. LA FOLLETTE. It is not correct at all. I will restate that, because I desire the Senator and every other Senator to understand it, if it can be made clear. I should like the attention of the Senator from Indiana, since he asked me the question, if the Senator from Rhode Island will permit. It is not quite fair when one has been asked to restate a proposition to have the Senator who asked it engage in conversation.

Mr. BEVERIDGE. The Senator shall have my entire attention.

Mr. LA FOLLETTE. The percentage rate given by the Finance Committee in the table of estimates is computed upon the assumption that the carbons are imported at a 12-inch length under the Dingley law. If they had been imported at that length, the ad valorem equivalent stated in the tables furnished by the Finance Committee would have been correct.

The Dingley law made it impossible to import carbons into this country at all at the rate of duty it fixed, if they were imported at the 12-inch length. But the law did not specify the 12-inch length, and the importers changed the carbons and imported them—after they found out what they could do in packing, and so forth—in 24-inch lengths. When imported in this length, the duty of 90 cents per hundred carbons amounts to 45 cents per hundred feet and, on the actual importations, to 47 per cent ad valorem. This ad valorem, given in the committee's table, is taken from the statistics of Imports and Duties, furnished by the Bureau of Statistics, and is correct. But the mistake or misstatement is made in computing the ad valorem rate of duty under the proposed amendment. The duty under the amendment is estimated on a basis of 70 cents a hundred carbons, disregarding the double length and disregarding the fact that the duty proposed is 70 cents per hundred feet, which would be $1.40 per hundred carbons of the length now imported, or 55 per cent more than under the present law.

Mr. BEVERIDGE. Let me ask the Senator a question right here, so that I may clearly understand it.

Mr. LA FOLLETTE. That is at 90 cents under the present law.

Mr. BEVERIDGE. I understand.

Mr. LA FOLLETTE. That is the way the carbons have been imported.

Mr. BEVERIDGE. I know. Let us see if we can get it clear. When the Dingley bill was passed carbons were imported at 12 inches, and the law provided 90 cents per hundred.

Mr. LA FOLLETTE. Yes, sir.

Mr. BEVERIDGE. Just as soon as they found they could import them at a greater length they still paid 90 cents a hundred for the 24-inch, just as they had paid it before for the 12-inch.

Mr. LA FOLLETTE. That made the duty on importations of last year about 47 per cent ad valorem.

Mr. BEVERIDGE. Yes; it practically cut the duty in two.

Now, I wish to ask the Senator whether it was the intention of those who framed the Dingley law to provide a rate of 90 cents, assuming that the carbons were 12 inches long?

Mr. LA FOLLETTE. That is anticipating somewhat what I intended to say, but I will answer it right here. I presume it was the intention of whoever secured that phraseology to get that high rate of duty, which, expressed in the ad valorem equivalent, would have been from 100 to 150 per cent and absolutely prohibitory. I do not believe it was the intention of the Congress which adopted that law to fix a 100 to 150 per cent rate, because when the Dingley bill passed the House of Representatives it carried an ad valorem rate of 50 per cent; so that, so far as the House of Representatives expressed its legislative intention in reference to the duty necessary, it put it at 50 per cent. The bill came to the Senate, and in conference was changed to this particular phraseology, which, as applied at that time to importations, worked out to be a duty of 100 to 150 per cent——

Mr. BEVERIDGE. Right here——

Mr. LA FOLLETTE (continuing). And bears upon its face some of the characteristics of a "joker."

Mr. BEVERIDGE. That is very important. I will see if I catch it clearly. I understand when the House passed the Dingley bill, it fixed the rate at 50 per cent ad valorem.

Mr. LA FOLLETTE. Yes, sir; the Senator is right.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield further to the Senator from Indiana?

Mr. BEVERIDGE. And the change to the specific rate of 90 cents per hundred was made in the Senate or in conference?

Mr. LA FOLLETTE. In conference.

Mr. BEVERIDGE. Of course, it could not have been changed in conference unless the Senate had made some change in the bill. It could not otherwise have been changed in conference. However, that is immaterial.

Mr. LA FOLLETTE. It was changed in conference.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. LA FOLLETTE. I do.

Mr. BEVERIDGE. I wish to state to the Chair that I was not trying to take the Senator from Wisconsin from his feet, and I had been recognized by the Chair; and having been recognized by the Chair, and the Senator from Wisconsin having yielded to me to ask him a question, I was entirely within my rights.

The PRESIDING OFFICER. The Chair is bound to inform the Senator from Indiana that he made several observations, not asking for recognition——

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER (continuing). Unless the Chair failed to notice the request of the Senator from Indiana.

Mr. BEVERIDGE. Mr. President, we might as well have this ruling settled here and now as at any other time. Is it understood to be the ruling of the Senate that when one Senator interrupts another to ask him a question, and gets the Senator's permission and asks him the question, in the succeeding questions which he asks, that interruption having been permitted by the Senator, he must for each question while he is still on the floor get the Chair's attention and again the consent of the

Senator? Because, if that is the ruling, of course we would take up more than two-thirds of the time in merely asking the Chair every time. That is an interesting proposition.

The PRESIDING OFFICER. In the opinion of the Chair, there must be some limit to the extent to which a general conversation shall continue, and the Chair supposed in this case that the conversation had gone as far as the request of the Senator from Wisconsin intended that it should go.

Mr. BEVERIDGE. Then, of course, that would mean that in asking a series of questions which the Senator occupying the floor had conceded the right to have asked him, it is for the Chair to determine whether a Senator is through asking his questions and the Senator through answering them or not, and it is not for Senators to determine.

Mr. LA FOLLETTE. Now, Mr. Presiednt, I do not believe that it was the real legislative intent to put a prohibitory duty upon carbons. I find on reference to the testimony with respect to the history of this duty that in enacting the Dingley bill the Senate simply struck out the House duty of 50 per cent and threw the matter into conference; the provision which became the law was reported as a part of the conference report not therefore subject to amendment, and it had to go through in that form as a part of the conference report and without reference to its merits.

Mr. President, I do not believe that the question whether the duty imposed in the Dingley law worked out in practice as some people intended it should and wanted it to work out is very material in this discussion. Certainly an evasion or purpose to evade the law is not so clearly established as to warrant us here in enacting a punitive duty that will impose an unwarranted burden upon the public. It does not make any difference what these importers have done; the question that confronts the Senate is where this rate shall be fixed under all the existing circumstances.

The existing rate of duty is already high, and by implication the Senate Finance Committee recognized this in their compilation. They purported to be reducing the duty to 36 per cent ad valorem, or practically to the rate carried in the Payne bill.

In contrasting the House bill and the bill reported by the Finance Committee I do not wish to be understood as always favoring the rates imposed by the House bill. But it is worthy of careful consideration that the Ways and Means Committee of the House spent months in the investigation of this subject and in the preparation of the bill which they reported.

After they heard the testimony upon both sides and presumably weighed it, they wrote into that bill a rate of 35 per cent as their judgment of a fairly protective duty to impose upon these high-grade carbons. That rate represented a slight reduction from the present law. I submit that when this committee reverses the action of the other House and asks the Senate to vote for a duty increasing the present rate 45 per cent some facts and reasons should accompany that request.

Mr. RAYNER. Mr. President, would it interrupt the Senator from Wisconsin——

Mr. BEVERIDGE. Mr. President, I call the Senator from Maryland to order. According to the ruling of the Chair, the Senator from Maryland did not address the Chair.

Mr. RAYNER. I beg pardon; I said "Mr. President." The Senator from Indiana ought to be a little more particular about his criticism.

Mr. BEVERIDGE. I am not at all criticising the Senator from Maryland.

Mr. RAYNER. I said "Mr. President" when I rose.

Mr. BEVERIDGE. The Senator was not recognized. I called the Senator to order to show how absurd the ruling is.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield?

Mr. LA FOLLETTE. If in trying this case out it is necessary to take testimony, I want to say that the Senator from Maryland did address the President of the Senate, and then, in a lower tone of voice, asked me if he might interrupt me.

Mr. RAYNER. I distinctly addressed the President. It is a pity the Senator from Indiana had not something more important to do than to make a criticism of that sort. He is wasting most of the time over there, anyway.

Will it interrupt the Senator from Wisconsin if I ask him one or two questions?

Mr. LA FOLLETTE. Not at all.

Mr. RAYNER. I am with the Senator on this proposition. I have received a communication. I did not want to break into the current of the Senator's discussion. It reads as follows:

> According to the rate of duty now proposed by the Finance Committee of the Senate the importation of carbons will be absolutely impossible, and the entire business will fall into the hands of the National Carbon Company, of Cleveland.

I do not want to read some other lines that are personal.

> The National Carbon Company has already, as admitted by their secretary in the hearing before the Committee on Ways and Means, absolute control of the business, and therefore must be considered a trust. In fact, it is one of the strongest trusts in the country, and the only competition it has is the imported article.
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> * * * * * * *
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> I might add that the capital stock of the National Carbon Company is $10,000,000, of which $4,500,000 is preferred, on which they pay 7 per cent, and $5,500,000 common, which is all water and on which they are paying 4 per cent. The common stock has been selling for six months at 65 and will no doubt go up to 100 if the Senate bill is passed.

As I said the other day——

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. I do not want——

Mr. BURTON. If the Senator will yield to me a moment, I wish to ask the Senator from Maryland if he vouches for that statement?

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin has the floor and declines to yield further.

Mr. LA FOLLETTE. If the Senator from Maryland has not completed his statement, I will yield.

Mr. RAYNER. I only want to ask the Senator whether he knows anything about the facts. As I said the other day, I do not know who to believe on either side, but I do believe the Senator from Wisconsin, and I want to know whether it is true or not from either the Senator from Wisconsin or the Senator from Ohio. It is just information which has been given to me, and I do not know whether it is reliable or not.

One other word and I will sit down. In this same communication occurs the following paragraph:

> Competition against the carbon trust by manufacturing the carbons over here is excluded for the mere reason that the raw material for the manufacture of carbons has to be bought from the Standard Oil Company, which is closely related to the carbon trust.

If anybody can throw any light on this communication I should be glad to hear from the Senator from Wisconsin or anybody else. That is all I wanted to say.

Mr. LA FOLLETTE. I think I will cover this case in the course of my remarks. I think I will be able to show the facts with respect to the existence of this National Carbon monopoly and its capitalization. I do not think the question will be involved in any doubt.

It was suggested by the senior Senator from Massachusetts [Mr. LODGE] when this subject was up for consideration at the first reading of the paragraph, and I think in response to a question which I submitted to him, that the only consumers interested in this commodity are wealthy corporations who can well afford to pay more for what they use. I think he stated that the Westinghouse Company and the General Electric were the principal purchasers of these high-grade carbons.

Mr. President, if such a contention were true it would not warrant imposing the proposed duty. It makes no difference who the consumer is, the duty should be fixed with reference to justice and to existing economic conditions, and it should not be fixed to promote a monopoly of the business in this country and to suppress competition.

But in this case, Mr. President, the consumers, the purchasers of these carbons, really compose the great body of the people of the country. They buy these carbons when they make their purchases in a dry-goods store that is lighted by the consumption of these carbons. They buy these carbons when they pay an electric-light company in a village or city for the light which they consume. They buy these carbons when they pay their taxes in every municipality which owns its own electric-light plant.

Mr. President, according to the last census there were 3,600 central electric-lighting stations in this country. Of course, that number is greatly increased now. One-fourth of those plants, according to the census, were under municipal ownership, and there, of course, every cent of overcharge in the purchase of these carbons is paid directly by the taxpayers. The city of Chicago alone pays something over $30,000 a year for electric-light carbons. Of course, a great proportion of these carbons are used by industrial and commercial establishments of the country. The suggestion that the selling price of this commodity is a matter of no concern to the public begs the whole question of the regulation of public-utility companies. It may be these concerns generally would make no voluntary reduction in their charges to the public if their carbons cost them less, but the people are more and more taking these questions into their own hands. In my own State no public-utility corporation is allowed to charge whatever it pleases for its services.

In other States similar legislation has been and is being enacted, and ultimately, Mr. President, every State in this Union will put all the public-service corporations of that State absolutely under control and regulation either by state authority or by municipal authority.

My attention was first attracted to this subject by a letter which I received from a dealer in carbons in Milwaukee. After the statement of the Senator from Massachusetts that only a few great corporations in this country were the real purchasers of these carbons, I wired my constituent in Milwaukee to know who his patrons were, and I got a telegram in reply, saying that—

We sell to consumers, electric-light stations, industrial plants, and people who produce their own light.

Subsequently I received a letter from Mr. E. E. Cary, a New York importer, who testified before the House committee, and in this letter he states:

The fact, which is well known to the electrical fraternity, is that the National Carbon Company practically have the entire central-station business of inclosed electric carbons in this country. The importers sell to very few electric-light companies, as the National Carbon Company are in a position to cut their selling prices to a prohibitive point as against the cost of the importation.

I received, also, from Mr. L. E. Frorup, another New York importer, a letter inclosing the following statement:

Every city, town, and village in this country using arc lamps must have carbons, and we submit that it is manifestly unfair that this enormous industry should be placed absolutely in the hands of a gigantic monopoly that has already admitted that they control 80 per cent of the business of the country and are now using every means, political and otherwise, to keep the foreign-made carbons out of the country.

I know of no authority for the statement that the only consumers of these carbons are the Westinghouse and General Electric companies or rich electric-lighting companies, other than the suggestion made here the other day by the Senator from Massachusetts [Mr. LODGE]. On the other hand, a very large proportion of the first-hand consumption is by small consumers and municipal lighting plants, and of the whole consumption it must be manifest, upon any fair consideration, that the people are the consumers who will finally pay this tax.

As an indication of the extent of the use of these "high-grade" carbons for electric lighting over the country, I will put in the RECORD the advertisement of the National Carbon Company in Electrical World for last November:

COLUMBIA.

Inclosed arc carbons produce a greater amount of light for a given consumption of current than any other carbons made. That is why they are the cheapest to use. That is why they have been adopted by practically all lighting companies in the United States.

NATIONAL CARBON COMPANY,
Cleveland, Ohio.

On the 13th of last month (April) the city of Chicago advertised for bids for 2,060,000 electric-light carbons. The amount of the contract, at the prices at which it was awarded to the National Carbon Company, or its representative, was over $30,000—$31,237.50. The standard "high-grade" carbons were furnished at $23.50 to $25 per thousand. The most that the representatives of the carbon trust have claimed that it cost to produce these carbons, including factory cost, packing, depreciation, and interest on their capitalization is $16 to $18 per thousand, and it is claimed with much force of supporting circumstances that the actual cost is about half of that amount.

When this duty was under consideration here a few days ago, I asked the Senator from Massachusetts, who seemed to have a great deal of information on this subject, how many establishments there are engaged in the production of these carbons in this country. It was my understanding that the only American producer of carbon of the kind affected by this duty was the National Carbon Company, of Cleveland, the head of the so-called "carbon trust." But the Senator assured me that there were a great number of manufacturers of these carbons scattered throughout the country.

Subsequent investigation leads me to the conclusion that my first impression was correct and that the Senator from Massachusetts was in serious error in his statement. All testimony submitted to the House committee, both by the representative of the National Carbon Company and the importers, as well as the letters which I have received, are of one accord on this point. I will not weary the Senate by quoting the testimony of the importers, but I desire to call attention briefly to the evidence submitted in the public hearing of the House committee by J. S. Crider, secretary of the National Carbon Company.

The only kind of electric-light carbons of any importance imported into this country are the so-called "high-grade" carbons used in inclosed arc lights. This is the testimony of Mr. Crider, found on page 1055 of the House hearings. He says:

The only carbons in which the importers are interested (since the copper-coated petroleum coke grade is not made by their principals)—

That is the grade upon which it is here proposed to fix the duty at 35 per cent. That grade is not imported. It is not made by the foreign manufacturers. It can not be imported into this country. I do not know just what was the intended purpose of that 35-cent rate. But its effect on the Senate might be to sugar coat the 65-cent rate, which is prohibitory on the grade of carbons which is now imported. Repeating the testimony of Mr. Crider:

The only carbons in which the importers are interested (since the copper-coated petroleum coke grade is not made by their principals), and the only carbons really involved in this issue, are high-grade carbons, the consumption of which we believe to be about 40,000,000 per year.

So that the high-grade carbons are the only carbons affected by this duty.

I find that when Mr. Crider was before the House committee he was asked practically the same question which I addressed to the Senator from Massachusetts, but his answer was different. I quote from the testimony, page 1062:

Mr. UNDERWOOD. Is there any other manufacturer in this country that manufactures these high-grade carbons except the company that you represent?

Mr. CRIDER. I do not know of any other manufacturer of the high-grade arc-lighting carbons in the United States.

It is fair to presume that if there were any the secretary of the National Carbon Company would have them located.

Mr. UNDERWOOD. And you have a monopoly of the American market, therefore?

Mr. CRIDER. Practically that, because we are the only concern that has been able to make it. There are a number of other carbon manufacturers, but they do not make the high-grade electric-light carbons.

It seems to me that this concern is proved to be a monopoly by its own evidence. There is no competition in this country to protect the American consumer against the extortion of this monopoly.

Mr. GALLINGER. Mr. President——

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

Mr. LA FOLLETTE. I do.

Mr. GALLINGER. Can the Senator tell us why those other companies can not make these high-grade carbons? Has the duty anything to do with keeping them from the manufacture of that class of goods?

Mr. LA FOLLETTE. No; but I think the existence of the National Carbon Company has to do with it. I think the Senator from New Hampshire pretty well understands why this market is in the control of the National Carbon Company, a $10,000,000 organization, connected as closely as this one is with the Standard Oil interests and having as close an association with the producers of the raw material from which these products are made, to say nothing about the power in the markets of a great organization of that kind as against the individual manufacturers. I think he pretty well understands why this market is in the control of the National Carbon Company.

Mr. GALLINGER. If the Senator will permit me, my attention was attracted by his observation that there were other manufacturers——

Mr. LA FOLLETTE. Of low-grade carbons.

Mr. GALLINGER. But they did not manufacture this particular class of goods, and I could not quite see why they might not go into that manufacture if they chose to do so and if it was profitable as a business. I can not imagine why American capital will not enable them to do so; that is all.

Mr. LA FOLLETTE. They are made, in the first place, out of different raw material, and for reasons which, I think, the business interests of this country and the consumers of this country have come to pretty well understand this field is occupied by this organization which controls.

Mr. Crider further testified (p. 1062) that his corporation was capitalized at $10,000,000—$4,500,000 preferred stock and $5,500,000 common stock. On this capitalization he said they are paying 7 per cent on the preferred and 4 per cent on the common. He was unable to give the committee any information as to the actual value represented by the capitalization.

The committee sought diligently to obtain that information. It is claimed by others—the importers—that the common stock of this company is water. Mr. Crider further stated (p. 1063) that in addition to paying these dividends the company had piled up a surplus of $400,000 and had made improvements and betterments of its plant out of earnings.

Mr. CRAWFORD. Mr. President——

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

Mr. LA FOLLETTE. Yes.

Mr. CRAWFORD. I understood the Senator to say that the low-grade carbons are made from petroleum coke, but I do

not understand what the high-grade carbon is made of. I have not heard that stated. What is it?

Mr. LA FOLLETTE. It is chiefly gas-retort carbon and lampblack. The consolidated gas companies of the country have pretty absolute control of that product. If the Senator has studied the merging and consolidation of business by these companies, he will be able to determine from an investigation of this subject how these different institutions, industrial, commercial, and transportation, run together in their control into the hands of a very limited number of men.

Now, Mr. President, as confirmatory, if any confirmation were needed, of this statement made by the secretary of the National Carbon Company with respect to this organization, I want to read just a few lines from the report of one of the leading commercial agencies of this country. The report says:

This company was incorporated in 1899, under the laws of New Jersey, with an authorized capital stock of $10,000,000, of which $4,500,000 is preferred and $5,500,000 common stock. The company is a consolidation of the National Carbon Company and similar concerns. The company controls plants in various parts of the country, some operated as independent corporations and others directly under the main company, but have always declined to furnish names and locations of the latter companies.

That the difference in the cost of production between this and foreign countries does not warrant this proposed duty seems conclusively established. The labor cost in this product is comparatively small. It is distinctly a machine product. The principal labor cost is that involved in handling and packing the carbons after they are made.

The representative of the carbon trust before the House committee failed to give the details of the domestic cost of production in any manner that would enable a comparison of the cost of producing 1,000 carbons in this country with the cost abroad, or that would shed any light upon the reasonableness of this proposed duty of $6.50 per thousand feet of carbon. He claimed that the cost of production of high-grade carbons in this country was $16 to $18 per thousand. This cost, he said, included interest on investment, salaries, labor, cost of material, depreciation, and cost of packing, including the packing boxes. In the comparison that he did give of the domestic and foreign cost he gave what he claimed were the prices for the cost of the material used. The prices which he gave for the cost of material in this country were practically twice as high as the prices which he gave on these materials in foreign countries (p. 1060). These same figures for domestic cost of material presumably are the basis of his computation of cost of production in this country at $16 to $18 per thousand. These claims, made by Mr. Crider, are clearly extravagant in the light of common sense, because, with the exception of lampblack, all of these materials may be imported free from the countries in which Mr. Crider says they may be bought for about half the price which he pays for their use in domestic manufacture.

On the comparison of the cost of production between this country and Europe, I desire also to read a paragraph or two from a statement which is sent me from Mr. L. E. Frorup, of New York:

The representative of the National Carbon Company has stated, before the Ways and Means Committee, that the cost of production in this country of the ordinary lighting carbons of one-half inch diameter and 12 inches long, is $16 to $18 per 1,000. This can hardly be borne out by facts, and it has been generally admitted by other manufacturers that have since been driven or bought out that the cost does not exceed $7 per 1,000. This would appear to be nearer right, and we question if the same carbons can be produced for any less in Europe, even allowing for the difference in wages, as it is a well-known fact that a great many more carbons can be produced in a given time by American methods in this country than can be done in the average European factory.

Our carbons are made in Berlin, and we doubt very much if the scale of wages in a city like Berlin is any lower than in the city of Cleveland. In Cleveland all the material necessary for the manufacture of carbons is right at hand. In Berlin it is the contrary, and all material must be brought from considerable distances.

In any event, a carbon, such as above referred to, costs us $12 per 1,000 feet, plus the cost of cutting, repacking, plus at least 10 per cent for breakage in transportation from Europe, and other incidental charges, exclusive of the duty.

The writer believes in the principle of protection, believes that American manufacturers should be given a fair protection as against cheaper foreign production, but is opposed to any law that becomes merely the tool of injustice and monopoly.

On pages 1074–1075 of the House hearings, Mr. E. E. Cary gives a detailed statement of the cost of manufacture and transportation of the imported carbon. This cost, including the transportation and the cost of remanufacture in New York, totals up to $9.71 per thousand carbons, commercial size. This committee amendment proposes to impose a duty of $6.50 per thousand feet upon these carbons. Nowhere in any public evidence that I have been able to find is it shown, or attempted to be shown, that the difference between the foreign and domestic cost of production equals or approximates this amount. Why should this prohibitive duty be imposed to destroy the only protection which the American consumer has against the extortion of a self-confessed and absolute monopoly without proving that there is any legitimate necessity for it?

Mr. President, this National Carbon Company is said to be the head of a combination of carbon manufacturers in this country which embraces nearly all the makers of low-grade carbon, as well as the absolute monopoly of the production of high-grade carbon. It was testified before the House committee that the trust uses its absolute monopoly of the one kind of carbons to compel all users of both kinds to buy also the other kind from the trust, and it thereby drives its rivals out of business. So that this duty on the high-grade carbon operates to perfect the trust control of the entire carbon situation and to maintain and perfect a tariff-protected monopoly in an important article of general public use throughout the entire country.

For example, the electric-lighting company of St. Louis, I believe, uses only the high-grade carbons. On its business the importers can compete and do compete. On this contract the price has been driven down by this competition from $24 to $22, and from $22 to $20, and finally to $18, and below this point the importers can not compete. So the National Carbon Company is furnishing this St. Louis Electric Light Company at $18 per thousand. Now, a few days ago the city of Chicago advertised for bids for electric-light carbons. It uses both the low-grade and the high-grade carbons. The low-grade carbons can not be imported because of the prohibitive tariff, and because they are not manufactured, as stated by Mr. Crider, abroad at all. They must be bought from the trust. But the trust will not furnish these carbons unless it can furnish the high-grade carbons also. So the importers can not bid on this contract, and the result is that the city of Chicago pays $23.50 and $25 for its high-grade carbons, the same carbons that the St. Louis company buys for less than $20, because its business is such that the importers can compete for it.

Mr. President, this is only a little trust, but it is a growing trust, and it is a bad trust, and this protection in this bill offers a good illustration of what we see in paragraph after paragraph, if Senators will dig down into the testimony and gather the facts bearing upon this great bill. Its representative went before the House committee and asked that this word "feet" be inserted in this schedule, so that the duty would be thereby practically doubled. It is admitted by everybody that the present duty imposed according to the number of carbons imported is wasteful and irrational in operation, but no cause has been shown in any public hearing for an increase in the rate of duty. The House, after public hearing and full consideration, fixed a duty of 35 per cent ad valorem, which was a slight reduction from the existing law.

The bill came here and went to the Committee on Finance, and without any public hearing, and upon consideration presented to them in secret—that is, presumably presented to them, but of that we have not been informed—the Finance Committee changed and increased the duty practically first 55 and then 45 per cent above the existing law.

We find in the original committee amendment the duty presented in the precise form and nearly at the high rate designated by the representative of this trust to the House committee and rejected by that committee.

Mr. President, this is relatively a small matter, but it is the product of a vicious system of legislation. It is typical, I believe, of many of the amendments in this bill. I felt warranted in directing attention to it not because of its intrinsic importance, but because of what it shows of the character and policy of this legislation and of the legislative procedure of which it is a product.

Mr. President, I will ask to submit a telegram and a letter from Mr. Robert W. Kiewert, of Milwaukee, and ask to have them printed in this connection.

The VICE-PRESIDENT. Without objection, the papers referred to will be printed in the RECORD.

The papers referred to are as follows:

CHARLES L. KIEWERT COMPANY,
Milwaukee, U. S. A., April 17, 1909.

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

DEAR SIR: This company pays the United States Government approximately $35,000 to $40,000 per year duty moneys through various ports of entry and is vitally concerned as to the final adjustment of the pending revision of the tariff.

The importations consist mainly of electric-light carbons, now taxed 90 cents per hundred pieces and are to be taxed 35 per cent ad valorem under H. R. 1438 (Report No. 1), Schedule B, 94.

Information has reached us that in the United States Senate this was revised to 70 cents per 100 feet, which means an advance of more than 50 per cent over present conditions, and for this reason: The Dingley tariff reads 90 cents per 100 pieces, which was absolutely prohibitive had it not been for the fact that carbons, instead of being made in the usual commercial length of 12-inch, 10-inch, and 9¾-inch, were then produced by foreign manufacturers in double lengths, enabling the importers to cut the carbon sticks in half, and likewise the duty. In this way only was the importer able to compete with the National Carbon

Company, of Cleveland, Ohio, the sole manufacturers of this much-needed commodity in the United States, who have bought up all the plants in this country and merged them into a monopoly.

Approximately 75,000,000 carbons are consumed annually in the United States; of this amount 60,000,000 carbons are made and sold by the National Carbon Company.

Fifteen million carbons are imported by various importers.

A high tariff, such as is proposed by the Senate bill, will shut out competition and impose a hardship upon the consumers.

Regular electric-light carbons should be subject to 30 to 35 per cent ad valorem, but the proposed tariff ought to be amended by adding provision for

FLAME CARBONS

used in flaming arc lamps—the new powerful light distributor seen in front of places of amusement, used for lighting foundries, factories, etc. This kind of a carbon can not be produced in satisfactory quality by the National Carbon Company, due to the fact that the manufacture is kept a secret by the foreign makers.

Flame carbons should not be subjected to more than 20 per cent ad valorem, in order to further the use of flame lights for street lighting and commercial purposes.

We plead to you, as citizens of Wisconsin, that you protect our interests.

Respectfully, CHAS. L. KIEWERT COMPANY,
By ROBERT W. KIEWERT.

P. S.: A schedule showing the present tariff, the proposed Payne tariff of 35 per cent ad valorem, and the Senate's amendment of 70 cents per 100 feet, applied to the carbon business, is attached herewith.

FLAME CARBONS.

These carbons can not be cut, but remain intact. Here is a popular size:

Dingley tariff, 9 by 10 by 600 millimeters—

	Per 1,000.
Cost	$40.00
Duty	9.00
Freight	1.00
Total	50.00

Payne bill, 35 per cent—

Cost	40.00
Duty	14.00
Freight	1.00
Total	55.00

An increase of 55 per cent, which would put an effective damper on the business of selling flame lamps for lighting factories, foundries, and streets.

Senate bill, 70 cents per 100 feet, 9 by 10 by 600 (23 inches)—

Cost, (per 1,000 pieces 23-inch length)	$40.00
Duty, 23,000 inches (duty $7 per 100 feet, 1,200 inches)	13.42
Freight	1.00
Total	54.42

An increase of 50 per cent. Practically the same applies here as to what is said where the 35 per cent duty is taxed. Besides it will be a rather tedious task for the collector of customs to ascertain the exact amount of duties to be paid.

Here are some facts about a popular size of regular electric-light carbons:

½ by 12 solid carbon is sold at (average price) $24.

Imported cost, per 1,000 pieces	$13.00
Duty (duty $9 per 1,000 pieces carbons, imported in double lengths and cut)	4.55
Cost of cutting	.75
Freight	1.00
Total	19.55

National Carbon Company sells at, per 1,000, $20 to $24.

Domestic cost, per 1,000 pieces	10.00
Profit	14.00
Total	24.00

The Payne bill calls for 35 per cent ad valorem.

Imported cost, per 1,000 pieces, brought in in single lengths	13.00
Duty	4.55
Freight	1.00
Total	18.55

The Senate bill calls for 70 cents per 100 feet.

Imported cost, per 1,000 pieces of 12-inch lengths (1 foot)	13.00
Duty	7.00
Freight	1.00
Total	21.00

Making it impossible to secure large business where the National Carbon Company offers at $20.

MILWAUKEE, WIS., *April 23, 1909.*

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

Domestic cost of production high-grade electric-light carbons about $8 per thousand, or $10 including selling expenses, salaries, advertising. While labor cost here is about 50 per cent higher, living expenses bear the same relation. Senate's proposed tariff of 70 cents per hundred feet would give National Carbon Company 150 per cent profit. We sell to consumers, electric-light stations, industrial plants, and people who produce their own light urge you to have amendment inserted covering flame carbons. See my letter. [Have telegraphed New York importers to give you additional facts.]

ROBERT W. KIEWERT.

Mr. LA FOLLETTE. I hope that the committee amendment will not be adopted.

Mr. BACON. Mr. President, I do not desire to consume the time of the Senate in the repetition of anything the Senator from Wisconsin has already said, but I only desire to say that I have had similar communications to that spoken of by the Senator from Maryland and the Senator from Wisconsin. I want to ask the Senator from Wisconsin, however, if I correctly understood him in his statement, that these carbons can practically only be imported in 2-foot lengths?

Mr. LA FOLLETTE. The importers have tried to import them in longer lengths, but it has been found that the breakage is a greater loss to them than any gain which they would make in a lowering of the duty by so importing them. So they are now importing them in 2-foot lengths.

Mr. BACON. That was the inquiry I desired to make, because I recall a statement made, I think, by the Senator from Massachusetts [Mr. LODGE] when the paragraph was formerly before the Senate, to the effect that the evil was the abuse of the law by the importation of carbons of very great lengths, which could be cut up into shorter lengths; but I understand from the Senator from Wisconsin that by experience it is shown that it is practically only 2-foot lengths that are imported or that can be profitably and advantageously imported. I thought that was an important fact, and I was very much impressed by the statement first made by the Senator from Massachusetts that the length could be very much greater than that.

Mr. LODGE. I have been informed that they could be very much longer than that.

Mr. BURTON. Mr. President, a few simple considerations, briefly stated, will, I think, sufficiently dispose of this question.

In the first place, I should like to ask the Senator from Utah [Mr. SMOOT] whether representatives of the carbon companies and of the electric-light companies of the country—one representative of each—did not appear before him and express their acquiescence in a rate of 65 cents per hundred for high-grade carbons?

Mr. SMOOT. Mr. President, not only did I have one meeting with a representative of the users of carbons, General Harries, and also with Mr. Crider, the representative of the carbon makers, but I had a great many meetings. It was agreed between General Harries, representing the consumers of these carbons, and Mr. Crider, representing the National Carbon Company, that there should be a rate of 65 cents a hundred on high-grade carbons and a rate of 35 cents a hundred on the low-grade carbons.

Mr. BURTON. That, Mr. President, would seem to leave the question before us as one not between the producer and the consumer, but between domestic interests and the importer. There are, however, some other questions which I think might be briefly touched upon.

Prior to 1897 no carbon was known with a greater length than 12 inches. The understanding of the trade included two kinds of carbons; one a trifle less than 12 inches and one about 7 inches in length, with some intermediate lengths. The Dingley law, so called, provided for this rate of duty:

Carbons for electric lighting, 90 cents per hundred.

Under any rational interpretation of that expression, it would mean a carbon less than a foot in length, for among the millions which have been burned in this country, not one at that time was in general use of a greater length than 1 foot. It was a staple article of commerce.

For reasons which it is unnecessary to explain—indeed, I do not quite understand them myself—after the appraiser had decided that this meant a carbon stick less than a foot in length, and after the Treasury Department, in a letter of October 28, 1897, had directed the collector of customs at New York City to interpret this provision as meaning a carbon less than a foot in length, it was nevertheless decided that they might be imported, under the payment of this duty, in sizes of a greater length. It is not necessary to use names. Names do not after all have very great significance. I will not say this was a fraud, but it was at least a bald and palpable evasion which the Finance Committee in its recommendation to the Senate sought to correct, and they should have sought to correct it.

Now, as regards the rate of duty in the bill, I want to make just a few remarks. The rate under the Wilson bill was 30 per cent. Under that rate domestic manufacturers made about 10 per cent of the total number of carbons consumed in this country. Under the first and natural interpretation of the provision of the Dingley law, that it means carbons a foot in length or less, by 1903, 70 per cent of the carbons used in this country were made by domestic producers. Then, under the custom of bringing them in in sizes of 2 feet or more in length, the domestic production gradually dropped in proportion, and it is now about 50 per cent.

There has been a very vigorous newspaper campaign instigated by the importers of this article. I know of none advocating any contention on any particular schedule who have taken the newspapers into their confidence more than the importers of this article, and but for that I think we should

look at this paragraph dispassionately, with very little question as to the judicious thing to do.

There is ample opportunity under the 65-cent rate of duty to bring in these carbons and make a profit. The claim of the importers has been that they could be manufactured abroad and landed at New York City for 95 cents per hundred feet, each stick 1 foot in length. Add 65 cents to that, and that would make $1.60. Under the payment of a duty of 45 cents, they could bring them in for approximately $1.40. They have been selling them for $2.30, realizing a profit of the difference between $1.40 and $2.30 on the sales that they have been making.

I want to call attention to the effect of the domestic production on prices. In 1897, when the Dingley Act was passed, the price of these carbons was $27.25 per thousand; in 1908 it was a little less than $23 per thousand, showing a reduction of about 15 per cent. I want to say to the Senate that if I thought the adoption of this amendment would raise the price of those carbons I would not vote for it, although it is a local industry.

I believe the omission to provide a remedy for this evasion would be more likely to cause an increase of price than would a local monopoly; and I must confess that, if there is to be a monopoly anywhere, much as I would deprecate it, I should very much prefer that it should be in my home city than to have it exist in some foreign land.

I have a letter, which I shall ask to have printed in the RECORD, from the American Carbon and Battery Company, of East St. Louis, Ill., in which they ask for a duty. They state that they have prepared a plant and expect to market their output of high-grade electric-light carbons about the 1st of July or the 1st of August. I ask permission to have the letter inserted in the RECORD, without reading.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio? The Chair hears none, and permission is granted.

The letter referred to is as follows:

AMERICAN CARBON AND BATTERY COMPANY,
Signal Hill, East St. Louis, Ill., May 3, 1909.

Hon. THEO. E. BURTON,
United States Senate, Washington, D. C.

HONORABLE SIR: We respectfully draw your attention to proposed tariff rate on carbon products in general and particularly as applied to high-grade carbons for electric arc lamps.

We started the manufacture of carbons some eight years ago, commencing in a small way to make carbon specialties, and gradually increased our line with the growth of our business until to-day we manufacture a complete line of carbon, with the one exception of carbons for electric lighting. For the past twelve months we have been experimenting and preparing our plant for the manufacture of high-grade electric arc-light carbons in expectation of marketing our product about July or August, 1909.

We have not entered into the manufacture of arc-light carbons before this time owing to foreign competition and due to the fact that the manufacturing costs of carbons were high and profit afforded by line but slight. The foreign manufacturer, owing to low costs of raw materials and labor, is able to produce carbons at much lower cost than American manufacturers, and owing to the loophole afforded by the old tariff rate, which specifies duty of $9 per thousand, irrespective of length, foreign competitors could bring in carbons in several lengths, thereby reducing duty much lower than it was the intention of the old tariff bill to establish.

We believe the tariff should afford sufficient protection to American manufacturers to equalize the advantage secured by foreign competitors owing to exceptionally low cost of raw materials and labor. The rate suggested for electric-light carbons (70 cents per hundred feet), under paragraph No. 94, and carbon products in general (35 per cent ad valorem), under paragraph 93, is hardly sufficient to cover the difference in manufacturing costs, and for this reason the bill should certainly not carry any lower duty when finally passed.

We would ask that you exert all efforts possible to see that rates fixed by Finance Committee are not reduced in any way. We hope the favors we ask from you will not conflict materially with your views and that you will be able to extend to us the favors asked.

Yours, very truly,

AMERICAN CARBON & BATTERY CO.,
HAROLD J. WRAPE, *Secretary.*

Mr. BURTON. I understand there is no monopoly in this industry. I understand $20,000 or less will provide any existing carbon plant, of which there are many competitive concerns, for the manufacture of high-grade carbons.

Now, just a word about the proposed duty of 35 per cent on low-grade carbons. I myself do not think that the duty on low-grade carbons makes very much difference; but a newspaper campaign of a great deal of intensity has been indulged in, in which reference has been made to the high rate of duty on petroleum or low-grade carbons, and it was largely, I conjecture, to disprove this argument that this provision for petroleum carbons at 35 cents a hundred was inserted. There is no impossibility in their being made abroad; but it is not likely they will be, as the supply of petroleum there is not so great.

Mr. President, I have lived at Cleveland for some time, and if this company is a trust I do not know it. It is proceeding with its business and enlarging its plant, employing a large number of men, paying them liberal wages, adding to the prosperity of the city, and, as I believe, to the prosperity of the country. This question should be settled on broad, general principles, rather than on any accusation relating to the nature of this organization.

I also ask to have printed in this connection the letter from the Treasury Department, dated October 28, 1897, to which I referred a few moments ago.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The letter referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., October 28, 1897.

COLLECTOR OF CUSTOMS, *New York, N. Y.*

SIR: The appraiser at your port calls the attention of this department to the fact that manufactures of carbon electric lighting are imported at your port in lengths from 32 to 40 inches, and are claimed by importers to be entitled to entry under paragraph 98 of the act of July 24, 1897, at the rate of 90 cents per hundred as carbons.

The appraiser states that prior to the passage of the present tariff act carbons for electric lighting were exclusively imported in lengths from 7 to 12 inches, and that the present importation in lengths from 32 to 40 inches is purposely designed to evade the payment of duties which the act contemplated.

In view of the facts stated, and in order to reach an authoritative decision on the subject, you are hereby directed to classify such carbons at the rate of 90 cents per hundred, according to the commercial length which existed at the time of the passage of the tariff act of July 24, 1897, so that sticks of carbon 36 inches in length would be chargeable with duty as consisting of three carbons of 12 inches each, and other lengths in proportion.

Respectfully, yours,

W. B. HOWELL,
Assistant Secretary.

Mr. STONE. Mr. President, I do not want to consume time, but I should like a little information, if I can obtain it, with reference to some matters that have been submitted to me by a correspondent. I have in my hand a letter from the Wesco Supply Company, of St. Louis, and I gather from it that there are at least three distinct classes or kinds of carbons. I will read a few lines from the letter. It sets forth what I have in mind:

Regular electric light carbons should be subject to 30 per cent to 35 per cent ad valorem; but the proposed tariff ought to be amended by adding provision for flame carbons, used in flaming arc lamps——

Mr. BURTON. If I may be permitted to interrupt the Senator——

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

Mr. STONE. If the Senator will let me complete a few more lines, I will then yield.

Mr. BURTON. Certainly.

Mr. STONE. The writer continues:

the new powerful light distributors, which are seen in front of places of amusement and used for lighting foundries, factories, and so forth. This kind of carbon can not be produced of satisfactory quality in the United States, due to the fact that the process of manufacture is kept a secret by foreign makers.

Flame carbons should not be subjected to more than 20 per cent ad valorem in order to further the use of flame lights for street lighting and commercial purposes.

That ends the reading, and I now yield to the Senator from Ohio.

Mr. BURTON. I would say, Mr. President, that the flaming-arc carbon, as it is called, is a special carbon. It is from 24 to 27 inches in length. The high-grade carbons are placed one over the other with a vacuum between, while the flaming-arc carbons are placed almost side by side, not exactly parallel, but with the tips coming near together, so that the current is transmitted at the lower end of the two carbons. It is not used on any large scale, but most frequently in the front of theaters and other similar places for display or advertisement. I do not believe there would be any objection to a provision in the bill relating to them except that it would be almost impossible to prevent fraud in importations. If an amendment should be drawn, it should clearly discriminate between the different classes of carbons. If this can be accomplished, I do not see that there would be any objection.

Mr. SMOOT. Mr. President——

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

Mr. STONE. I yield.

Mr. SMOOT. In answer to the Senator from Missouri, I will state that the committee have had this matter under consideration and are now trying to see if we can not frame an amendment to cover the flaming arc-light carbon. I should like to have it understood that in adopting this paragraph of course we will reserve the right to bring in an amendment covering the flame carbons, to which the Senator from Missouri has referred.

Mr. STONE. I can see, of course, Mr. President, that there might be difficulty in the administration of the present law in

preventing fraud, but it would be easy to insert a provision that would discriminate between the two kinds of carbons.

Mr. SMOOT. There is no discrimination other than——

Mr. STONE. But I said "to discriminate."

Mr. SMOOT. The flaming arc carbon is a very small carbon in size. The diameter is very small, and therefore in lighting it is consumed a great deal faster, some seven or eight times as fast, I think, as the ordinary carbon, and, of course, it gives a very much higher degree of light. As the Senator from Ohio [Mr. BURTON] says, it is simply used as an advertising light.

Mr. STONE. Well, my correspondent says it is also "used for lighting foundries, factories, and so forth."

Mr. ALDRICH. Mr. President, the committee have already under consideration the suggestions of the correspondent of the Senator from Missouri, and before this bill passes and becomes a law they will be able to report their conclusions upon it.

Mr. STONE. So the Senator from Utah [Mr. SMOOT] informs me. I would like to inquire of the Senator now on the floor, the Senator from Rhode Island, whether the duty on flame carbons, used exclusively in flaming arc lamps, could be made lower than the duty on other carbons by a proviso in this paragraph?

Mr. ALDRICH. Possibly; but I am not able to answer that question positively at the moment.

Mr. STONE. I should like to ask the Senator from Ohio, if he will permit me, whether, in his judgment, a duty of 20 per cent ad valorem on that particular kind of carbon would be adequate.

Mr. BURTON. I should not think that would be symmetrical with the other provisions relating to carbons. I would state also that some local companies are now experimenting in the manufacture of flaming-arc carbons. They are of a different construction from the other carbons. There is a metallic substance—wire, or something similar—which is run through the center; also their diameter is less, I believe. They are making efforts to manufacture them, and as yet their manufacture is not regarded as hopeless.

Mr. STONE. Mr. President, I will not offer any amendment. I will leave the matter in the hands of the committee for the present. Unless something, however, is proposed, I will suggest an amendment in the Senate.

Now, before the Senator calls for a vote—I do not care to delay it—but, as bearing upon the vote about to be taken, I wish to read ten lines, perhaps, from a letter very recently received, since this amendment reported by the Senator from Utah was presented. This letter is from Hugo Reisinger, of 11 Broadway, New York, engaged in the business of furnishing electric lights and lighting products. He says:

> Since I had the honor of writing to you regarding the duty on electric-light carbons, an amendment has been proposed by Senator SMOOT, changing the Senate Finance bill rate of duty from 70 cents per 100 feet to 35 cents per 100 feet on carbons made of petroleum coke; all other kinds, 65 cents per 100 feet.
>
> This looks like a material reduction at first sight, but, in fact, is only a reduction of 5 cents per 100 feet, inasmuch as carbons made of petroleum coke are neither manufactured in Europe nor imported—

In other words, they are wholly a domestic product, according to this statement—

> A reduction of 5 cents per 100 feet on carbons which are imported, from the enormous rate of duty of 70 cents per hundred feet, amounts to so little that the import of carbons will be just as impossible at the rate of 65 cents per 100 feet as it would be at the rate of 70 cents per 100 feet.

I read that by way of supporting the contention of the Senator from Wisconsin.

Mr. ALDRICH. Mr. President, the Senator from Ohio [Mr. BURTON] has stated this question very clearly; but there is one aspect of it that I desire to call to the attention of the Senate.

In 1897 there were no carbons in existence, certainly none imported into the United States, that exceeded 12 inches in length. The Congress of the United States imposed a duty of "90 cents per hundred" on carbons, meaning, without the slightest doubt, 90 cents on a hundred carbons less than 12 inches in length. The importers, with the ingenuity that always characterizes them, and leads them to endeavor, on account of their self-interest, to break down the American tariff, succeeded in getting from the courts an interpretation that a carbon 24 inches or 36 inches in length should bear the same rate of duty as a carbon 12 inches in length, notwithstanding the decisions of the Treasury Department and of the appraisers. What was the result? It was to reduce the duty that was intended one-half in the case of a 24-inch carbon and two-thirds in the case of a 36-inch carbon, if such a thing be possible.

What happened? Through this plain case of evasion, of fraud—I call it a fraud; I am a little less sensitive about the use of words than the Senator from Ohio—through this fraud upon the revenue and upon domestic producers, these gentlemen succeeded in getting from the courts an interpretation of some possibly doubtful language, language that perhaps was not as definite as it might have been, reducing these duties.

What is the proposition of the committee at this time? Not to restore the full duty, but to restore to a large extent the duty intended by Congress in 1897.

Under the original act the duty of 90 cents a hundred was virtually reduced to 45 cents a hundred by importing carbons twice the length of those that were in contemplation at the time the act passed. The suggested amendment of the committee makes the duty 65 cents a hundred. Upon the basis of the evasive duty, the duty which was fixed by the courts instead of by Congress, that is an increase above the present law.

But what is the duty of Congress? Are we obliged to perpetuate every fraud that importers have imposed upon the people of the United States? Is that the kind of revision of the tariff to which the party we represent is committed? If, by misinterpretation of the law, of the plain intent of Congress, these gentlemen have succeeded in reducing the duties that Congress meant to impose, are we here to perpetuate that fraud? And are we to be confronted with the suggestion that because we are trying to carry out the plain intent of Congress, we are increasing the existing duties?

I think not. I do not understand my duty in that way; and I do not believe that the Members of the Senate will so interpret their duty.

Mr. RAYNER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Rhode Island yield to the Senator from Maryland?

Mr. ALDRICH. I do.

Mr. RAYNER. I should like to ask the Senator from Rhode Island whether the courts were parties to that fraud?

Mr. ALDRICH. I have nothing to say about the courts. The Senator from Maryland knows as well as I do that a large number of the best lawyers in the United States are to-day employed in devising schemes by which duties can be evaded and the plain purpose of Congress misinterpreted.

Mr. RAYNER. But are the federal courts helping those lawyers?

Mr. ALDRICH. I am quite willing to admit that in this case the language used, "90 cents per hundred," was perhaps indefinite. I agree to that. I have taken part in the preparation of quite a number of tariff bills, and, with the assistance of officers of the Government and of everybody who was in favor of having the law enforced as it should be, we have always endeavored to use language that had no doubtful meaning; that was susceptible of but one construction. I can say truthfully that whatever language has been used in all these acts has in many cases been interpreted by the courts in a manner entirely different from the intention of Congress. That may have been, if you please, the fault of Congress in using language that could be construed in two different ways. But when the question is presented to Congress itself, whether or not it will perpetuate one of these frauds, the responsibility is with us, and not with the courts.

Mr. BAILEY. Mr. President, it is unfortunate that the Senator from Rhode Island [Mr. ALDRICH] did not follow the more moderate language of the Senator from Ohio [Mr. BURTON], and describe this as an evasion rather than as a fraud. I am not able to denounce a man for dishonesty because he brings himself within the terms of the law as finally construed by the courts. Every man in the world will pay just as light a tax as he can pay under the law; and he is an unusually good citizen if he pays all the tax the law requires him to pay.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. I do.

Mr. ALDRICH. Conceding that to be true, and supposing that such a man is acting entirely within his rights, which I concede——

Mr. BAILEY. Then, if he is, he is not committing a fraud.

Mr. ALDRICH. I did not say that these men were committing frauds. I said the result was a fraud upon the revenue, and a fraud upon domestic production.

Let me go a step further: Conceding what the Senator says to be true, when a matter of this kind is brought to the attention of Congress, which is legislating upon the subject, does not the Senator concede that it is our duty to correct the evasion, or whatever it may be termed?

Mr. BAILEY. Undoubtedly, Mr. President. From the point of view according to which our friends on the other side legislate, they esteem it their duty to raise rates whenever they are low enough to permit competition. On this side, according to our view, we would reverse that process. The tables which we

have here, submitted by the Senator from Rhode Island, show an estimated reduction of the revenue by raising the rate. The Senator from Rhode Island several days ago advanced before the Senate the doctrine that lowering the duties would result in increasing the revenue. But he has not applied his doctrine in this case, or else his experts did not apply it for him; because, according to this estimate as I read it, the present law brings in a revenue of $73,000 under this item, while it is estimated that the Senate bill will bring in a revenue of $57,000.

Mr. ALDRICH. Mr. President, the Senator from Texas, of course, understands how these estimates are made, and by whom they are made. The expert who made that examination and who made that estimate, of course, contemplated that under the present law the rate was 90 cents per hundred—it could not be made in any other form—and that 70 cents was a reduction. He had not taken into consideration the construction which had been placed by the court upon the length of the carbons.

Mr. BAILEY. But the revenue that has been received is an actuality, and not an estimate. The revenue to be received, of course, is only an estimate. It is estimated that less will be received under the law as it is now proposed than has been received under the law as it now exists.

Mr. ALDRICH. But if the Senator will pardon me——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. Yes.

Mr. ALDRICH. The Senator will realize that if the present rate is 45 cents per hundred and the new rate is 65 cents per hundred, the revenue will be increased.

Mr. BAILEY. That will depend, of course, upon the volume of importations.

Mr. ALDRICH. Yes; I mean with the same volume.

Mr. BAILEY. But I was not calling the attention of the Senator and of the Senate to this apparent inconsistency. I was only calling attention to it for the purpose of saying that, as a Democrat, of course I would not vote for a duty that laid a higher tax on the people and brought a lower revenue to the Government.

But, Mr. President, the special circumstance which moved me to take the floor was to protest against both extremes. Protectionists, like the Senator from Rhode Island, seem to regard every importer they encounter as a public enemy. That is one extreme. I think it is a false opinion, however, because I believe that in the economies of this world importers serve their uses as well as other people. If we were all producers and nobody was left to exchange our products, the world would make less progress than it does.

The other extreme—and it is one that I occasionally find—is that some men hate the sight of a factory, and regard a manufacturer in almost the same light in which the Senator from Rhode Island and his school regard an importer.

My own opinion is that both are useful people in this world. But my own opinion also is that neither of them ought to be allowed to put his hand into the pocket of anyone else. The importer ought not to be allowed to put his hand into the Treasury and take out the just dues of the Government. I am willing that any provision of law that will render that impossible shall be adopted. I also think that the manufacturer is one of the most useful men in society. He not only consumes and thus furnishes a market for our raw materials, but he finishes them into a product ready for our comfort and our use.

But the trouble is that the manufacturer seems to think, and our friends on the other side seem to think with him, that because he performs this useful service for society he should be permitted to tax society beyond all conscience and beyond all justice.

The manufacturers of this country have reached the point where they are no longer content with the moderate profits that other men are willing to accept as a return upon their capital and upon their enterprise. Only yesterday I read an extract from a speech delivered by a man of close connection with and wide experience in a certain industry, which I will not name now, because one of my friends intends to refer to it in his speech. But the profits of that business, as stated by this man familiar with it, were astounding. They startled the imagination. They even satisfied the dreams of avarice and surpassed anything that I had supposed any legitimate industry of this country returned to the people who owned and controlled it.

Mr. SCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from West Virginia?

Mr. BAILEY. I do.

Mr. SCOTT. Will the Senator tell us how many hundreds and thousands of manufacturing concerns, of which you read nothing, have had money invested for years and never have derived a cent of profit from it?

Mr. BAILEY. I never have come across that kind.

Mr. SCOTT. I could point the Senator to very many of them, right from memory, if I cared to do so.

Mr. BAILEY. But the prosperity of the Senator from West Virginia is a standing contradiction to the statement that manufacturers are not prosperous.

Mr. SCOTT. I think it is just as well——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from West Virginia?

Mr. BAILEY. I do.

Mr. SCOTT. I think it is just as well now as at any other time to make the announcement that, so far as my connection with any manufacturing establishment is concerned, I am used as president of a company in which I was once actively engaged, but am now simply nominally; that the amount of stock I have in any manufacturing establishment, especially in glass, would not afford the Senator a good comfortable living for six months.

Mr. BAILEY. Of course the Senator from West Virginia understands, and all the other Senators understand, that my reference was not intended to imply that he was interested in tariff legislation. That is a low kind of argument to which I am not in the habit of resorting.

Mr. SCOTT. Oh, I did not take it in that way. The Senator knows that.

Mr. BAILEY. Yes. I used the Senator, however, to illustrate how manufacturers can prosper to such an extent that they are able to retire from business and devote their services to the country's welfare. The Senator from West Virginia, I am glad to say, is one of that kind.

I have no prejudice against manufacturer or importer. In fact, I have taught myself to free my mind from prejudice against every class. Every man in this country who does any kind of useful work contributes something to the wealth of the Nation and the happiness of the people, and I would not subtract one farthing from his honest accumulation or his honest earnings. But what I protest against is that we shall enable by the law one man, who is making much, to take something from other men who are making less. I do not believe we ought to enact a law enabling a man who is making a little to take something from a man who is making much. But I doubly protest against legislation which enables those who are making much to take from those who are making but little.

So far as I have been able to learn, even from the protectionist standpoint there is no call upon the generosity of Congress to increase the profit of this particular line of manufacture. My understanding is that they are not crying for help, so far as I know—and I seldom myself inquire about those matters, because it does not interest me, so far as making a tariff bill is concerned, whether a man makes money or not. My doctrine is that if a man can not make money by pursuing one kind of business, he ought to quit that business and go into some other kind where he can make money. I have no patience with a system that taxes people engaged in profitable employments in order to pay bounties to people to induce them to engage in unprofitable employments.

But, looking at it from the point of view from which the majority legislate, I can see absolutely no excuse and no defense for increasing the cost of every electric light used by the people of these United States in order to increase the profits of people who, if we are to accept what is commonly understood, are already prosperous enough.

Mr. STONE. Mr. President, just a word or two before the vote is taken. I do not know much about carbons—about the cost of production or the cost to the consumer—and I doubt if any Senator on this floor would assume or pretend to be an expert; but there are men in the country, manufacturers and dealers, who know all about the business.

The Senator from Rhode Island proposes by the amendment to increase the duty on carbons about 50 per cent, and the reason he assigns for it is that under the existing law a practical fraud, working as an evasion of the law, is perpetrated against the Public Treasury. However that may be, Mr. President—and I do not enter into it—there is a question whether the application of the present tariff law, under the decisions of the court, does not impose a duty ample, and more than ample, for the proper protection, so called, of the American industry.

Mr. President, I read a bit ago a brief extract from a letter written to me by the Wesco Supply Company, of St. Louis. The general manager of that company, in his letter, says this, among other things:

> The Dingley tariff reads 90 cents per 100 pieces, which was absolutely prohibitive had it not been for the fact that carbons, instead of being made in the usual commercial length of 12 inches, 10 inches, and 9½ inches, were then produced by foreign manufacturers in double lengths.

In other words, this dealer, who I suppose is an importer, although as to that I am not advised, states that if the carbons

had not been manufactured and imported in double lengths, but had been manufactured in ordinary lengths used in actual consumption, the duty would have been absolutely prohibitory; that the rate would not permit them to come in at all except for the fact that they were manufactured in double lengths. If that statement is true——

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. STONE. I do.

Mr. BURTON. The statement is so clearly an error that I feel called upon to notice it. The claim of the importers is that they can not bring the article here at 90 cents; but it does not sell below $2.30. How can a 65-cent or a 45-cent duty or any other duty less than a dollar and ten or twenty cents be prohibitory? I notice that that statement has been made repeatedly by dealers, who evidently all got it from the same source.

Mr. STONE. I have not any doubt that the Senator from Ohio has more particular information in regard to this matter than I have, as the chief manufacturer of carbons is a corporation resident in his own State. But, Mr. President, without entering into any controversy with the Senator from Ohio as to the facts, I present this statement from a business man of high character and large experience for what it is worth as a matter of evidence before the Senate, and along the same line I wish to read the concluding sentence of the other letter to which I adverted this morning. Hugo Reisinger, of New York, protesting against the increase of these duties, says:

> If you have means to look into the affairs of the National Carbon Company, of Cleveland, and see the enormous business which it has been doing the past years at the old duty and the fabulous profits which it has been making at a time when every line of business was at a standstill, you will surely come to the conclusion that the carbon trust needs no further protection, and that it is the consumers who need the protection and not the trust.

Mr. President, if it be true that this corporation constitutes substantially what is known as a "trust" and monopolizes the manufacture of this article, and if, notwithstanding the industrial depression which has so widely prevailed for months past, when the cloud was thickest and darkest, this concern conducted its business without any appreciable loss in volume and has been making very large profits upon its product, why should additional burdens in the form of taxation be laid upon the consumers of this country for the further protection and benefit of this monopoly?

Mr. FLETCHER. Mr. President, as I understand the situation in regard to this paragraph, the Senate committee proposes to amend the bill as it came from the House by striking out the ad valorem rate and inserting the rate of 70 cents per 100 feet. That has been amended further by making the rate 70 cents per 100 feet on all carbons except those manufactured from petroleum coke, on which the duty shall be 65 cents.

Mr. BURTON. It is 65 on the high grade and 35 on the petroleum coke grade.

Mr. FLETCHER. Sixty-five?

Mr. BURTON. On the high grade.

Mr. FLETCHER. Thirty-five per cent on the petroleum coke grade?

Mr. BURTON. Yes.

Mr. FLETCHER. As I understand further, there are no carbons of petroleum coke exported from or manufactured in Europe. It would seem that a reduction of 5 cents a hundred on other carbons would not any more let in importations than the rate as proposed originally of 70 cents per 100 feet.

I offer this amendment to the amendment as now proposed. In line 15 I move to strike out the word "sixty-five," which the committee propose to substitute for "seventy," and in lieu thereof to insert "thirty-five," so that the rate of duty shall be 35 cents per 100 feet of carbon without reference to the materials from which it is made.

The PRESIDING OFFICER. The Senator from Florida offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 23, line 15, strike out "sixty-five" and insert "thirty-five."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. BEVERIDGE. Mr. President, I wish to ask the Senator from Utah, or some other Senator on the Finance Committee, two questions concerning points brought out in this debate which have impressed me.

The first is this: The Senator from Ohio [Mr. BURTON] has stated that the rate fixed in the Senate committee amendment was so fixed after both the consumer and the producer had agreed to it. The first question I wish to ask is whether that is accurate. I am not questioning the Senator from Ohio, of course, but I want to hear about it.

The second question is this: I have understood from the Senator from Utah and others that the reduction brought in the other day by the Senator from Utah from the committee amounts in reducing it in ad valorem terms to about the ad valorem fixed by the House. Those are the two points. Is that true?

Mr. SMOOT. Mr. President, in answer to the first question asked by the Senator from Indiana, I will state that the representative of the consumers of the electric-light carbons and the representative of the manufacturers of the electric-light carbons agreed that 65 cents is a proper rate of duty. Further, answering the second question——

Mr. BEVERIDGE. Mr. President——

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

Mr. SMOOT. Certainly.

Mr. BEVERIDGE. So we have it clearly and authoritatively stated, and thus far not controverted, that this rate is satisfactory both to the consumer and producer?

Mr. SMOOT. To the representatives——

Mr. STONE. That is important.

Mr. SMOOT. I say, to the representatives of the consumers and of the manufacturers.

Mr. STONE. Who represented the consumers?

Mr. SMOOT. I stated that General Harries appeared in my committee room and stated that he was representing the consumers, and I judge he was, and also Mr. Crider was representing the manufacturers of carbon.

Mr. STONE. I am particularly inquiring as to the representative of the consumers and who the consumers were whom he represented.

Mr. SMOOT. I suppose the great bulk of them.

Mr. STONE. By what authority?

Mr. BURTON. Will the Senator from Utah allow me to ask a question?

Mr. SMOOT. Certainly.

Mr. BURTON. Is it not true that there was a meeting of electric-light companies or their representatives and they chose General Harries and perhaps one other to act as their representatives here at Washington?

Mr. SMOOT. I was so informed, but I would not like to state it, because I do not know that that meeting occurred. However, it was so told to me.

Now, Mr. President, in relation to the importations of carbon, if the Senator from Missouri will turn to page 62——

Mr. BEVERIDGE. Mr. President——

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

Mr. SMOOT. Certainly.

Mr. BEVERIDGE. Before the Senator goes on I wish he would not forget the second question, which was whether our understanding was correct that the amendment the committee has brought in has reduced the rate in ad valorem terms to the rate fixed by the House.

Mr. SMOOT. The House fixed the rate at 35 per cent ad valorem, and that is on the high-grade carbon. Those carbons sell for $23.50 and $25.50, according to the letter from the city of Chicago which was read by the Senator from Wisconsin.

Mr. STONE. I wish the Senator would state if it is not a fact—I so understood—that the House ad valorem rate is higher than the Senate committee rate.

Mr. SMOOT. No; Mr. President, that is not correct. Take the basis of the cost of the high-grade carbons at New York at $18. The 35 per cent ad valorem as carried in the bill as passed by the House would make it 63 cents a hundred, and our rate here is 65 cents a hundred.

Mr. BEVERIDGE. So the Senator figures, as I understand it, and that is the statement of the committee, that the last amendment to their amendment practically reduces the Senate rate to what the House rate was, within a difference of perhaps 1 or 2 cents?

Mr. SMOOT. That is correct. We also further reduce the lower grade, as stated here, to 35 cents a hundred feet.

Mr. BURKETT. Mr. President——

Mr. SMOOT. I will be through in just a minute. The Senator from Missouri quoted from Mr. Hugo Reisinger, of New York, a number of letters. I want to quote also from him. I send to the desk and ask to have read a statement made by him in the Electric World of April 22, 1909.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

GERMANS MAY MAKE CARBONS IN AMERICA.

[Electric World, April 22, 1909.]

Hugo Reisinger, the principal importer of carbons for arc lamps in this country, and representative of some of the most important manufacturers in Germany, both of flaming-arc and inclosed-arc carbons, announces that if the new schedules of tariff which is proposed in the Aldrich bill becomes a law he will establish a factory for the manufacture of carbons in this country, which will be backed by German capital to any amount that is necessary, and which will manufacture the same carbons that are now imported from Germany. He says that such a factory can be established in this country to compete in the carbon business, and that the result of such competition will be the practical cutting in half of the present prices charged for carbons to consumers. Mr. Reisinger says that there is plenty of money available for this purpose just as soon as it is determined that the present high rates of duty will be maintained, or that an increase is to be adopted. He says: "I know that such a factory in this country would speedily bring the carbon trust to terms, and that the consumer would get all the benefit. We would have the advantage of a thoroughly modern, compact plant, and we would not have to pay dividends on inflated capital."

Mr. LODGE. As the statement has been made and in something the Senator from Missouri read concerning the gigantic profits of this company, I merely wish to call attention to the fact that it is all in evidence before the Ways and Means Committee, by which it appears that the company paid "7 per cent on the preferred stock, and at the present time," Mr. Crider says, "we are paying 4 per cent on the common stock. For some years it did not pay anything."

Mr. NELSON. How much?

Mr. LODGE. They first paid 2 per cent, and 3 per cent, and this year 4 per cent.

Mr. NELSON. Can the Senator inform me how much stock is preferred and how much is common, and how much it is capitalized for?

Mr. LODGE. The capital stock was $4,500,000 preferred and $5,500,000 common; no bonds.

Mr. NELSON. I understood from the Senator from Ohio that they could establish such a factory or plant for a few hundred thousand dollars.

Mr. LODGE. The Senator knows, of course, that these electric-light carbons are only about 15 per cent of the company's business. They are only a very small fraction of the company's business.

Mr. NELSON. Mr. President——

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

Mr. LODGE. I merely wished to put in that. It shows a dividend on the common stock—first nothing, then 2, 3, and 4 per cent. It was not extravagant.

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

Mr. LODGE. I do not desire to occupy the floor in my own right.

Mr. NELSON. Will the Senator from Massachusetts allow me a moment?

Mr. LODGE. I yield the floor entirely.

Mr. BURTON. Mr. President, I will state that I think the Senator from Minnesota misunderstood me. What I said was that in establishing the manufacture of carbons they could provide the additional equipment for the making of these electric-light carbons for about $20,000. I will state that of the total business of the National Carbon Company probably its manufacture of carbons for lighting is not more than 20 per cent.

Mr. BEVERIDGE. Before the Senator takes his seat, since he was the first authority for the statement that the consumers and producers had agreed upon this rate, which if it is true, of course, very largely obviates our difficulties; there seemed to be expressed some question, when the Senator from Utah stated in confirmation of what the Senator from Ohio had said that General Harries represented the consumers—I do not know who he is; I never heard of him. The Senator from Ohio has just said that the consumers had had a meeting and elected General Harries to represent them, which establishes his authority. I would be glad to know if my understanding is correct, because it is conclusive in my mind unless it is denied.

Mr. BURTON. I will state to the Senator from Indiana that I have no information on this subject except at second hand, though every presumption is in favor of its correctness. My information is that there was a convention of men interested in electric lighting, including the leading corporations, and that a committee was chosen to appear here at Washington and represent their interests, a sort of a committee on legislation, especially with a view to the tariff bill that is pending. That is the extent of my information. I have no reason to doubt its accuracy.

Mr. STONE. Mr. President, I made a statement a moment ago which several Senators negatived. The duty as reported in the Senate amendment in the first instance was higher than that fixed by the House in the bill.

Several SENATORS. Oh, no.

Mr. STONE. Senators say "no" again, and that is evidently correct as to the electric-light carbons, but I have tables sent me by a large manufacturer and importer and jobber of electric machinery, telephone supplies, and so forth, and they show what I shall state as to what are called "flame carbons." I should like the attention of the Senator from Rhode Island, but the Senator from Utah will answer as well as the Senator from Rhode Island. In these tables he gives the duty on 1,000 carbons under the Dingley law, the Payne bill, and the Senate committee bill on flame carbons. There were three items in each. These, I believe, are what he calls carbons 23 inches in length.

The first cost is $40 per 1,000. The duty under the Dingley law would amount to $9 per 1,000, so he says, and he has figured it out; I have not. I have accepted these tables as being correct. The duty under the Payne bill would be $14 per 1,000, or an increase of 55 per cent, while the duty under the Senate bill as first reported would be $13.42 a 1,000, or about 50 per cent. I speak now of flame carbons, and I will ask the Senator from Utah whether that statement is correct?

Mr. ALDRICH. We have not taken up that subject yet. I promise the Senator from Missouri that we will take it up, but it is not now before the Senate.

Mr. STONE. The bill covers that character of carbons?

Mr. ALDRICH. It covers it, but we are trying to get some classification of it.

Mr. STONE. I understand; but the Senator was not giving his attention when I asked the Senator from Utah a question. He was talking about some entirely different matter from what I was talking about.

Mr. ALDRICH. I think the Senator has read that same letter at least three or four times, and I have tried to give as good attention as I could to its various provisions. I thought he understood that the matter of flame carbons was not finally disposed of.

Mr. STONE. I understand what the Senator says about that. There is no occasion for petulance on his part.

Mr. ALDRICH. Oh, no; I have none.

Mr. STONE. The question I asked the Senator from Utah was, whether, after reading what I read from the tables, it is a fact that the duty now prescribed in the bill on flame carbons in the Senate amendment is not higher than the rate fixed by the House?

Mr. SMOOT. I think that the best way to answer is by the same table, that on that particular carbon the rate will be a little higher than 35 per cent, as provided in the House bill.

Mr. LA FOLLETTE. Mr. President, at the present time carbons coming into this country are dutiable at 45 cents per hundred feet. Why do I say that? Because 90 cents per hundred carbons, imported in 2-foot lengths, makes 45 cents per hundred feet. The present duty yields 47 per cent of the value of the carbons, and that is substantially the figure placed in the Book of Estimates furnished by the committee.

A duty of 65 cents will yield, in round numbers, an ad valorem of 70 per cent. It is juggling with figures to make any other statement. The House, after most mature deliberations on the subject, fixed a rate of 35 per cent ad valorem.

Now, Mr. President, with reference to an agreement here between the consumer and the producer, I want to say that my good friend from Indiana——

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Will the Senator from Wisconsin yield to the Senator from Indiana?

Mr. LA FOLLETTE. Certainly.

Mr. BEVERIDGE. Before the Senator leaves that point—I am interested in what he is saying—the Senator stated that the rate of the Senate committee would be 65 per cent ad valorem. Is that correct?

Mr. LA FOLLETTE. No.

Mr. BEVERIDGE. How much—70 per cent?

Mr. LA FOLLETTE. I say that, at 65 cents per hundred feet, it will yield about 70 per cent ad valorem.

Mr. BEVERIDGE. I understood the Senator from Utah to say that the last amendment of the Senate reduced it to about 35 per cent. So there is exactly 100 per cent difference between the two statements. How is it to be reconciled?

Mr. LA FOLLETTE. It is a very simple matter of computation. Any Senator can make it for himself by taking the figures as given in the table of imports and applying the rate of duty provided in the pending amendment.

I desire, Mr. President, to call attention to the statement of the Senator from Utah [Mr. SMOOT] as to an agreement made between the consumer and the producer by which the rate of

duty was fixed at 65 cents per hundred feet. The Senator from Utah said that in the making of this agreement General Harries represented the consumers. Who authorized this man Harries to represent the people of Wisconsin or of Indiana, who are consumers and who pay for these carbons? If he bore a commission from some large electric-light corporation and entered into an agreement with this monopoly, I should like to know something about the consideration before I should consent to bind the people of Wisconsin by that agreement. He never was authorized to represent the public, who are the consumers of these carbons.

Mr. President, with respect to the statements of the Senator from Rhode Island as to the manifest intention of Congress in fixing the duty at 90 cents per hundred in the Dingley law, I desire to call attention to the manner in which this particular paragraph was framed in 1897.

The record shows that the House fixed the duty at 50 per cent ad valorem. An amendment to increase this rate was proposed in the Senate. It was not adopted. The deliberate action of the Senate upon this matter was not only in its failure to adopt this proposed amendment, but also to strike the House provision from the bill, thus making the paragraph one of the subjects of conference between the Houses. The rate of the present law was fixed in conference. Under conditions as they existed in 1897 in the carbon business, carbons came into this country in lengths of 12 inches and under. The fixing of the duty at 90 cents a hundred carbons was in practice the fixing of the duty at from 100 to 150 per cent ad valorem.

The action of the House of Representatives in fixing the rate at 50 per cent ad valorem was the deliberate action of that body. The deliberate action of the Senate was to refuse to increase the rate fixed by the House and to refuse to adopt the House provision. The rate as it finally appeared in the law did not represent the deliberate action of either body. The item was considered not separately, but with a mass of other items. There could not then be a separate vote upon each item. The report must be accepted or rejected as a whole. So far as the deliberate judgment of Congress found expression in the action of either House, it was for a 50 per cent duty in one branch and against an increase of this duty in the other. When the record is analyzed it seems to me that it was manifestly not the intention of Congress to have ever fixed a duty of 100 or 150 per cent upon these carbons. The highest rate which may be said to have been representative of the judgment of Congress was 50 per cent, and that is practically the duty collected at the present time.

Now, Mr. President, I think the suggestion of the Senator from Missouri is very pertinent. Has the National Carbon Company been prosperous under the existing rate with the imports coming in as they do, in 2-foot lengths, bringing the rate down to a 47 per cent duty? On the statement of the secretary of the company itself before the Ways and Means Committee, they were paying 7 per cent on their preferred stock and 4 per cent on their common stock, and, applying the knowledge that the students of the subject of the organization of these great combinations must have, where no bonds are issued the common stock is always at least so much additional water. When you take the best testimony that can be gotten from the highest authority of this country as to the extent of the control of the business of this great corporation here, I think that the Senate can not afford to go on record as raising this duty from 47 per cent to 70 per cent, the rate which will be applied to these high-grade carbons, the only kind that is imported into this country, if the Senate committee amendment is adopted.

I want to incorporate in the RECORD before the vote is taken the exact facts with respect to the organization of this company and its holdings.

The National Carbon Company—

And I am reading from John Moody, recognized by every student and by every trained man in this country who has made a study of this problem as the highest authority in the country—

NATIONAL CARBON COMPANY.

[The carbon trust.]

Incorporated under New Jersey laws January 16, 1899, as a consolidation of the following companies engaged in the manufacture of lighting carbons, carbon brushes for generators and motors, carbon batteries, carbon diaphragms and back plates for telephones, carbons for electrolytic purposes, and kindred products:

American Carbon Company, Noblesville, Ind.
Brush Carbon Works, Cleveland, Ohio.
Faraday Carbon Company, Jeanette, Pa.
Globe Carbon Company, Ravenna, Ohio.
National Carbon Company, Cleveland, Ohio.
Partridge Carbon Company, Sandusky, Ohio.
Phœnix Carbon and Manufacturing Company, St. Louis, Mo.
Solar Carbon and Manufacturing Company, Pittsburg, Pa.
The Standard Carbon Company, Cleveland, Ohio.
Thomson-Houston Carbon Company, Fremont, Ohio.
The Washington Carbon Company, Pittsburg, Pa.

The foregoing companies covered practically the entire carbon industry of the United States.

Capital stock authorized and issued, $4,500,000 7 per cent noncumulative preferred, and $5,500,000 common. Par, $100. Dividends on preferred, 7 per cent per annum.

No bonded debt.

The net earnings of the company during the past four years have been as follows: Year ending January 31, 1900, $451,687; 1901, $508,739; 1902, $586,812; 1903, $594,371.

That statement was published in 1904. In the testimony before the Ways and Means Committee, Mr. Crider, the secretary of the company, says that its business has become more and more prosperous year by year. Its prosperity increased as it has reached out and controlled a larger field of production and established a fixed standard of prices, so that the company now pays 7 per cent on its preferred and 4 per cent on its common stock.

Mr. President, reminding the Senate again of the statement of Mr. Crider before the Ways and Means Committee as to how this company applies its earnings, as to the surplus it is accumulating, and how improvements and betterments are paid for out of its earnings, the richness of this company's field will be better understood by reading further from this statement:

Number of plants acquired	11
Proportion of industry controlled (about) per cent	87

Products: Lighting carbons, carbon brushes, batteries, diaphragms, etc.
Element of monopoly: Important (patent rights, etc.).
Total capital issued, par value, $10,000,000.

Mr. President, I have gone more fully into this subject perhaps than its importance—though it is important—warrants, because it illustrates the general character of many provisions of this bill, and should put Senators upon inquiry with respect to the bill as a whole.

Mr. BURKETT. Mr. President, I undertook to ask a question of the Senator from Utah [Mr. SMOOT] when he had the floor. He has apparently gone out of the Chamber. I also tried to ask a question of the Senator from Massachusetts [Mr. LODGE], and he has gone out of the Chamber. I think I shall now have to ask the chairman of the Committee on Finance, although he was not engaged in that colloquy. In the statement which the committee has prepared for us, the present rate on this article is given as 46 per cent; the rate, according to the House bill, is 35 per cent; and the Senate bill has brought in a rate of 36.39 per cent. As the Senator from Utah has said, it has amended it and still further reduced it; but it can not reduce it much more to get it down to the 35 per cent of the House. I should like to ask the chairman of the committee, if the tariff is practically the same as in the House bill, why all this fuss and all this time taken to change it from an ad valorem to a specific duty?

Mr. ALDRICH. Mr. President, as a protectionist, whenever a specific duty can be used, I think it clearly the duty of Congress to impose one. There is not a shadow of doubt in my mind about that question, and I hope there is not any in the mind of the Senator from Nebraska.

Mr. BURKETT. I think, Mr. President, it is not a sufficient test as to whether a Senator is or is not a protectionist that he favors a specific or an ad valorem duty, because I think nobody disputes the fact that the men who made this bill in the other House, especially the great leaders of the Ways and Means Committee, were as strong advocates of protection as this country has ever had. I cite, also, the fact that as the bill is made up, and as all protection bills are made up, there has never been much consideration given as to whether a duty should be specific or ad valorem.

Mr. ALDRICH. The Senator is very much mistaken about that proposition.

Mr. BURKETT. I may be; but I know enough about tariff legislation to know that it is not practical at all times to make a specific rate——

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Will the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. BURKETT (continuing). And when it is not practicable to make a specific rate, then you have to adopt an ad valorem rate. As we go through the bill we find a great many paragraphs which have both specific and ad valorem rates; so I think it is not a test of a Senator being a protectionist whether he is in favor of a specific or an ad valorem rate. What I want to know is, if there is not any difference, what is all this time being consumed about? What is all this fuss being made about?

Mr. ALDRICH. I have been asking myself that question for five hours. I think that the Senate were as well qualified to

vote upon this question five hours ago as they are now. I think they are ready to vote upon it at any time when Senators will permit them to do so.

Mr. LA FOLLETTE. Mr. President——

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

Mr. BURKETT. I do.

Mr. LA FOLLETTE. While the Senator from Nebraska is on the matter of the change from ad valorem to specific rates, let him read the first three lines of the three paragraphs, where for some reason or other a specific duty was changed to an ad valorem rate, resulting in an increase of some 200 or more per cent, and in the same paragraph, without any change in party allegiance so far as I know, the committee shifts around and changes from a specific rate to an ad valorem rate, or changes from an ad valorem rate to a specific rate, working out an increase of 55 per cent over the existing rate, and, taking it as they have changed the amendment now pending, it substantially means 45 per cent over the existing rate.

Mr. BURKETT. I was not going to make any specific illustrations, because I think the general knowledge of everybody is sufficient to dispute the contention of the Senator from Rhode Island. I am rather surprised that he stated it here. It is one of those things which rather shakes people's confidence in working out this bill, I am frank to say. I do not believe that that rate has been changed from an ad valorem to a specific rate without some object other than to conform to the rules of protection. I believe that there is some other purpose in it.

This is not a matter that I have any particular interest in, and I probably should not have attempted to speak but for the difference in the figures given by the Senator from Wisconsin [Mr. LA FOLLETTE] and those given by the Senator from Utah [Mr. SMOOT]. I followed the figuring of the Senator from Wisconsin, and also that of the Senator from Utah in response to an inquiry of the Senator from Indiana.

I have had some two or three letters from those who use these carbons in my State. They are not importers; they have no particular concern in importers more than in manufacturers. They are interested in supplying light. They are honorable men; they are men whose word I would take for almost anything that they knew about. They have said to me that this does change the rate, and that it will change the cost of carbons to the men who buy them.

I do not understand why the duty could not have been left ad valorem just as well as in the case of retorts, which is immediately before it, if it is intended not to change the rate. There must be a difference, I take it, and I have gathered it not only from the letters I have received, but I know also that another Senator here showed me a letter which he had received to the same effect. There must be a difference in the length of these carbons. With a specific rate, a man who buys the shorter carbon is going to pay more tariff than the man who uses the longer carbon.

I asked the question fairly, and I did not expect to be told that one had to favor that change in method to be a good protectionist or anything of that sort. In my opinion, there must be some other reason why this change has been insisted upon and urged by those who manufacture these carbons other than simply being a protectionist. I believe, in short, from what information I can get and from the letters which I have had upon this subject, that this change does increase the rate and that it is going to raise the price of carbons to the consumer.

Upon the rate that we have had nobody has contended, so far as I have heard, that the manufacturer of this product has not been making a good income. I want him to make good money. I do not want to drive his industry out, as I have said half a dozen times.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. BURKETT. I do.

Mr. ALDRICH. Will the Senator from Nebraska tell us frankly who the gentlemen are who are the consumers of these carbons in Nebraska who have found fault about these rates?

Mr. BURKETT. I have some letters from some of the electric-light companies.

Mr. ALDRICH. From anybody else who consumes carbons in Nebraska except the electric-light companies?

Mr. BURKETT. Well, no; I do not think I have.

Mr. ALDRICH. Are those gentlemen of whom the Senator is speaking the subjects of public charity?

Mr. BURKETT. I will say, Mr. President, that, according to a great many of those gentlemen, including the gentleman who wrote to me, the supplying of light for little towns and the running of electric-light plants under such conditions is almost a charitable proposition. A good many of those little towns out there have electric-light plants that are not exceedingly paying institutions. The companies make money on private lighting, but on that they furnish to the towns they do not make very much, as I understand it. I remember the hearing that we had, even in this city of Washington, on the subject of electric lighting demonstrated that the electric-light company furnishes light to the District at very little, if any, profit. I think that that is generally the case with a light plant. They provide light to a city at a good deal less profit than they do to individuals, and in most of the little towns where they manage to have electric street lighting the plants are not very great financial successes. I doubt if any of them are making very much money. But that is neither here nor there.

Mr. ALDRICH. Those people are all monopolists, I take it, every one of them.

Mr. BURKETT. Yes; they are very fortunate to have one plant in those little towns. But if we are going to increase the cost of carbons, it will result finally in reaching the consuming public. It seems to me that the chairman ought to give us some better reasons than he has given us for this change. I have listened very carefully to this discussion. I do not want to vote against the committee or its recommendations, if the chairman can show to me that the committee provision is better than the House provision. The House committee considered this a long time. Those who made the bill in the House are all protectionists, and I should like to know, before I vote to change the House rate, persuaded as I am by my correspondents that it is an increase, why it has been increased?

Mr. GORE. Mr. President, I wish to say that the proposed increase of this duty is in perfect harmony with the entire plan of tariff revision as proposed in the pending measure. There seems to be a manifest purpose on the part of the other side to levy an increased duty on light of every description, or, at least, to levy a duty upon light. They have imposed a tax upon window glass, which is nothing more nor less than levying an impost upon the sunlight of heaven. Not only does natural light, which has been provided by Providence, come under the ban of this protective tariff, but even artificial light is to share the burdens of protection. Higher authority than myself has said that there are those who prefer darkness rather than light. The reason for that preference I do not now remember; but, Mr. President, we are now dealing directly with a trust, or with one of those ghosts which flitted about the Senate Chamber on yesterday.

That the National Carbon Company is a monopoly is admitted, and is not denied. There is one conclusion at least upon which everybody can agree. It is true that the Senator from Ohio [Mr. BURTON] says that if the National Carbon Company is a trust, he is not aware of that fact.

Mr. President, the high character of that Senator no doubt serves as a shield to protect him against the confidence of that trust; but, while that statement is a compliment to his high character, it is no proof whatever that this concern is not a monopoly. One that is in a situation to know has stated, I believe under oath, that the company was a monopoly. In the hearings before the House Ways and Means Committee, Mr. UNDERWOOD, of Alabama, propounded this question to the secretary of this company, "You have a monopoly on the business?" And the secretary of the concern answered, "Practically that"—practically a monopoly.

Mr. President, if it has a practical mononoply, no matter whether it is a theoretical monopoly or not, it is one of those ghosts which are calculated to flay the people in excessive charges. Mr. Crider, secretary of this company, is one of the sanctified manufacturers who can not sin, and is not a perjured importer. The only instance where the testimony of a manufacturer has been impeached is when he made the confession that his concern, about which he probably knows more than anybody in the Senate, was a monopoly. He may not be better advised than anyone else, but we are at least to indulge that presumption until we have proof to the contrary.

Not only that, Mr. President, but it has been charged here that the National Carbon Company is an adjunct of the Standard Oil trust, and is a subsidiary concern. That charge has not so far been denied. Before this debate has progressed much further we will hear in this Chamber a good deal about hostility—I will not say "affected hostility"—to the Standard Oil Company. There will be a sham battle pulled off before long against that concern. Now, sir, here is an opportunity to demonstrate real opposition to this great and gigantic monopoly.

The Senator from Utah [Mr. SMOOT], the high priest of the high tariff, the annointed apostle of protection, has said here that there is a combination between this monopoly and the electric-light companies of the country. The fact that the trust is

increasing in magnitude does not enhance its character or its credibility. I challenge the right of that Senator and I challenge his credentials to speak for the consumers of Oklahoma; I impeach his power of attorney to represent both the monopoly and the consumer. No man can properly represent both sides to a contest of that kind. How he succeeded in obtaining this testimony from the consumers that they were willing to pay a higher price on carbons, I do not know. It must be some divine afflatus, some heavenly illumination, by which he overpowered and mesmerized the consumers of this country.

I have not heard any clamor on the part of consumers of any kind to have their burdens increased, but I have been struck—I had almost said with the folly of contending that the electric-light companies are consumers. They are mere conductors, through which this electric charge passes from the carbon trust to, I may say, the ultimate consumer. If the price of carbons is increased, the electric-light companies must do one of two things: They must either raise their rates to the ultimate consumer or else diminish their profits—God save the mark—profits which are the objects of the most tender consideration on the part of the Finance Committee.

There is one electric-light man in my State who is not a party to this combination of the electric-light companies and the electric-carbon companies. I send to the desk and ask to have read a letter which I have received from him, beginning with the sentence that is underscored. The rest is purely personal.

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

The Secretary read as follows:

THE STETTMUND ELECTRIC COMPANY,
Chandler, Okla., February 18, 1909.

* * * * * * *

I noticed that while the Committee on Ways and Means are in session regarding the revision of the tariff, that the National Carbon Company, of Cleveland, the so-called "carbon trust," is trying to have the duty on electric carbon increased by adding to the present wording of the duty paragraph the word "feet."

The paragraph referred to is 98, reading: "Carbon for electric lighting, 90 cents per hundred." Now, if the word "feet" were put after "hundred" it would be "per hundred feet," which would mean an increased duty of $9 per thousand.

These carbons are made in this country at a cost of $10 per thousand and sell at $24. You can see that there is no more protection needed along this line.

The records of this State show that only 18 per cent of the electric companies are making expenses. If the additional duty of $9 were put on, it would mean greater expense. The thousands of electric companies in the United States are entitled to more protection than the carbon trust, which wants to corner the market and make greater profits.

"A friend in need is a friend indeed," and I would be pleased to have you use your influence in lowering the duty, and do all in your power to keep the paragraph from being amended by the word "feet."

With best wishes to yourself, I remain,
Your friend, H. G. STETTMUND.

Mr. GORE. Mr. President, I confess that I feel very much flattered by his allusion to my "influence," but he does not understand the methods of the Committee on Finance. This electric-light man at least has signed no commission to General Harries to represent him before the Finance Committee or any other committee.

I wish that the testimony of those interested parties who may or may not own stock in the National Carbon Company had been reduced to writing and placed before the various Members of this body so that this illumination might not have been confined to the members of that select body.

I share the indignation expressed by the chairman of the Finance Committee at the fraud practiced in connection with this or any other schedule of our revenue laws. I shall join with him in carrying on a crusade against all frauds in every department of our Government. No man will suspect that this change from 90 cents per hundred to 65 cents per hundred feet was inspired by any but the most lofty and statesmanlike motives; but why add "feet" to these ghosts, to enable them to stalk with greater facility through Congress or to enable them to fly and seek security from the foreign competitor, from those hideous Germans and Japs?

Mr. President, this is the vital point in this connection: Has the National Carbon Company been able to pay reasonable wages to its laborers and to realize a reasonable profit under the existing duty? If you answer in the affirmative, then you must vote against this proposal. If you answer in the negative, then the question is open as to what would be a reasonable guaranty and insurance of profit.

The testimony adduced here demonstrates that this is a rather prosperous concern; that last year they paid 7 per cent on a preferred capital stock of $4,500,000 and 4 per cent on $5,500,000 of common stock—may I say watered stock? That expression has been challenged, and in answer to the challenge I merely say that the company was organized in the State of New Jersey. [Laughter.]

Mr. President, is 7 per cent on preferred and 4 per cent on common stock a reasonable profit or not? We are now approaching a test of the committee's conception of "a reasonable profit." The amount of the company's surplus, unfortunately, I am not able to state. They have, Mr. President, under the sheltering wall of the present tariff, been able to monopolize the electric-light carbon business of this country. According to their own admission they have been able to drive their competitors from the field, if they ever had any competitors; they have been able, notwithstanding the fraud and the low duty, to realize a high return of profit; they have been able to realize 7 per cent on the preferred and 4 per cent on the common stock; and all this notwithstanding the fraud perpetrated against them and the low rate of the existing duty!

No one has stated, and no one will state, that they have not enjoyed sufficient protection to insure the difference between the labor cost here and abroad and to vouchsafe a reasonable profit to this trust and this monopoly.

Mr. President, this amendment joins the issue squarely. It is in the direct interest of the National Carbon Company, an admitted trust. We are asked to increase its profits. We can by the vote on this amendment determine who are the friends and who are not the friends of this trust; and if the allegation that this concern is an adjunct to the Standard Oil Company goes unchallenged and undenied, then we have, sir, an additional issue presented to this Senate, and will now have an opportunity to vote to increase the enormous profits of the Standard Oil trust and its auxiliaries, or to vote against the enhancement of their enormous, outrageous, and unreasonable profits. That, sir, is the issue presented to the Senate.

Mr. BURTON. Mr. President, I do not desire that the Senate shall believe, because I fail to answer in extenso much that has been said this afternoon, that the statements made in opposition to this amendment are correct. I have never heard in the city of Cleveland the slightest intimation that the Standard Oil Company had anything to do with the National Carbon Company. Its list of stockholders is entirely distinct and is scattered over the country. If anyone made that statement in Cleveland, it would be supposed that it was the product of a diseased imagination or some muckraking attack upon those who are engaged in legitimate business. I have never heard it termed a "trust."

I am not here with any brief for the National Carbon Company; I am here, in the first instance, for a local industry, and for a fair and a judicious tariff. Is every organization which is prosperous to be placed in the pillory, as this has been today? Is it to be subjected to false accusations and to groundless suspicion? Certainly, if this had been done in the past, our country would be much nearer to the condition when the tomahawk was prevalent and the prairies were unsettled. Must you pounce on any corporation or any man simply because he is successful? I do not know whether there was any "water," as you call it, added to the stock of the National Carbon Company; but I do know that its success is due largely to twenty years of excellent business endeavor.

One man, who is now dead—a Mr. Lawrence—contributed more to bring about its success than anyone else. He devised improved processes. This was his favorite enterprise among other important business enterprises. He added to the economy with which the different articles could be made and placed upon the market, the assembling of the material, and so forth.

Taking up one statement that has been made here, I will state that it is not true that this company has been enjoying during these months of depression the same prosperity which it enjoyed before. Their trade has fallen off very largely—15 per cent in the case of this item of electric carbons.

There is one other point that I did not make before—and I will detain the Senate only a few minutes. I really do not think we will add to our knowledge of this subject or our ability to pass upon it dispassionately and properly by making accusations against these corporations, unless we know the grounds of those accusations. This is not an organization that has made great profits. It is not an organization that is a trust—certainly not in the ordinary sense of the word.

As I stated before, when the Dingley bill was passed, in 1897, 10 per cent of the carbons used in this country were made at home, and 90 per cent of them were imported. Under the first interpretation placed upon the law—which, I submit to the Senate, was the honest interpretation—interpreting it to mean a carbon stick a little less than a foot long, the domestic production grew to 70 per cent in the six years from 1897 to 1903. Then commenced this importation of double and triple lengths. Since that time the home production has gradually

gone down, until now, instead of being 70 per cent as in 1903, it is 50 per cent or less of the total consumption. In the year 1907 there were imported something like 8,000,000 of these carbon sticks, no doubt of an average length of more than 2 feet each, amounting to about 20,000,000 sticks of commercial length or something more than half of the domestic consumption. This gradual increase of importation and the gradual falling off of home production—and it was not so gradual, after all—show the danger to this as a domestic industry.

We who are protectionists in this Chamber must meet this question: Are you willing that there shall be a fair and rational interpretation of the law of 1897 as it was intended, or do you intend to allow this duty to be so decreased that the manufacture of this article will pass from this country to another country?

It does not answer that question to fill the air with denunciations of trusts and monopolies. There is not any monopoly there.

I have already read to the Senate a letter from a manufacturer in the State of Illinois, in which he says that in July or August his factory will be ready to put these carbons on the market. Any other carbon company that has the requisite skill and ability and the very small capital necessary can manufacture them as well.

We can not obscure this issue. The amount of importation in proportion to the total consumption is increasing year by year and month by month.

I am perfectly aware that there has been a campaign made in this case by the agents of the importers which has involved more publicity and more recklessness of accusation than perhaps in relation to any other item or paragraph in this bill. But I appeal to the Senate to stand by an American industry and give it fair play, and to rectify that which, to say the least, has been an error, if not a fraud, in the interpretation of the act of 1897.

Mr. President, I trust the committee amendment will prevail.

Mr. LA FOLLETTE obtained the floor.

Mr. HALE. Mr. President——

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

Mr. HALE. I do not ask the Senator to yield. I must insist, Mr. President, on the enforcement of the rule which was brought to the attention of the Senate last evening by the Senator from South Carolina [Mr. TILLMAN].

Mr. LA FOLLETTE. Mr. President, I believe I was recognized; and I rise to offer an amendment to the pending amendment.

The VICE-PRESIDENT. The Senator can be recognized for an amendment; but when the observance of the rule is insisted upon, the Senator can not be again recognized to speak on this amendment.

Mr. LA FOLLETTE. Mr. President, if I offer an amendment, can I not be recognized to speak on that amendment?

The VICE-PRESIDENT. The Senator may offer his amendment.

Mr. LA FOLLETTE. It would certainly be a strange rule that would prohibit it.

Mr. HALE. Mr. President——

Mr. LA FOLLETTE. I desire to state my amendment, if I may have the floor for that purpose.

I move to amend the pending amendment by substituting "36 per cent ad valorem" for the entire provision; and on that amendment I desire to be heard.

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

Mr. HALE. Let the amendment be read.

The VICE-PRESIDENT. Will the Senator from Wisconsin kindly send his amendment in writing to the desk? The Secretary has not it clearly in mind.

Mr. LA FOLLETTE. I will, if the Secretary will kindly furnish me with a copy of the pending amendment. I have not had that, and I could not frame my amendment in writing to cover it without having it before me.

I will say, Mr. President, that I could have finished what I intended to say in two minutes if the Senator from Maine [Mr. HALE] had not insisted upon my laying the foundation for being heard.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine rise to a point of order?

Mr. HALE. No. I have learned that I can depend on the Senator when he makes a statement. I will withhold my point for two minutes.

Mr. LA FOLLETTE. If I may be heard for a couple of minutes, it is all I desire. I have offered the amendment for the moment for the opportunity to be heard.

Mr. MONEY. Mr. President, I ask the Senator from Wisconsin to allow me one moment.

The VICE-PRESIDENT. Does the Senator yield?

Mr. LA FOLLETTE. Yes; if I may be permitted to yield.

Mr. MONEY. I simply desire to make a parliamentary inquiry. Has the Chair ruled that when any Senator has spoken twice on an amendment, and he then offers another amendment, he is not to be permitted to be heard on the latter amendment?

The VICE-PRESIDENT. The Chair has not ruled upon that question.

Mr. LA FOLLETTE. Mr. President, I simply wish to say, in conclusion, upon this subject, and in reply to what the Senator from Ohio [Mr. BURTON] has just stated, that I have heard no charges made in this debate with respect to this company being a monopoly that were not based upon the testimony of the secretary of that company, given before the Committee on Ways and Means of the House. I will take just one minute to refer to what he said.

Mr. BURTON. May I ask the Senator a question?

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

Mr. LA FOLLETTE. Yes.

Mr. BURTON. It depends somewhat on the Senator's definition of a monopoly. Suppose a company at one time is manufacturing all that is made of an article, and yet other companies are entering the business, or could enter it. Does the Senator call that a monopoly?

Mr. LA FOLLETTE. No; and I will say to the Senator from Ohio that that is not the testimony of the secretary of this company. If he will be patient for a moment, I will read it:

Mr. UNDERWOOD. Is there any other manufacturer in this country that manufactures these high-grade carbons except the company that you represent?

Mr. CRIDER. I do not know of any other manufacturer of the high-grade arc-lighting carbons in the United States.

Mr. UNDERWOOD. And you have a monopoly of the American market, therefore?

Mr. CRIDER. Practically that, because we are the only concern that has been able to make it.

That comes pretty near being a definition of the strictest sort of a monopoly.

Now, with reference to "water." The Senator from Ohio [Mr. BURTON] says he does not know anything about any water in this company. I know he states exactly the fact when he says that; but I desire to read just a question and answer from Mr. Crider on that subject:

Mr. UNDERWOOD. It was stated here to-night by one of the witnesses that in the organization of your company only a certain percentage of the capital was actual cash and the rest was water. How was your company organized?

Mr. CRIDER. The company was not organized until January 16, 1899, instead of 1897, as has been testified. I was not one of the incorporators of the new company, and I can not tell you just how much real value there was in it.

Mr. President, it seems to me that answer from the secretary of this company, who knows its records and who must have known every step of its progress from its inception to the hour that he was testifying, is a confession.

He says further:

Mr. CRIDER. We are paying 7 per cent on the preferred stock, and at the present time we are paying 4 per cent on the common stock. * * *

Mr. UNDERWOOD. Have you a surplus?

Mr. CRIDER. We have a surplus of, I think, about $400,000. I have forgotten the amount.

Mr. GORE. Mr. President, I wish to say, in response to the Senator from Ohio [Mr. BURTON] that, in the first instance, he disqualified himself as a witness in this case; at least, he stated in this presence that if this concern was a monopoly he did not know it. He has since screwed his courage and his conscience up to the point of saying there is no monopoly, and that this company is not a monopoly.

The Senator's denial would command my instant belief if it were weighed in the balances against the testimony of anyone other than the secretary of this concern. I felt justified in believing that the secretary of this monopoly knew more about it than the Senator from Ohio. But, sir, it seems we were mistaken. That, however, merely turns upon the difference in the definition of the word "monopoly."

Merely because this was the only company engaged in this industry in the United States, and merely because it entirely controlled this business, Secretary Crider drew the erroneous conclusion that it was a monopoly. But the Senator from Ohio has a different definition for the word "monopoly." His definition commands my credence; and I conclude that he is right in his assertion that this concern, which has exclusive control of the American market, is not a monopoly. I conclude that the secretary of this corporation misrepresented the facts. I conclude that he maligned his own company. I conclude that he slandered the National Carbon Company. And I yield my ready

belief to the very reasonable statement and conclusion of the junior Senator from Ohio.

But the Senator did not say whether this corporation is an adjunct of the Standard Oil trust or not. I listened attentively for a denial on that score. We know that the Standard Oil Company has had considerable business in the city of Cleveland. We know that it has considerable influence or connection with the raw material from which these carbons are made, and he has not yet denied that this concern was subsidiary to the Standard Oil trust.

Mr. President, I am not in the confidence of the Standard Oil Company; I neither enjoy nor covet such a relationship with that concern; but if any Senator will rise in his place and avow such a confidence, will admit such a relationship, if any Senator will say he has inside information coming from the Standard Oil trust which is authoritative, then, sir, I shall accept the statement from that higher authority than has yet been presented.

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

Mr. LA FOLLETTE. I should like to have a statement of the question.

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

The SECRETARY. On page 26, paragraph 94, lines 14 and 15, it is proposed to strike out "carbons for electric lighting, 35 per cent ad valorem," and to insert:

Carbons for electric lighting, made entirely from petroleum coke, 35 cents per hundred feet; if composed chiefly of lampblack or retort carbon, 65 cents per hundred feet.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has been stated.

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

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

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "yea."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I desire to state that my colleague is unavoidably absent from the city to-day. If present, he would vote "nay" on this amendment.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. In his absence, I withhold my vote.

Mr. JONES (when the name of Mr. PILES was called). My colleagne has been called from the Chamber by important business, and he asked me to announce that he is paired with the junior Senator from South Carolina [Mr. SMITH] to-day and to-morrow. If he were present, he would vote "yea."

Mr. TILLMAN (when the name of Mr. SMITH of South Carolina was called). My colleague is unavoidably absent from the city, and is paired with the Senator from Washington [Mr. PILES]. If my colleague were present, he would vote "nay."

The roll call was concluded.

Mr. FLINT. I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer the pair to the junior Senator from Idaho [Mr. BORAH], and will vote. I vote "yea."

The result was announced—yeas 43, nays 36, as follows:

YEAS—43.

Aldrich	Cullom	Guggenheim	Penrose
Bourne	Depew	Hale	Root
Brandegee	Dick	Heyburn	Scott
Briggs	Dillingham	Johnson, N. Dak.	Smith, Mich.
Bulkeley	Dixon	Jones	Smoot
Burnham	du Pont	Kean	Stephenson
Burrows	Elkins	Lodge	Sutherland
Burton	Flint	McCumber	Warner
Carter	Frye	Nixon	Warren
Clark, Wyo.	Gallinger	Oliver	Wetmore
Crane	Gamble	Page	

NAYS—36.

Bacon	Clay	Gore	Owen
Bailey	Crawford	Hughes	Paynter
Bankhead	Cummins	Johnston, Ala.	Rayner
Beveridge	Curtis	La Follette	Simmons
Bristow	Daniel	McLaurin	Smith, Md.
Brown	Dolliver	Martin	Stone
Burkett	Fletcher	Money	Taliaferro
Chamberlain	Foster	Nelson	Taylor
Clapp	Frazier	Newlands	Tillman

NOT VOTING—12.

Borah	Culberson	Overman	Richardson
Bradley	Davis	Perkins	Shively
Clarke, Ark.	McEnery	Piles	Smith, S. C.

So the committee amendment was agreed to.

The VICE-PRESIDENT. Without objection, the paragraph is agreed to. No objection is heard. The Secretary will report the next amendment passed over.

The SECRETARY. Paragraph 97, page 26, unpolished, cylinder, crown, and common window glass.

Mr. ALDRICH. I ask to go back to paragraph 87, and I ask that the paragraph, which was passed over for the time being, be agreed to.

The VICE-PRESIDENT. The Senator from Rhode Island asks to return to paragraph 87. Is there objection? The Chair hears none.

Mr. ALDRICH. I ask that the paragraph be agreed to.

The VICE-PRESIDENT. Is there objection to agreeing to paragraph 87?

Mr. BROWN. I have an amendment which I desire to propose to that paragraph.

The VICE-PRESIDENT. The Senator from Nebraska offers an amendment to paragraph 87, which will be stated.

The SECRETARY. In lines 13 and 14 strike out the words "$6 per ton" and insert "three-eighths of 1 cent per pound;" in lines 14 and 15 strike out the words "15 per cent ad valorem" and insert in lieu the words "one-fourth of 1 cent per pound."

Mr. ALDRICH. I suggest to the Senator from Nebraska that he allow the paragraph to be agreed to and let his amendment, which largely increases the duty above the House bill and above the present law, go to the committee for consideration. I think, perhaps, he will preserve his rights in that way, and the matter can be reported upon by the committee in the Senate or at a later day by unanimous consent while the bill is in Committee of the Whole.

Mr. BROWN. I suggest to the chairman of the Finance Committee that as long as he proposes to have the paragraph go over, with the understanding that we shall possibly go back to it, even though we adopt it now, the fair and reasonable way is to let the paragraph and the amendment both go over without action. There certainly can be no reasonable objection to that request. I have offered an amendment to the paragraph, which is pending. The Senator is willing to have the paragraph go over, to be brought back for amendment some time, if it is adopted now.

Mr. ALDRICH. That is, if the committee should so conclude.

Mr. BROWN. That is it exactly. If the committee makes up its mind to come back to it. I appeal to the Senator from Rhode Island whether I am asking anything that is unfair——

Mr. ALDRICH. No; I do not——

Mr. BROWN (continuing). When I ask that this paragraph, with the amendment, go over?

Mr. ALDRICH. We must dispose of this bill, and we must dispose of the paragraphs which have been passed over. I think my suggestion is entirely fair to the Senator from Nebraska, that the committee, which have not yet been able to consider the amendment he has proposed, will take it up and consider it at a future time and will, if their judgment agrees with that of the Senator from Nebraska, report an amendment to the paragraph. But I see nothing in my suggestion that we agree now to the House provision, subject later to revision, to which the Senator can object. That has been done in several cases. We are treating the Senator from Nebraska the same as we have treated every other Senator in this regard.

Mr. PENROSE. I was treated in that way in a great many cases.

Mr. BROWN. It never has been done except with perfect agreement and accord with the Senator who was trying to amend a paragraph amended.

Mr. ALDRICH. We have treated all the same in every case.

Mr. SCOTT. I know a paragraph was passed which the chairman of the committee promised me he would go back to. It is one of the most important paragraphs to my section of the country in the bill, and I allowed the paragraph to be adopted.

Mr. BROWN. That may be true; but this particular paragraph has a little history that perhaps did not apply to the other paragraphs that have been passed. The record of the Senate will show that on the first reading this paragraph was passed over at my request; on the second reading it was passed over at the request of the committee; and I state now the fact to be that I was led to believe, and did believe from the statement of the chairman and other members of the committee, that an amendment would be brought in by the committee. I have had an amendment pending to this paragraph for weeks.

Mr. GALLINGER. Let us vote on it.

Mr. BROWN. There has been no report of the committee upon it yet.

Mr. President, I do not want to delay this paragraph. I do not want to insist on a vote on the amendment now, if the committee is considering the possibility of offering an amendment along the same line. But it does seem to me that when the paragraph goes over it ought to go over with this amendment.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair will state to the Senator from Nebraska that his amendment was offered on the 15th of April and was ordered to lie on the table and be printed. It is not pending.

Mr. BROWN. It has been printed and is lying on the table.

Mr. CURTIS. I should like to suggest to the junior Senator from Nebraska that if he will permit paragraph 87 to go over, it will be in exactly the same position as paragraph 86, that went over this morning at the suggestion, I understand, that amendments to it will be considered.

Mr. ALDRICH. The Senator from Nebraska appeals to me to allow this paragraph to go over until to-morrow morning, and I can not very well decline to accede to his request.

Mr. GALLINGER. Each Senator has the same right in this matter that every other Senator has, and in giving my consent that it may go over I want to serve notice that when it is up again I shall insist upon its being considered and settled.

The PRESIDING OFFICER. Without objection, the paragraph will be passed over. The Secretary will state the next paragraph.

The SECRETARY. Paragraph 97. The pending question is on the amendment of the Senator from North Carolina to the amendment of the Senator from Iowa.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

Mr. ALDRICH. The committee have in preparation an amendment to that paragraph which we have not yet been able to complete. Several Senators are interested in the subject, including the Senator from Iowa, with whom I have not been able to confer as to the precise terms of the amendment. I therefore am not able at this moment to take up this paragraph for consideration.

The PRESIDING OFFICER. Without objection, the paragraph will be passed over. The next paragraph will be stated.

The SECRETARY. The next paragraph passed over is paragraph 100, on page 27.

Mr. ALDRICH. On page 23, line 7, in paragraph 93, I have a committee amendment to suggest. I ask that the paragraph be reconsidered for the purpose of submitting the committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered, and the paragraph is reconsidered.

Mr. ALDRICH. In line 7, I move to strike out the words "or carbon," and at the end of the paragraph to insert "carbon, 20 per cent ad valorem." It reduces the duty from 35 per cent to 20 per cent on carbon.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Rhode Island.

The amendment was agreed to.

Mr. McCUMBER. I wish to submit an amendment to paragraph 97, as a substitute. I ask that it may be printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered. The next paragraph passed over will be stated.

The SECRETARY. Paragraph 100. Cast polished plate glass.

Mr. ALDRICH. That is the paragraph in relation to plate glass, and the suggestion is that the House paragraph be agreed to. I believe there is no pending amendment to it.

The PRESIDING OFFICER. There is none. The question is on agreeing to the paragraph.

Mr. OLIVER. Mr. President, that paragraph and the other paragraphs relating to plate glass were passed over upon the assurance of the chairman of the Committee on Finance that that committee would consider an amendment and would report it. I seriously object to having the paragraph adopted as it stands. It would be a great injustice to the manufacturers of plate glass. I think that the promise made by the chairman of the Finance Committee for the consideration of the suggestions made by the manufacturers, and his promise to consider an amendment making some modification in these various paragraphs, ought to be carried out, and that the Senate ought to have the opportunity of voting upon them.

I believe the Senate would be prepared to vote and to adopt at least some of the amendments that have been suggested. I myself would have offered the amendments before if it had not been the understanding that some like modification of the paragraphs would be offered by the committee.

Mr. CUMMINS. Mr. President, I am not satisfied, either, with the House provision, but I assume it is for a different reason than the one which moves the Senator from Pennsylvania. In order that the matter may be brought before the Senate, I move to amend paragraph 100, in line 17, on page 27, by striking out the word "ten" and inserting the word "eight," and in line 19 by striking out the words "twelve and one-half" and inserting the word "ten."

I have no objection, if it is thought desirable by the committee, that the paragraph shall go over and be considered at the time the window-glass paragraph comes before the Senate; but, if it is to be adopted or rejected now, then I desire my amendment to be considered.

All I have to say with respect to my amendment is this: The House raised the duty upon these two kinds of glass, these two sizes known as "the smaller brackets," in the one case 2 cents a foot and in the other 2½ cents a foot. Under the Dingley law plate glass not exceeding 384 square inches bore a duty of 8 cents per square foot. Above that and not exceeding 720 square inches it carried a duty of 10 cents a square foot.

What I ask the Senate to do is to be content with the duties of the act of 1897 and not to raise those duties above the requirements of the law under which we have been operating for twelve years.

I do not intend this afternoon to enter upon a careful investigation of the testimony with regard to the cost of making plate glass. There is a very wide difference of opinion. I desire to say that the plate-glass manufacturers have presented to me, and I have no doubt to other Senators, a very complete showing with respect to the cost which attends this manufacture. While I have some reason to believe that they are mistaken in some respects, I do not intend to ask Senators to enter upon a close and critical examination of the evidence which has been submitted. It would be impossible in an argument that would fall within the lines permissible here to consider that testimony.

It is sufficient to say that the plate-glass manufacturers claim that it cost them substantially, in normal times, 32 or 33 cents per square foot to manufacture plate glass. They claim, also, that it does not cost abroad more than 14 cents per square foot. I asked one of the chief manufacturers of the United States this question: "Do you see any reasonable hope of being able to produce plate glass in this country for less than the amount you have given me?" He was not willing to aver that in the immediate future, at least, this commodity could be produced for less than it is now costing. That means that we are attempting to bridge the difference between 14 cents a foot and 32 cents a foot by our tariff duty. I have some doubt, if this disparity is to continue always, whether we ought to attempt to bridge it by tariff duties; but I do not put my argument at this time or my vote upon that proposition.

I have moved to reduce the duties as fixed by the House upon the smaller sizes for this reason: The plate-glass manufacturers during the year 1908 have been selling the smaller stock size which is described in the bill at 11, 12, 13, and 14 cents per square foot. They say that it costs them 32 cents per square foot to make that glass; and if their figures are correct, there is a sense in which that is true, because they cast this glass. It is all of the same size, and the smaller sizes result from breakage, from defects, and other incidents to the manufacture.

But for years, and now, in the market the smaller sizes take a lower price, and what we ought to do is to protect them against importation; that is all. We do not attempt to revolutionize that business; we are not here to classify their various kinds of glass and determine how they shall sell it. When you take a piece of glass of the smaller size, not exceeding 5 square feet or 3 square feet, the question is, What duty is necessary to protect our manufacturer against his foreign competitor? If that glass sells, as it does in our country, for 11 and 12 and 14 cents a square foot, it is the height of folly, it is the extreme of absurdity, to put a duty upon it such as is suggested in the provision made by the House. So it is, substantially, with the higher size.

I have a great deal of material here; and I want to say that these manufacturers have been entirely candid and fair. They have disclosed to me the process by which they have sold their glass during the last year and the year before, and their statements do not differ materially from the statements presented to me by the much despised class, whom we have been accustomed here to put out of consideration, by calling them "importers." There is no serious difference between them. I assert that the very sizes of glass which are sought here to be protected by duties, respectively, of 10 cents a square foot and 12½ cents a square foot are selling now to persons in the city of Washington or anywhere in the United States, by manufacturers, at not to exceed 16 cents a square foot, and there is much of it being sold at less than 12 cents a square foot.

Mr. OLIVER. Mr. President——

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

Mr. CUMMINS. I do.

Mr. OLIVER. I will ask the Senator from Iowa if he does not know—and if he does not know, I do know—that glass is

sold altogether upon averages? The man who wants to put up a building has all sizes of glass to deal with, and the manufacturer or the jobber who sells the glass sells it invariably upon averages. It is the same way with other articles. One article in particular which I know about is nails. The larger sizes of nails have from the very inception of the industry been sold below cost, but when you take the average of the large nails and the small nails the manufacturer can obtain a price that will net an average profit. The manufacturer to-day or any other day who sells a 10-penny or a 12-penny nail sells it at a loss and has to make up his profit upon the smaller sizes, upon which he makes more.

The plate-glass business is directly the reverse. From the money the manufacturers make upon the small sizes they net a loss invariably. The reason for that is that at the beginning of this industry plate glass was only used in very large sizes. As a consequence, when there was any breakage they would cut the pieces up into smaller sizes and sell them for what they could get. From this grew the custom of quoting small sizes at very low prices and getting a higher price for the larger ones. But in the development of the industry the demand for small panes of glass has grown to such an extent that they are now in regular demand. The manufacturer in order to fill his orders must take the large plates and cut them up so as to satisfy his customers in such sizes as they want. As a result, as the industry exists to-day, the small sizes are sold not only at a loss but at a very great loss. The manufacturers ask, and I think they are entitled, to have a higher rate of duty fixed upon these small sizes, and they are willing to concede a very large reduction in the rate of duty on the larger sizes.

I did not intend to trespass so far upon the time of the Senator from Iowa, but I felt that this explanation should be made just at this time.

Mr. CUMMINS. Mr. President, I am very grateful to the Senator from Pennsylvania for taking a part of my time, because he has made a better argument for the amendment I propose than I could possibly have made myself. He has stated the case with extraordinary clearness, and his statement comes from, I think, a profound knowledge of the business. I believe it to be true that the plate-glass manufacturer must make his profit upon the large sizes, provided he charges up against all his plate glass an equal cost of manufacture. That is to say, after having his metal ready for casting, it is rolled out upon a plate or die. There it is of the same size, and of course it costs just as much to manufacture, save the polishing, a piece that is not larger than your thumb nail, and that you can not use for any purpose whatsoever, as it does to manufacture a piece that goes into general use.

But I thank the Senator from Pennsylvania for making it clear that in the manufacture there must be these losses; there must be this waste; there must be this breakage. All these things are incident, and necessarily incident, to the manufacture of plate glass. But when these things do happen, then the human mind is so constituted, and the markets of the world are so organized, that the manufacturer can not sell these small pieces of glass for as high a price as he sells the larger pieces, even though they be just as good and even though they cost him just as much.

Mr. SUTHERLAND. Will the Senator yield to me for a question?

Mr. CUMMINS. Certainly.

Mr. SUTHERLAND. I understood the Senator to say that glass of this description, namely, containing 720 square inches, was sold in this market at from 10 cents to 13 cents per square foot. Do I quote the Senator correctly?

Mr. CUMMINS. Please repeat the size.

Mr. SUTHERLAND. Seven hundred and twenty square inches.

Mr. CUMMINS. No, sir; I did not so state, or I did not intend to so state. I said the smaller size, the "first bracket," as it is ordinarily known to the trade, has been sold, and is now being sold, at from 11, 12, 13, 14, and 15 cents a square foot. I can tell the Senator in a moment what the next bracket is being sold for. I did not suppose I could, but I must affirm the proposition suggested by the Senator from Utah. Here is an invoice of glass from the Pittsburg Glass Company. It is, I assume, much the largest manufacturer of this commodity in the United States. Here is the next size, 3 to 5 square feet, and the price is 14 cents a square foot.

Mr. SUTHERLAND. I am not questioning the Senator's figures at all.

Mr. CUMMINS. I am sure of that. I did not know that any part of that bracket was or had been sold for so low a price.

Mr. SUTHERLAND. I was not undertaking to challenge or contradict what the Senator says in reference to the selling price of the glass, but I wanted to direct the Senator's attention to the fact that we imported last year of that character of glass—the size stated in the paragraph, 720 inches and under—nearly a million dollars' worth.

Mr. CUMMINS. I think a little over a million.

Mr. SUTHERLAND. No; of that particular size.

Mr. CUMMINS. Of 720 square inches and under.

Mr. SUTHERLAND. Nine hundred and twenty-nine thousand two hundred and fifty-nine dollars is the amount as reported here.

Mr. CUMMINS. But if you include the smaller size, 16 by 24, you will find it amounted to more than a million.

Mr. SUTHERLAND. That is true. I am only including one size. The import price quoted here is 20 cents in round figures. I can not understand—and what I would be glad to have the Senator explain, if he has any information upon that subject, is—how glass could sell in this country from 12 to 14 cents a square foot, and yet be imported from foreign countries in that enormous quantity to be sold in competition with that price? In other words, I can not understand how any foreign producer could import glass to this country, pay a duty of 10 cents per square foot, and sell it in competition with glass in this country if sold at from 10 to 14 cents per square foot.

Mr. CUMMINS. The explanation of that is very easy.

Mr. NELSON. Will the Senator let me ask him a question?

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

Mr. CUMMINS. I do.

Mr. NELSON. It is shown here that the import price for the smallest size of glass is from eighteen and a half cents per square foot up to twenty-seven and a half cents.

Mr. CUMMINS. Mr. President, the explanation is exactly the same that I gave the other day with respect to common ground cylinder glass. There is no glass imported in these sizes of the ordinary glazing stock. The glass which is imported is used mainly for mirrors in furniture and for mirrors for general use, small in size, and for other purposes that require extraordinary or unusual finish and brilliancy, and our manufacturers do not attempt, so I have been informed, to compete seriously in that trade.

Mr. OLIVER. Mr. President——

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

Mr. CUMMINS. I do.

Mr. OLIVER. I wish to say that the Senator has not been correctly informed in that respect. Our manufacturers compete on everything, with the very best qualities of plate glass for mirrors and for all other purposes. I want to correct the statement he has just made.

Mr. CUMMINS. Mr. President, I understand that; but I understand further that there are no importations—no substantial importations—of plate glass of that size for glazing purposes. It then becomes simply a question of selecting glass with reference to its being used for mirrors in furniture and other things of that sort. You should not compare glass that is used for only one purpose, and that is fit for only one purpose, with that which is intended for another purpose and that is fit for another purpose. All our glass, or substantially all our glass, of these sizes is sold in the American market by American manufacturers for less than similar sizes, although intended for a different purpose, can be bought for abroad.

What is here proposed is to put such a duty on these smaller sizes as will enable our domestic manufacturers to so increase their price as to prevent the indirect competition, if you please, between the good and the poor; in other words, we will be paying, if this amendment is adopted, for common stock glazing plate glass, the price which we ought to pay for the finest selection of mirror glass. I feel sure that the committee does not intend to do any such injustice to our people. You know that to put a duty of 10 cents a square foot upon a piece of glass that sells for 11 or 12 cents in our own markets by our own manufacturers is absurd. It is not only absurd, but it is an injustice; it is not only an injustice, but it is an imposition upon those who are compelled to use or who do use this glass. It is not necessary for the protection of our manufacturers. I want them to make this glass at home, provided they can in the end reduce that vast difference between the cost abroad and the cost here.

There is not a man here who does not know that the company whose appeal I have just read was organized in order to consolidate and concentrate within itself all of the plate-glass manufacture of the United States, and that there was a time—

and in this respect I am sure the Senator from Pennsylvania [Mr. OLIVER] could come to my support again if he would—there was a time when it practically had embraced within its own limits the entire plate-glass manufacturing of this country; but its profits were so alluring and its prosperity was so amazing that other companies entered the business, just as I hope they always will when an attempt is made to monopolize any considerable industry in our country.

Now, however, it manufactures—I can not remember just the proportion, but it probably manufactures a little more than one-half, possibly less than one-half, of all of our plate glass. But there are something like 11 independent plate-glass manufacturers in the East, or in that part of the country lying east of Chicago. I am perfectly willing to give them a high duty upon their large sizes, a duty that bears some proportion and some relation to the selling price of their glass; but I am not willing to give them a duty that is practically 100 per cent of their own selling price in their own country. If we do that, and if we do not attempt to discriminate between these kinds of glass and put upon each a duty that will fairly protect it against the foreign manufacturer, then we will have failed to compose a tariff measure that will command the respect and the confidence of the people of the United States.

It can not be true that we are to add duties here without regard to their necessity. I am not, however, speaking now about duties necessary to protect these manufacturers in certain sizes of glass; I leave that for future consideration; but I do say that when you have the facts—and no one dare dispute them—that this very glass on which you are imposing a duty of 10 cents a square foot and 12½ cents a square foot is selling from 11 cents a square foot to 18 cents a square foot in our own country, you can not, if you have in view the principles of protection and the welfare of the people of the United States, insist upon increasing this duty.

I am willing, so far as I am concerned, to stand upon the law as it has been for now twelve years; but I am not willing to increase these duties and thereby give an opportunity to increase unduly the prices of this important commodity.

Mr. SMITH of Michigan. Mr. President, this is a very important item in the tariff bill—important to the glass manufacturer and important to the consumers, numbering many large and small furniture-manufacturing establishments in this country. I do not believe that the consumers of glass would make an unfair exaction. I think it is their disposition to pay a reasonably fair profit to the glass manufacturers of this country, and I feel very sure that the glass manufacturers are interested in seeing their principal customers get this product at a reasonable price.

The bill as we have it before us seems to be unamended as it came from the House of Representatives, and the disposition of the committee seems to be to have at least informal action upon this schedule to-day. I should like to suggest that the Committee on Finance extend to the Furniture Manufacturers' Association and to the glass people an opportunity to be heard upon this schedule, and that if we do pass it informally to-day, we shall be given a full opportunity, with the new light and the new information that would come to us, to have this matter taken up again in the Senate later. Now, if that would be at all agreeable to the Senator from Iowa, who has an amendment of considerable merit, and to the chairman of the Committee on Finance, I should like to make the suggestion.

Mr. ALDRICH. What is the suggestion?

Mr. SMITH of Michigan. That a conference between these people should be arranged while the bill is still pending in the Senate.

Mr. ALDRICH. Mr. President, what I desire in this case, as in the case of the paragraph just passed over, is that we shall agree to the House provision, and that the committee will then hear both the manufacturers of plate glass and the furniture people who are interested in having the rate lowered, with a view of seeing if any reasonable arrangement can be made for amendment. The House provision then would stand, in case there were no amendment. It seems to me that that is a very good way to dispose of the whole subject.

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

Mr. SMITH of Michigan. Would that be agreeable to the Senator from Iowa?

Mr. CUMMINS. I gathered, although I was interrupted just at that moment, that the suggestion was to agree to the paragraph now.

Mr. SMITH of Michigan. Informally to pass it.

Mr. CUMMINS. And then rest in the hope that the Finance Committee might make some change in it hereafter?

Mr. SMITH of Michigan. Mr. President, I would hardly be satisfied to leave it there. The chairman of the Finance Committee says that he will get these people together and see if some agreement can not be perfected between them which will be satisfactory.

Mr. ALDRICH. Mr. President, I did not say "get them together;" I said that we would confer with the different parties in interest and see whether any amendment could be made that was satisfactory to the committee. That is my notion about it.

Mr. SMITH of Michigan. If that is done, I can see a possible advantage to all concerned.

Mr. CUMMINS. I assume—at least it is probable—that when we take the vote that is what will be done; but the suggestion of the Senator from Rhode Island does not even offer any midway position. I have no doubt that with regard to this paragraph or any other, if he becomes convinced before the bill leaves the Senate that any particular paragraph is wrong, he will be the first to suggest that it be righted; but I do not see in his suggestion any change at all in the general situation.

Mr. ALDRICH. It is very easy for the Senator from Iowa to test the Senate upon this amendment. I am quite willing that it should be voted upon now.

Mr. SMITH of Michigan. I should much prefer, Mr. President, that if it is to be voted upon, it be voted upon in the light of information that may be gathered from a meeting of the consumers and the manufacturers of this product. There is a very important industry concerned in the consumption of this product; and I do not believe they have been before the Committee on Finance. They are fair, and would not make any exaction that was not creditable to them as prudent business men. If they do come together with the glass manufacturers and both can be made to see wherein our action could be helpful to each, then I think we ought to be permitted to have that solution.

Mr. ALDRICH. Mr. President, in justice to the members of the committee, I must say that the committee have heard a great many people on this subject upon both sides of the question, and I think that they have not neglected any phase of it. There is a very wide discrepancy of opinion in this matter. The manufacturers of plate glass are perfectly certain that if these rates are established the industry will stop in this country, or at least be seriously crippled; and the purchasers of plate glass, especially the furniture manufacturers, think the rates of the House bill are too high. I am not at all certain that we can ever arrive at any conclusion as between these two contending factions; but the committee will give their very best thought and consideration to this question, and be able, if they believe that any amendment ought to be adopted, to suggest some amendment before the bill leaves the Senate.

Mr. ROOT. Mr. President——

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

Mr. CUMMINS. I do.

Mr. ROOT. Mr. President, I contemplated at one time offering the same amendment which has been offered to-day by the Senator from Iowa [Mr. CUMMINS]. At that time evidence had been produced in behalf of the importers of plate glass and a certain number of furniture manufacturers in the State of New York to the effect that the foreign factory cost of the manufacture was but 14 cents per square foot and that the domestic factory cost of manufacture was but 18 cents per square foot. Since that time evidence has been brought to my attention apparently establishing the fact that the domestic cost is about 26 cents per square foot. If that be true—and it seems to be true so far as can be developed with my very insufficient means of testing the value of the evidence produced—if that be true, it presents an entirely different state of affairs to be dealt with.

While I was satisfied that the difference in the cost was only between 14 and 18 cents a square foot, it seemed to me that the increase of duty by the House was not justified. If the difference is between 14 and 26 cents a square foot, then it would seem to be justified. If that question of fact can be any further or more satisfactorily resolved, I should be very much gratified. I do not know whether it can be with the machinery at our command.

Mr. SMITH of Michigan. Mr. President——

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

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. I want it clearly understood that my purpose in making this suggestion is to facilitate a proper understanding between the consumers and the producers of glass, that neither one may be injured by this bill; and I have in mind the possibility that, upon a hearing between the parties interested, they may be able to come to some conclusion that will be mutually advantageous; such, for instance, as a flat rate on all sizes. It might be acceptable to the trade generally.

Mr. CUMMINS. That is precisely what the manufacturers of plate glass want.

Mr. SMITH of Michigan. What is that?

Mr. CUMMINS. That is what they want—a flat rate on all sizes.

Mr. SMITH of Michigan. It is possible that the furniture people will want it.

Mr. CUMMINS. It does not make any difference to me what the furniture people want. That would not suit me.

Mr. SMITH of Michigan. At any rate, suppose they would come together and thrash this matter out, and that when this bill comes up in the Senate we act in the light of the information that we then have. Does not the Senator from Iowa believe we can act more intelligently then, and does he not believe there will be better opportunity for effectuating our purpose than there would be to-day?

It is no satisfaction whatever to me to have an amendment offered to-day that will not be accepted by the Senate, because that is a blank cartridge; it goes nowhere and accomplishes nothing. If we can accomplish something by hearing these people, I shall be very glad. I should like to see something accomplished that would be helpful to both, if possible. I know that is a difficult task; but the Senator from Iowa is actuated by the same desire as myself to see this tariff bill framed equitably and fairly, in order that our industries may prosper and that we may make and use our own products.

Mr. CUMMINS. Mr. President——

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

Mr. CUMMINS. Yes.

Mr. NELSON. I desire for just a moment to call the attention of the Senator from New York [Mr. ROOT] to these facts:

I understood him to say that the manufacturers of this glass have made it clear to him that it costs 26 cents per square foot. I find that the import price on the lower grade is 18½ cents per square foot. Adding that to the import price, we have a total of 26½ cents, or half a cent more than the difference between the import price and the tariff rate.

In the case of the next bracket, under which there seems to have been the greatest importation, the import price is 20.3 cents. Adding to that the Dingley rate of 10 cents, we have a total of 30 cents and a fraction. So that, if it costs the manufacturers 26 cents a square foot to make this glass here, they still have under that bracket a margin of 4 cents a square foot, which seems to me to be ample protection.

Will the Senator from Iowa [Mr. CUMMINS] allow me to make a suggestion to him, with a view to expediting business? It is to let the amendment be disposed of now and trust to the committee. If it does not effect a reasonable reduction, the item can be excepted when the bill is reported to the Senate. Then the amendment can be offered there, and we can have a yea-and-nay vote.

Mr. BEVERIDGE. That is a wise solution.

Mr. NELSON. I am willing, for once, although I confess I have not much reason for it, to trust to the fairness and generosity of the committee. [Laughter.]

Mr. BEVERIDGE. Mr. President——

Mr. CUMMINS. It is somewhat embarrassing, when one's friends insist upon a course, to be compelled to doubt its wisdom. I yield to the Senator from Indiana.

Mr. BEVERIDGE. I was merely about to indorse what the Senator from Minnesota [Mr. NELSON] has said. It seems to me that what he has proposed is an unusually wise disposition to make of the matter at this time, and one that will not result in the loss of anyone's rights.

Mr. CUMMINS. I could not quite catch the remark of the Senator from Indiana.

Mr. BEVERIDGE. I said that I merely wanted to indorse, in a sentence, what the Senator from Minnesota has said. It seems to me to be a wise and practical solution of this matter at the present moment, and one that will not result in the loss of anyone's rights.

Mr. NELSON. Mr. President——

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

Mr. CUMMINS. I do.

Mr. NELSON. I want to remind the Senator that that is the style of the Senator from Indiana in pronouncing "Amen." [Laughter.]

Mr. CUMMINS. Mr. President, my position was embarrassing enough when approached only by my friend the Senator from Minnesota; but when to that is added the persuasiveness of my friend from Indiana, I assure you that my position is painful to the last degree.

I can not, however, see what this is all about. No matter what we do now, there will be an opportunity to offer an amendment to this paragraph in the Senate. I can not imagine that the chairman of the Finance Committee will become angry at me, or at anybody else, because I have offered this amendment, and therefore be less open-minded than he otherwise would be. That is not possible.

Mr. NELSON. Will the Senator from Iowa allow me to interrupt him a moment?

Mr. CUMMINS. I will.

Mr. NELSON. I should have been more candid with the Senator than I was a moment ago. I could see signs of "scrapping" between the furniture men and the glass men, and therefore I felt like acceding to the disposition requested by the Senator from Rhode Island.

Mr. CUMMINS. Mr. President, I want to suggest, in answer to the statement of the Senator from Michigan, that because a shot fired in this Chamber does not take effect here it does not necessarily follow that it is a blank cartridge. There is something else to be considered than merely securing votes. I offered this amendment because I believed it to be right. I believed this to be a sufficient duty upon this article. If I had not so believed I should not have offered it. I assume that when the bill comes into the Senate either the Senator from Michigan or the Finance Committee, if it is in the meanwhile so advised, will or can offer any amendment that may be necessary to meet new conditions.

Mr. SMITH of Michigan. Mr. President——

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

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. I have no doubt at all about the sincerity of the Senator from Iowa in offering this amendment; but I very much fear that the amendment, even with the merit it possesses, may not be able to get such a hearing to-day as it may be able to get later with further information. I should very much dislike to see Senators by a formal vote committed against the proposition of the Senator from Iowa, or committed against any similar proposition of my own, and then have to undo that action by testimony that may later be taken.

I think that if we informally pass this paragraph, with the understanding that the Committee on Finance will hear these people, who are greatly interested in this matter—the consumers whom I speak for now, representing an investment of over $40,000,000 of capital, and the cost of labor being the predominating charge in all that they do—we may, with that information, be able to reach a fair conclusion. That is my motive and my hope.

Mr. CUMMINS. I hope profoundly that we may have a better opportunity to consider this matter in the Senate, and that the Senator from Michigan will add his influence to my own to prevent an increase in the duties upon these sizes of glass. And while I can not recognize that there is any difference between a formal and an informal adoption of the paragraph——

Mr. ALDRICH. None whatever.

Mr. CUMMINS (continuing). Nevertheless, I shall yield to his suggestion, and shall not at the present time insist upon a vote on my amendment. But I give notice that if, when we reach the Senate with this paragraph, the Senator from Michigan [Mr. SMITH] does not move to reduce these duties, as I have moved now to reduce them, I shall then renew my amendment.

The PRESIDING OFFICER. The Senator from Iowa withdraws his amendment.

Mr. CUMMINS. And I hope the Senator will see his way clear to take this action then, because his people are as much interested in this particular matter as they can be in any subject in the bill.

Mr. SMITH of Michigan. The Senator from Iowa may rest assured that whatever may be the outcome of this hearing will be the basis of my action. I have no interest to subserve except a public interest, and hope that the producer of glass in this country and the consumer may be able to agree upon a fair and reasonable price.

Mr. CUMMINS. I am very sure of that; and being sure of it, I doubt not that the Senator will offer this amendment when the time comes.

Mr. ALDRICH. I understand that the Senator from Iowa withdraws his amendment. I therefore ask that the paragraph may be agreed to.

Mr. GORE. Mr. President, in view of the withdrawal by the Senator from Iowa of his amendment, I have only this to say: It is not my intention, now or at any other time, to discuss the glass schedule; but it is my intention at all times to join one issue whenever that issue can be joined.

The people of this country believe in a tariff revision. In my judgment, the majority of them believe in a revision downward. The Republican party promised to revise the tariff. I

will not say what they meant, but I believe I know what the people understood. Yet I can not speak advisedly even upon that point. But there is a political party that believes in placing trust-made articles, in great measure, on the free list. It seems to be the policy of the dominant party to increase in the pending bill the tariff on trust-made articles. I wish, as often as possible, to join this issue between the protected manufacturers upon the one hand and the unprotected people on the other—between the protected combinations that enjoy excessive profits as a result of the tariff and the unprotected consumers that pay those excessive profits.

I do not charge that there is a plate-glass trust in this country; but I believe that a few years ago there was one in this country. I think I have evidence upon the point that is conclusive. And while the energies of that trust were devoted to a material so brittle that often its trip to the consumer broke it, it may be the object, and if not the object it may possibly be the effect, of the proposed increase to resuscitate that deceased trust, to resurrect that dead monopoly, and to reincarnate the ghost of the glass trust.

I send to the desk two letters written by the Pittsburg Glass Company itself. Of course there are grave Senators who will assert that this company did not know what it was writing about, and who will cast their own guess into the balance against the deliberate declaration of the company. As the Finance Committee is to reconsider this schedule, I desire to have these letters read. They shed a white light upon the methods of the glass trust when it was alive. They shed a white light upon the business methods prevalent in this country among the trusts. I commend them to the consideration of those Senators who innocently believe in the mild methods of the protected manufacturers toward those who retail the finished articles in this country.

Mr. ALDRICH. I ask the Senator to allow the letters to be printed in the RECORD without being read. They have undoubtedly been printed once at the expense of the Government.

Mr. GORE. They are very brief.

Mr. ALDRICH. I ask the Senator to allow them to be printed in the RECORD. It certainly can serve no useful purpose to have them read here.

Mr. GORE. I should rather have them read.

Mr. ALDRICH. The Senator must realize that he is taking up the time of the Senate in having read something that has already been printed by the Government. He certainly can not expect to change any votes upon this subject. The letters to which he refers have been in print for six months, and I assume that every Senator interested in the subject has read them.

Mr. GORE. I do not expect to change any man's vote on this bill. I know that there are men on the other side, including the chairman of the Finance Committee, who, like Ephraim of old, are joined to their idols, and who will vote in their interest no matter what the truth discloses here. I do not expect to influence their decision; but I intend to shed this light upon the bill for the benefit of the Senate and for the benefit of the people of the United States, and no effort on the part of the Senator to suppress light here or elsewhere will have any influence with me.

The PRESIDING OFFICER. Without objection, the letters will be printed in the RECORD without being read. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALDRICH. Mr. President——

Mr. GORE. I want the letters read, unless objection is made.

The PRESIDING OFFICER. The Chair made the announcement that they would be printed in the RECORD.

Mr. ALDRICH. I shall not insist upon my objection, of course, but I reiterate it is a useless waste of the time of the Senate.

Mr. RAYNER. Mr. President, has not the Senator a right to have them read?

Mr. ALDRICH. I think not, but I will not raise that question.

Mr. RAYNER. Has he not a right to have them read as a part of his speech? I have never known such an objection to be made.

Mr. ALDRICH. I think not, but I will not make any objection. I will not raise the question.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[Page 208, Industrial Commission, Trusts and Combinations.]

PHILADELPHIA, PA., *October 27, 1900.*

GENTLEMEN: We have just been advised by our general office that any permission that has been given to the jobbers whereby they were allowed to import plate glass must be at once withdrawn, and we hereby beg to notify you to this effect.

We will ask you to send to this office at once a memorandum of any foreign glass that you may have ordered which you have not received. Please include in this memorandum that which may already be on the water, as well as the portion that has not yet been shipped from abroad. Kindly give this matter your prompt attention, and oblige

Yours, truly,

PITTSBURG PLATE GLASS CO.

The other letter, which is also signed "Pittsburg Glass Company," reads:

PHILADELPHIA, PA., *November 30, 1900.*

GENTLEMEN: At a meeting of the manufacturers and "A" jobbers of plate glass in Pittsburg, on the 14th instant, it was resolved that no "A" or "B" buyers would be permitted to import plate glass or to purchase plate glass that had been imported into this country. The manufacturers will expect all the "A" and "B" buyers to conform strictly to this resolution.

The PRESIDING OFFICER. The question is on agreeing to the paragraph as amended.

The paragraph, as amended, was agreed to.

The SECRETARY. The next paragraph passed over is 107, on page 29.

Mr. ALDRICH. Before we take up that paragraph, I desire to offer an amendment on page 28, line 23, after the word "glass." I send it to the desk.

The SECRETARY. On page 28, paragraph 104, line 23, after the word "glass," strike out the comma and insert the word "or;" and after the word "pebble" strike out the words "or paste."

The amendment was agreed to.

The paragraph as amended was agreed to.

Mr. ALDRICH. On page 29, line 7, I offer the amendment I send to the desk.

The SECRETARY. On page 29, line 7, paragraph 105, after the word "form," insert:

Including those used in the construction of gauges.

The amendment was agreed to.

The paragraph as amended was agreed to.

Mr. ALDRICH. I think the next is paragraph 107.

The PRESIDING OFFICER. It is.

Mr. ALDRICH. There was an amendment offered by the Senator from Missouri [Mr. STONE], which the committee can not accept and which could not be accepted. I will ask that the paragraph go over, reserving to the Senator from Missouri any rights which he would have if present.

The PRESIDING OFFICER. It will go over.

The SECRETARY. The next paragraph passed over is 116, on page 32.

Mr. ALDRICH. It will have to go over again.

The PRESIDING OFFICER. Without objection, it will be passed over.

Mr. GUGGENHEIM. It is in order to offer an amendment to paragraph 115½.

Mr. ALDRICH. We have not yet reached that.

Mr. GUGGENHEIM. We are at 116 now, I believe.

Mr. ALDRICH. One hundred and fifteen and a half has been passed over. I suggest to the Senator that he reserve his amendment until it is again reached.

To paragraph 123 the senior Senator from Texas [Mr. CULBERSON] has an amendment. I have promised that the paragraph should not be taken up in his absence.

Mr. STONE entered the Chamber.

Mr. ALDRICH. I suggest to the Senator from Missouri, who was absent when this matter came up, that I examined the amendment which he has suggested, and it would not be possible for the committee to accept it. It is altogether too wide.

Mr. STONE. The amendment as to glass?

Mr. ALDRICH. Yes; on glass.

Mr. NELSON. What has been done with paragraph 116?

Mr. PENROSE. It went over.

The PRESIDING OFFICER. It has gone over.

Mr. NELSON. The other day?

Mr. STONE. What is the number of that paragraph?

Mr. ALDRICH. One hundred and seven. The Senator can offer the amendment in the Senate, if he desires.

Mr. STONE. The Senator stated that he was in sympathy with the general idea.

Mr. ALDRICH. I was, but when I came to examine the amendment I found it altogether too comprehensive in its character.

Mr. STONE. The Senator suggested at that time that he thought it was too comprehensive, but——

Mr. ALDRICH. I will confer with the Senator some time in regard to it, and we can offer an amendment in the Senate, if we can agree upon the terms.

Mr. STONE. I have no objection to that. Only I am afraid the Senator will not agree.

Mr. ALDRICH. Paragraph 140, I think, is the next one. Paragraph 123 has gone over at the request of the Senator from Texas [Mr. CULBERSON], who desires to have it stricken out and the article put on the free list.

The SECRETARY. Paragraph 140, page 45——

Mr. CUMMINS. What was done with paragraph 116?

The PRESIDING OFFICER. It was passed over.

Mr. ALDRICH. It was passed over again.

The SECRETARY. The committee propose to strike out paragraph 140, as printed in the bill, and to insert a new paragraph, with the same number:

140. Automobiles, bicycles, and motor cycles, and parts of any of the foregoing, including tires, axles, and ball bearings, 45 per cent ad valorem.

Mr. ALDRICH. The committee modifies the amendment by striking out the word "tires," in the thirteenth line, and inserting the word "finished," after the word "and," in the twelfth line.

The PRESIDING OFFICER. Which "and?"

Mr. ALDRICH. The second "and."

The PRESIDING OFFICER. So as to read "finished parts?"

Mr. ALDRICH. Yes.

The SECRETARY. In line 13 of the committee amendment, it is proposed to strike out the word "tires," and in line 12, after the word "and" and before the word "parts," to insert "finished."

Mr. DOLLIVER. I should like to ask the chairman of the committee what effect the last amendment will have?

Mr. ALDRICH. It will make the castings, the various crude parts which might be used for automobiles, dutiable at the rate they would bear if they were not enumerated.

Mr. DOLLIVER. Does it restore tires as a part of the paragraph?

Mr. ALDRICH. Certainly not.

Mr. DOLLIVER. If they are finished?

Mr. ALDRICH. I should say absolutely not.

Mr. DOLLIVER. My idea was—I do not want to insist upon it—that parts of the machines manufactured of rubber ought to be disposed of in the paragraph concerning manufactured rubber.

Mr. ALDRICH. That is the intention of the committee, and I have no doubt it is carried out by the language used, "if not finished."

Mr. DOLLIVER. But the tires are finished, as a rule. They are a part of the machines. I got the notion they might be included in the term "finished parts."

Mr. LODGE. They could not be held to be a part of the machine.

Mr. ALDRICH. I do not think so.

Mr. LODGE. That certainly is not intended.

Mr. BRANDEGEE. I should like to ask the chairman of the committee what the object of the committee is in changing the House provision in that paragraph? In other words, the House provision applies to automobiles, bicycles, and motor cycles, and parts thereof. The Senate provision practically repeats that same language and then proceeds to mention certain articles which are parts thereof. Unless it mentions all articles that are parts thereof, it would seem to me to exclude them.

Mr. LODGE. Axles were put in, for example, because the very next paragraph refers to axles, and it was thought necessary to include them specifically here. Otherwise they might be thrown under the other paragraph.

Mr. BRANDEGEE. If that is the object of the committee, I will suggest that there are other parts that should be enumerated. My colleague has an amendment to cover that point.

Mr. BULKELEY. I had in mind the same question which my colleague asked the chairman. While the provision as contained originally in the bill as sent here by the House would be preferable, I think, to mentioning the various parts of automobiles, bicycles, and motor cycles, instead of the substitute for the provision sent in by the committee I move to amend by inserting on line 13, page 45, after the word "axles," the following——

Mr. ALDRICH. I think there is no substantial difference between the Senate committee amendment and the House provision; and if it is to lead to any discussion or controversy, I will withdraw the committee amendment and allow the House provision to stand. There is no substantial difference.

Mr. BRANDEGEE. Unless the Senator does object to it, I think the language of the House is much simpler and can not possibly lead to any confusion.

Mr. ALDRICH. Then I withdraw the amendment of the committee.

Mr. BULKELEY. I withdraw the amendment I was going to propose.

The PRESIDING OFFICER. The amendment of the committee is disagreed to, without objection; and the question is on agreeing to the paragraph.

Mr. LODGE. That leaves out the word "finished."

Mr. ALDRICH. Perhaps we had better put in the word "finished."

Mr. BRANDEGEE. Allow me to call the attention of the Senator from Massachusetts to the word "axles." I do not think that that word needs to be in the paragraph.

Mr. LODGE. I was not speaking about the word "axles," but the word "finished," which is not in the House provision and is in ours, and it is important.

Mr. BRANDEGEE. I do not object to having the word "finished" inserted.

Mr. LODGE. I move the word "finished" be inserted in the House provision before the word "parts" in each case.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 9, before the word "parts," insert the word "finished."

Mr. LODGE. It will have to appear in three places. I think the Senate committee amendment is much better.

Mr. BULKELEY. I understand that if the word "finished" is inserted in this paragraph, when the articles that are enumerated there as connected with these various machines come in in an unfinished condition, they come in under the basket clause providing the same rate, 45 per cent, on unfinished parts.

Mr. ALDRICH. If they are metal, unquestionably.

Mr. BAILEY. What will be the purpose of inserting the word "finished," and thus taking them out of the basket clause and putting them in this paragraph? No good purpose could be served by it.

Mr. ALDRICH. I think there might be some cases where castings might be made dutiable at 45 per cent by this paragraph, when otherwise they would come in at a lower rate of duty, as all castings of steel or iron whatever.

Mr. LODGE. Castings come in under a special paragraph. There are a number of such things. I do not know why they should go into the basket clause necessarily.

Mr. BAILEY. Castings coming in in that way differ from the parts of an automobile?

Mr. ALDRICH. Unquestionably.

Mr. BAILEY. That being true, it being expressly provided for, it would pay this duty instead of any other duty. In other words, there would be a general enumeration including them.

Mr. ALDRICH. My impression is that the Senator from Texas will conclude, upon consideration, that the construction of tariff acts of this nature has been that where an article is mentioned specifically it bore the rate mentioned in that paragraph and not otherwise enumerated.

Mr. BAILEY. That would be the rule of construction in law.

Mr. ALDRICH. If axles were mentioned in the paragraph by themselves, even if they were parts of an automobile, they would be dutiable as axles and not as parts of an automobile.

Mr. BAILEY. I think the rule would be different. If they were a part of an automobile and imported as a part of an automobile, then they would fall under the provision relating to automobiles and parts thereof, and the axles coming in under the general provision would be axles not falling under the special provision. That is undoubtedly the rule.

Mr. ALDRICH. But if the rate upon axles is lower than the rate upon parts of an automobile, they never would be imported as parts of an automobile, but always as axles.

Mr. BAILEY. That is undoubtedly true, because everybody will bring it in in the best way possible.

Mr. BULKELEY. I should like to ask the chairman of the committee, if there is no objection, to insert the word "unfinished," so as to read "and parts thereof, whether finished or unfinished."

Mr. ALDRICH. I think that would not be necessary. I think we had better leave the language as it is, "automobiles and parts thereof."

Mr. BULKELEY. All right; I do not press it.

Mr. BAILEY. I can probably learn a little about an automobile right here. I want to know if the automobile axle is susceptible of use for purposes other than that of automobiles.

Mr. ALDRICH. The rear axle certainly would not be. I should think very likely the front axle might be used for other purposes.

Mr. BAILEY. If from their nature and character they are only fit for use on automobiles, they could not be brought in under the pretense that they were for some other purpose.

Mr. ALDRICH. No; but they would import them as axles, without any reference to their use, and they are dutiable at a specific rate as axles. There is a provision in the next paragraph for axles.

Mr. BAILEY. Probably the appraiser or officer, possessing some technical knowledge of the automobile, would be able to say that it is an automobile axle. I wonder if the chairman of the committee is prepared to say whether this duty of 45 per cent is the maximum revenue-producing duty or whether he thinks a higher duty would fetch more revenue.

Mr. HALE. Mr. President——

Mr. BAILEY. I have asked that question of the chairman of the committee. I regard this as essentially a luxury.

Mr. HALE. I will yield for the present.

Mr. BAILEY. Of course, if the Senator from Maine would answer it, the answer would be accepted from either Senator.

Mr. HALE. I had another thought in my mind which I think will appeal to the Senator. I think the House provision probably covers the subject, but if the provision of the House is agreed to without amendment it passes from all further consideration, and the suggestions made by the Senator from Texas and other Senators would be unavailing, because they could not be considered in conference. It takes very little in the way of a change to leave a matter open. I should say if the word "finished" is inserted, or any word, it leaves the subject to the consideration of the two Houses when they meet in conference. It would be safer and better to do that than to foreclose it now by accepting the House language with no amendment.

I think I should agree with the Senator from Texas that any increase of the duty that could be afforded and could be paid by the owners of automobiles, which are not only a luxury but a nuisance, would be extremely proper for the Senate to consider, but all of that will be left to the wisdom of the conference between the two Houses if any amendment is made. The word "finished" leaves the whole subject open, which I think is better, though I would be willing to agree to the House proposition unless we should raise the duty and do something to limit, to control, and regulate, if possible, this new introduction.

Mr. BAILEY. I wonder if a mere amendment inserting the word "finished," where both provisions fix the same rate, would leave the rate open. My understanding is that we collected something more than $1,700,000 the last fiscal year from the importation of automobiles.

Mr. HALE. Which is in itself a small mitigation for their presence.

Mr. BAILEY. I thoroughly agree with the Senator, although he and I are probably the only ones not reconciled to these "red devils." Probably we may hereafter become reconciled ourselves.

Mr. HALE. I think the Senator and I are behind the times, but I am very glad to have his company.

Mr. BAILEY. Mr. President, I never can be very far out of place while I am in hailing distance of the Senator from Maine. [Laughter.] But if we can raise more money by reason of this duty I would not hesitate to raise it, because the article is at best a luxury, and at worst, as the Senator from Maine very properly says, a nuisance. I would make people who import luxuries which are also nuisances pay for the privilege, and I would only be deterred by the fear that an increase in the duty might decrease the importations. In this, like in all other duties levied upon luxuries, I would stop only at the maximum revenue-producing point.

Mr. LODGE. I suggest that the House form has two needless repetitions. The form of the Senate paragraph is much better, and I suggest that we substitute for the House provision the words of the Senate committee:

> Automobiles, bicycles, motor cycles, and finished parts of any of the foregoing, 45 per cent ad valorem.

That is precisely the same in effect as the House provision, which involves unnecessary words.

Mr. HALE. Will the Senator leave out the including words?

Mr. LODGE. Yes; leave out those words.

Mr. DOLLIVER. Mr. President, I do not pretend to know whether 45 per cent is an excessive duty upon the tires of automobiles, but I would not like the RECORD to leave me under the suspicion of not knowing that if we put these finished parts in the paragraph the word "tire" is ineffective, because it looks to me as if the tire is a finished part of an automobile.

Mr. ALDRICH. It is easy enough to take care of that by suggesting "not including tires."

Mr. DOLLIVER. Or by correcting the phraseology of the rubber paragraph.

Mr. ALDRICH. No; I think it would be better to say here "not including tires."

Mr. President, in answer to the question of the Senator from Texas—which, of course, is a serious question—as to what rate would bring the most revenue, I have no question whatever that within a very few years the great mass of the automobiles that are used in this country will be made here. There can be no question about that. I think the American automobiles today are the best in the world; but there are now, and will be for some time to come, a great many people, undoubtedly, who will buy some fancy makes of French or German automobiles. I am inclined to think that if we make the rate any higher we would in the end get less revenue.

Mr. TILLMAN. And we would not get rid of automobiles.

Mr. ALDRICH. And we would not get rid of automobiles, because they are here to stay.

Mr. TILLMAN. They are bound to stay.

Mr. ALDRICH. No duty that we can impose upon them would exclude them from use. So the committee thought probably 45 per cent would be the best rate we could use for revenue.

Mr. BAILEY. If that is the judgment of the committee, and my own judgment is not clearly contrary to it, I shall not insist, because I would regret very much to vote for an increased duty even on a luxury and have it result in a decreased revenue.

Mr. BACON. I was not in while the debate was going on, but I want to say that in a conversation the other day with a gentleman very much more conversant with automobiles than I am, he stated the fact that practically under the present duty but one class of automobiles are imported at the present time. He gave me the name. It is a French machine. I do not remember it.

I do not propose to take any issue with the committee on the subject because I quite agree with the closing words which I heard from the chairman and also from the Senator from Texas, that the end to be accomplished is to get the best revenue we can from this importation. I only stated that fact in order to know whether it accords with the information which the committee has as to practically but one machine being imported.

Mr. ALDRICH. That is not correct.

Mr. BACON. I do not state it as being exclusively so, but speaking generally.

Mr. ALDRICH. It is not correct. There are at least half a dozen leading makes of automobiles that are imported largely.

Mr. BACON. I have no information on the subject myself.

Mr. ALDRICH. Eight or ten makes would include certainly most of the importations.

Mr. BAILEY. If we could have the name of the maker and the country from which they come engraved on them, we could tell which Senators are riding in imported automobiles.

Mr. ALDRICH. The foreign makers look out for that.

Mr. HALE. The Senator need not be alarmed about that. The marks will be on the machine.

Mr. BAILEY. According to my belief, the marks of the people ought to be on some of the Senators who ride in imported automobiles.

Mr. ALDRICH. I hope no Senator would ride in an imported automobile.

Mr. BAILEY. I saw the Senator from Rhode Island riding in a very finely finished one, and I wondered if it was made in this country.

Mr. ALDRICH. It was made in this country. It was made in Detroit, Mich.

Mr. SMITH of Michigan. We are very proud of it.

Mr. BULKELEY. We are not accustomed in this body to give the information from parties interested in these matters of tariff a great deal of weight, but I should like to read a few words from a letter from a gentleman representing the manufacturers of bicycles, automobiles, and motor cycles, in which he says:

> The changes and insertion asked for are not important enough—

Neither the provision as presented by the House nor by the Senate—

> in the opinion of our automobile and bicycle manufacturers, to delay the harmonious passage of the paragraph; and I have the authority from H. B. Joy (Packard Motor Car Company), chairman of the automobile manufacturers' tariff committee, and Col. George Pope (Pope Manufacturing Company), chairman of the bicycle manufacturers' tariff committee, to state that paragraph 140, either as it appears in the House or Senate bill, is acceptable to our manufacturers, and that we do not object to the omission of the word "finished"—

Or its insertion; but, like all our other people in Connecticut who are interested in this as they are in other industries of the country, they ask for a speedy passage of this whole measure.

Mr. ALDRICH. I ask that the paragraph as we now have it be read.

The PRESIDING OFFICER. The Secretary will read the paragraph as modified.

The SECRETARY. Strike out the House provision and insert:

> 140. Automobiles, bicycles, and motor cycles, and finished parts of any of the foregoing, not including tires, 45 per cent ad valorem.

Mr. ALDRICH. That is right.

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

Mr. HEYBURN. Mr. President, I had hoped the committee would find that this particular importation would stand a very much higher duty. I am in entire sympathy with the expressions of the Senator from Maine and the Senator from Texas. I believe no greater imposition has entered this country at any time than these great snorting steam machines that occupy that which belongs to the people, who can scarcely support a handcart, and drive the people out from that which is their own.

Mr. SMITH of Michigan. No only occupying, but destroying, the roads.

Mr. HEYBURN. Yes; destroying the roads. I have never had any sympathy with them. I have always felt perfectly satisfied to have those who desire to own and keep them have roads of their own upon which to run them, but I never dreamed that any court in the United States would hold, as it has been held, that they have an equal right upon the public highways with other vehicles and with the people who have a right to walk upon them.

The roads were never made nor were the road laws of the country ever passed in contemplation of such a use. They are made throughout the country by the taxes and the labor of people who never can afford to own these machines, and they must stand off or flee to some place of safety as this great engine of destruction goes over the roads.

I think I am not narrow in mind in regard to these things. I look at it from a practical standpoint. I have known, and every man in this room has known, of carriages driven by women being tossed aside and people injured or killed by these machines. I have in my mind more than one instance of the kind. They shout with glee as they see the farmer flying through the air, his horses in one direction and the farmer in another. Why, it is a subject of jest in the papers. The automobile goes along, and the farmer is distributed over the fence, perhaps into his own field.

I had hoped that the committee would find that this tax upon pride might pay at least 100 per cent, because that is all it is. No one ever bought a foreign automobile, except as instigated by the pride of ownership of something of superior name, if not of quality. I hope that the committee may find, before the question is finally disposed of, that imported automobiles will bear a duty of 100 per cent.

Mr. BEVERIDGE. Mr. President, I rise merely to congratulate the committee, and especially the Senator from Maine [Mr. HALE], upon his resourcefulness in forwarding this bill and saving time by the introduction into this discussion of the advisability of having automobiles in this country, and as to whether they are nuisances, which has now consumed about half an hour, with no reference to the tariff.

Mr. HALE. Mr. President, I do not suppose that I have intruded in this discussion in the four weeks in which the bill has been before the Senate one minute where the Senator from Indiana has intruded twenty minutes. I have been very careful not to consume time and not to make suggestions that consume time. I am not eager to appear in the public prints. I do not wait until the discussion of the day is nearly terminated, and then intrude myself into the discussion, in order that I may appear in the newspapers.

I bide my time. I keep no account with the Committee on Finance, debit and credit, voting with them half the time and voting against them half the time. I will not submit to the implied censure of my young friend from Indiana, and it would be well for him to curb his impatience in criticising older Senators—not better Senators. I say to him that I shall not appear here in disturbing the progress of this bill, as he appears constantly to do; but when the time comes that I see fit to make a suggestion, I shall make it without any hesitation, and the Senate will notice the difference between him and me in this regard.

Mr. BEVERIDGE. Mr. President, I am surprised that the Senator from Maine, who had been indulging in pleasantries upon this subject, which were enjoyed by us all, could not have also taken in the spirit in which it was given the pleasantry indulged in by me to the extent of just one sentence—for that was what it was, of course. The suggestion was a mere pleasantry, following the spirit of levity in which the Senator from Maine and other Senators had indulged, and properly indulged. It involved no criticism whatever, but came of the fact that this humorous discussion, which was not at all as to what should be the rate of duty on automobiles, but whether they were a nuisance or not, had, as a matter of fact, consumed considerable time. There was no criticism in that; not at all. Nevertheless, since the subject has been raised I am forced to say this: I have heard a good deal in the last two or three days about delaying the bill. This is not the first time.

As to the personal suggestions of the Senator from Maine concerning myself, they call for no reply or even notice. I have had the RECORD searched, and it will show that I have not occupied as much time, nor a small fraction as much time, as any Senator here who has actively supported the committee or any Senator here who has actively opposed it. Yesterday evening, however, I will say, now that this subject is up, there was a good deal of comment upon this matter; and the RECORD will disclose that more than half of the time taken yesterday, after the discussion was practically closed, on the paragraph we were considering—I say more than half the time which was taken yesterday, after we thought we were ready to vote, was taken by Senators supporting the committee.

I had no idea that this mere pleasantry would raise this question; but since it is raised, those facts ought to be noted. I am one of those who believe that we should confine ourselves in the haste—considerate haste, not inconsiderate haste—that now ought to govern us to the concrete discussion of the schedules.

Rebukes have been uttered here—yes, showered upon Senators—because they saw fit to discuss the bill at greater length than others thought they should. They were performing what they thought was their conscientious duty; but that did not save them from criticism. I have not been so criticised, because I have not occupied the floor very much. I have been upon the floor a good many times, but not at any length, so that the criticism is not directed at me. That is the reason that I can speak freely now about delaying the bill. I say now that the RECORD shows that what I have said is true, and yesterday was a good illustration of that.

I do not think the Senators supporting the committee who took that time yesterday are to be criticised for that at all, and they are not being criticised; but neither should those who have been in the discharge of what they thought was their conscientious duty and their obligation to their constituents be criticised for opposing the committee if they thought that was carrying out the duty imposed upon them by their oath of office.

Now, Mr. President, I only interjected a single sentence, which was brought out by the engaging jollity of the Senator from Maine; but it does not seem that the constant talk about delaying the bill should perhaps be emphasized so much hereafter, in view of the fact that we have had at least half an hour taken in entertaining and nerve-relieving pleasantries, for which no person who has been against the committee amendments at times is responsible.

I did not mean to criticise anybody for this waste of time; but this sensitiveness compels me to again remark that it has been wasted, and uselessly wasted, and not by those who have opposed the committee, either.

Mr. HALE. Mr. President, I hope the Senator from Indiana hereafter, when he is indulging in pleasantries, will label his article.

Mr. BEVERIDGE. I think my pleasantry was quite apparent to everybody except, I am surprised to say, the Senator from Maine, who usually has a keen eye for those things; but I think that he was unusually sensitive, because he recognizes that he has been responsible for this half-hour delay which, of course, he was very anxious to avoid.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. STONE. Mr. President, I rise simply to call attention to the fact that we are making progress. [Laughter.]

Mr. ALDRICH. Mr. President, in that connection, as there seems to be an era of good feeling, I desire to say that, while I shall not ask for a time to be fixed to-night for taking a vote upon this measure, I shall ask to-morrow that a time be fixed at as early a day as possible for taking the final vote upon this bill and all of its amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GUGGENHEIM. I wish to have a telegram read.

Mr. HALE. Mr. President, I wish——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Maine?

Mr. GUGGENHEIM. Certainly.

Mr. HALE. I wish to introduce a resolution, which I ask be read and referred to the Committee on Finance.

The PRESIDING OFFICER. The resolution proposed by the Senator from Maine will be read.

The resolution (S. Res. 49) was read and referred to the Committee on Finance, as follows:

Senate resolution 49.

Resolved, That until otherwise ordered the Senate shall meet at 11 o'clock a. m.; that at half past 5 a recess shall be taken until 8 o'clock p. m.; and that the Senate shall adjourn for the day not later than 11 o'clock.

Mr. GALLINGER. I ask that the pending amendment be stated.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. It is proposed by the Committee on Finance to strike out paragraph 140 of the bill, and in lieu thereof to insert a new paragraph, as follows:

140. Automobiles, bicycles, and motor cycles, and parts of any of the foregoing, including tires, axles, and ball bearings, 45 per cent ad valorem.

Mr. GALLINGER. Mr. President, I have a substitute which I desire to offer for that amendment, and I will only occupy a moment in reference to it.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. It is proposed to insert as a substitute for the committee amendment the following:

140. Automobiles and finished parts thereof, not including tires, 50 per cent ad valorem; bicycles and motor cycles, including the finished parts thereof, not including tires, 45 per cent ad valorem.

Mr. GALLINGER. Mr. President, the only point in which that amendment differs from the amendment of the committee is that it puts the high-priced automobiles, which are imported from France, Italy, and possibly other countries, at 50 per cent, instead of 45 per cent. It will send the matter to conference, and I feel quite confident, if it is looked into, the committee will agree that this is one source where they will find a greater additional revenue without doing any harm. The men who import limousine machines and other foreign machines will not balk at paying an additional 5 per cent.

Mr. ALDRICH. I accept that amendment in lieu of the committee amendment.

The PRESIDING OFFICER. The committee amendment is withdrawn. The question now is on agreeing to the amendment of the Senator from New Hampshire [Mr. GALLINGER].

Mr. TALIAFERRO. Mr. President, are we not entitled to a vote on that amendment?

The PRESIDING OFFICER. The Chair so understands.

Mr. TALIAFERRO. I call for a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no objection, the paragraph as amended will be agreed to.

Mr. LA FOLLETTE. Before the vote is taken upon the paragraph as amended, I rise for the purpose of securing some information. I have here a copy of a circular letter which I received, inclosed with another letter, which states that the circular letter is sent out by the Automobile Manufacturers' Association. I wish to read two or three paragraphs of this circular letter as bearing upon the construction which may be placed upon this amendment. It says:

The automobile industry of this country is under obligation to the tariff committee of the Associated Automobile Manufacturers, headed by Benjamin Briscoe and Henry B. Joy, who are to be congratulated on the fact that the pending tariff provisions conform to their ideas generally.

Several paragraphs follow, in which the provisions of the Dingley law are discussed, and the claim is made that great advantage and greatly increasing duties will come from the construction of the pending paragraph. Then, at the conclusion, citing an illustration, this follows:

Let us take gas-engine cylinders as an illustration. Assuming the cast-iron cylinders of an ordinary four-cylinder engine, weighing 250 pounds, cost 10 cents per pound, the duty under the present Dingley tariff law is, at eight-tenths of 1 cent per pound, $2.

Under the proposed law, these cylinders would, if classified as castings valued at more than 2 cents per pound, be assessed, the foreign market value remaining the same, $8.75, the rate of duty under this classification of the current act being 35 per cent ad valorem.

In commenting upon this provision, the man who sent me that illuminating circular said:

I inclose herewith copy of a circular letter which the automobile association is sending out to its members. You will see that they congratulate Henry B. Joy and another member of their tariff committee in getting the Senate committee to change the wording of the Payne proviso so that anything that is imported to be used in the making of an automobile in this country is to carry 45 per cent duty, being the rate upon the automobile itself. The circular clearly states that a cylinder casting for an automobile engine would come in at $2 if it were brought in for other purposes than for automobiles, but under Mr. Joy's magnificent manipulation, when used on an automobile it would pay $8.75. In my judgment this is the kind of protectionism we curse.

These people make no claim that $2 is too low a rate. They make no effort to raise the rate as a matter of protection to American manufacturers who cast these cylinders; either they are regardless of all other manufacturers or they assume this $2 is enough, and then they rejoice that by manipulation their committee gets for themselves $8.75.

No one has been so noisy and noisome as Henry B. Joy. We imported $3,000,000 of automobiles and exported $5,000,000 last year. A good many automobile manufacturers think no duty at all is needed. I, however, agree that the great majority of them need a considerable protection; whether so or not, I wholly disapprove of such efforts as are praised in the inclosed circular.

Mr. President, I would not have read that letter, except that I know the writer to be a man of high standing and of very accurate information. From a study of the paragraph, I am not able to determine whether the criticism of it is well founded and I place the matter before the Senate with the sole purpose of securing information.

Mr. ALDRICH. The word "finished" was inserted in the amendment to cover cases like that suggested by the Senator from Wisconsin. I think it does this. I think that the crude parts, casting parts, would pay the same rate of duty they do now, and not the higher rate suggested by the writer of the letter.

Mr. LA FOLLETTE. As there will be further opportunity for investigation before the matter is finally disposed of in the Senate, I do not care to take any more time upon the subject to-night.

Mr. ALDRICH. At the end of paragraph 134, on page 41, I offer the amendment which I send to the desk. I will first ask if paragraph 140 as amended was agreed to?

The PRESIDING OFFICER. It was agreed to.

Mr. ALDRICH. Then I offer the amendment I send to the desk, to come in as paragraph 134.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Add, at the end of paragraph 134, page 41, the following:

Wire heddles or healds, 25 cents per thousand, and, in addition thereto, 40 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALDRICH. I am not sure whether the provisions in regard to marking in paragraph 153 were adopted or not. I think they were, however.

Mr. GORE. Mr. President, I should like to ask the Presiding Officer or the Senator from Rhode Island if section 134 is now agreed to?

Mr. ALDRICH. Yes; it has been agreed to.

Mr. GORE. I have had an amendment for some time that I desired to present to that paragraph. Will there be an opportunity to do so later?

Mr. ALDRICH. There will be an opportunity in the Senate.

The PRESIDING OFFICER. The Secretary will state the next paragraph passed over.

Mr. CRAWFORD. What was done with paragraph 153?

The PRESIDING OFFICER. The Chair understands it was agreed to on the first reading. The Secretary will state the next paragraph passed over.

The SECRETARY. Paragraph 160. Wire nails made of wrought iron or steel——

Mr. ALDRICH. I think that was agreed to on the first reading.

The PRESIDING OFFICER. Without objection, the paragraph is agreed to.

Mr. BURTON. Mr. President, amendments are pending to that paragraph, changing the rate from one-fourth of a cent a pound to one-half a cent a pound. I think that paragraph was passed over.

Mr. ALDRICH. If those amendments are to be offered, I ask that the paragraph go over.

The PRESIDING OFFICER. Without objection, the paragraph will be passed over. The Secretary will state the next paragraph passed over.

The SECRETARY. The next paragraph passed over was paragraph 181, page 60, Metallic mineral substances in a crude state——

The PRESIDING OFFICER. The Chair understands the committee amendment has been agreed to there. The question is on agreeing to the paragraph as amended.

The paragraph as amended was agreed to.

Mr. ALDRICH. What paragraph is that?

The PRESIDING OFFICER. Paragraph 181.

Mr. BURTON. There is also another amendment relating to that paragraph pertaining to chrome or chromium metal——

Mr. HEYBURN. Mr. President, paragraph 181 has not been agreed to. It went over. That is the paragraph which carries monazite sand and thorite.

Mr. ALDRICH. That is the paragraph we are now considering.

Mr. HEYBURN. I desire to have that taken up for some consideration, because I shall ask the restoration of the present duty and desire to give some——

Mr. ALDRICH. The Senator from Ohio has an amendment, I think, to that paragraph. I was about to ask that it be agreed to as amended here, with the understanding that we will take the matter up later. The committee are not ready to act upon it finally now.

Mr. BURTON. I would state, Mr. President, that I would like to address the Senate at some length, perhaps for ten or fifteen minutes, upon an amendment to that paragraph.

Mr. ALDRICH. Is the Senator ready to do so to-night?

Mr. BURTON. I should prefer a later time.

Mr. ALDRICH. Then the paragraph had better go over.

The PRESIDING OFFICER. Without objection, the paragraph will be passed over. The next paragraph passed over will be stated.

The SECRETARY. Paragraph 182. The committee propose to strike out all of the paragraph as contained in the bill and to insert——

The PRESIDING OFFICER. The amendment has heretofore been read. The question is on agreeing to the amendment.

Mr. ALDRICH. The committee have an amendment, in line 19, after the word "ferrosilicon," to insert "valued at $90 a ton or less, or."

The PRESIDING OFFICER. Is that a modification of the committee amendment?

Mr. ALDRICH. Yes.

The PRESIDING OFFICER. The amendment as modified will be stated.

The SECRETARY. On page 61, line 19, paragraph 182, in the committee amendment, after the word "ferrosilicon," it is proposed to insert "valued at $90 or less, or."

Mr. ALDRICH. "Valued at not exceeding $90 a ton," I think would be better phraseology.

The SECRETARY. In paragraph 182, page 61, line 18, after the word "ferrosilicon," it is proposed to insert "valued at not exceeding $90 per ton or."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BURTON. Is this not a very great increase of the duty as it now is?

Mr. ALDRICH. No; $4 a ton is not a very large increase.

Mr. BURTON. I refer especially to chrome or chromium metal.

Mr. ALDRICH. I think the present rate is 20 per cent ad valorem, and this is 25, which is not a very large increase. These metals are all used, as the Senator from Ohio knows, in the production of new classes of steel; they are all expensive metals to produce; and I would suggest that I think the rates are all right. If they are not, when the bill reaches the Senate we will try to make satisfactory amendments.

Mr. DICK. Mr. President, I desire to offer an amendment increasing the rate on the cheaper or lower grades, those containing not more than 15 per cent, and which in the bill stand at $4 a ton, to $6 per ton.

Mr. ALDRICH. I hope the Senator will not offer that amendment now.

Mr. DICK. Why not?

Mr. ALDRICH. A large number of Senators, a number of people interested in blast furnaces, and people who are engaged in producing pig iron and various forms of metal, are desirous of having the rate decreased from $4 to $2.50 a ton.

Mr. DICK. This large number ought to be willing to allow a sufficient protection to this industry to give it a chance to live in this country. I do not care to press the consideration of this matter at this time if the chairman of the committee wishes to have it passed over; but I am unwilling that this industry, which is struggling to live in this country, and which can live if given sufficient protection, shall be eliminated from consideration.

We can make in this country all the ferrosilicon of the cheaper grade that is consumed in this market, with a tariff that will insure the home market to the home producer. A duty of $6 will do it. A duty of $4 will not do it; a duty of $5 will not do it; but one of $6 will. And the pending amendment will be pressed for consideration, unless the Senator in charge of the bill thinks it wiser to have it go over.

Mr. ALDRICH. Four dollars a ton is the present rate. It is the rate fixed in the House bill. A good deal of pressure was brought to bear upon the committee to reduce it to the same rate as pig iron, which is $2.50 a ton. It now bears the same rate that pig iron does in the present law. It is true that the producers in Ohio and some of the other States thought the rate ought to be increased to $6. If this paragraph can be agreed to, the committee will give the matter further consideration, and will hear the Senator from Ohio [Mr. DICK].

Mr. PENROSE. That is the best way.

Mr. SMITH of Michigan. The Senator refers to the amendment proposed as to ferrosilicon?

Mr. ALDRICH. Yes; the amendment proposed by the committee.

Mr. SMITH of Michigan. I do not see just why that should be offered.

Mr. ALDRICH. I think it is a fair and proper amendment.

Mr. SMITH of Michigan. It seems to me it tends to shut out all products of a less value than $90 a ton.

Mr. ALDRICH. I think not. I think it has just the opposite effect.

Mr. SMITH of Michigan. Then, if it sold for, say, $60 or $70 a ton——

Mr. ALDRICH. It would pay a duty of $4 a ton.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from South Carolina?

Mr. ALDRICH. Yes.

Mr. TILLMAN. I simply wish to remark that, as I understood it, the proposition of the Senator from Ohio would make this duty a prohibitive one.

Mr. ALDRICH. Hardly that, I should think. Ferrosilicon is a very important element in the production of steel.

Mr. TILLMAN. The Senator from Ohio stated that if the duty was raised to $6 we would produce in this country all we needed, but that we could not do it at a duty of $4.

Mr. DICK. No, Mr. President; the Senator from South Carolina misunderstood my statement. I said we could produce here all that is consumed in this country. I did not say that a $6 rate would be prohibitive and give us the market, but it would put the American producer upon precisely the same footing with the foreign producer in this country and in this market.

Mr. TILLMAN. But, if I understood the Senator—and I think the reporter's notes will show that I am right—he stated this: That $5 or $4 would not do it, but $6 would. Would do what? Would enable us to produce all that we need in this country.

Mr. DICK. No; that was not what I meant.

Mr. TILLMAN. If you did not mean it, very well. Just say what you mean, and then I will not undertake to comment on what you say.

Mr. DICK. It is sometimes pretty difficult to have the Senator from South Carolina understand just what is meant, especially when he is disinclined to agree.

Mr. TILLMAN. That is a reflection, Mr. President, under which I am not willing to labor.

Mr. DICK. What I meant to impress upon the Senate, Mr. President, was that this industry will go out of existence in this country unless sufficient protection is afforded it. A dozen years ago we had in this country a dozen of these furnaces. To-day but two exist. These two will go out of blast and out of business for good if the foreign competitor is allowed, under this low rate, to usurp the entire American market. So far as the industry in this country is concerned, it would be as well to let this substance come in free as to put a $4 tariff upon it. Of course it will continue to produce revenue. We consume about 150,000 tons of it annually. I repeat that we could make it all in this country. We have the ingredients, the labor, and the opportunity.

Mr. TILLMAN. The Senator said a little while ago that at times it is a little difficult for me to understand what is said. I confess that when a murky statement is made I can not see through it. I do not profess to be able to see through mud. [Laughter.]

The Senator has just stated that we consume annually 150,000 tons of this material. That means we import practically all we consume. Is not that the meaning of the statement? He said our own furnaces were going out of blast.

Mr. DICK. Our own furnaces are going out of blast. We do import about 150,000 tons of the substance annually.

Mr. TILLMAN. Of what—ferrosilicon?

Mr. DICK. Ferrosilicon of the lower grade; and we produce in this country about 15,000 tons annually.

Mr. TILLMAN. The statement given us by the Finance Committee says that we import 12,000 tons annually. There is considerable difference between 12,000 tons and 150,000 tons.

Mr. DICK. I am not responsible for the report. The information I have is derived from those who are engaged in the business, and who ought to know. Ferrosilicon containing not more than 15 per cent of silicon, commonly known as "blast-furnace ferrosilicon," is at present classified in the same schedule as pig iron and pays the same duty of $4 a ton, as stated by the chairman of the Finance Committee.

The Payne bill, paragraph 182, reads:

> Chrome or chromium metal, ferromanganese, ferrochrome or ferrochromium, ferromolybdenum, ferrophosphorus, ferrotitanium, ferrotungsten, ferrosilicon, ferrovanadium, manganese metal, molybdenum, titanium, tantalum, tungsten or wolfram metal, 15 per cent ad valorem.

The Senate bill increases the duty on all the items in the paragraph, but takes out ferromanganese, making it dutiable at $2.50 a ton, the same as pig iron, and separates ferrosilicon, containing not more than 15 per cent of silicon, leaving the duty as it is at present, at $4 a ton.

The paragraph as now proposed reads:

Chrome or chromium metal, ferrochrome or ferrochromium, ferromolybdenum, ferrophosphorus, ferrotitanium, ferrotungsten, ferrosilicon containing more than 15 per cent of silicon, ferrovanadium, molybdenum, titanium, tantalum, tungsten or wolfram metal, valued at $200 per ton or less, 25 per cent ad valorem; valued at more than $200 per ton, 20 per cent ad valorem. Ferrosilicon containing not more than 15 per cent of silicon, $4 per ton.

To make it possible to continue the manufacture in the United States of this low-grade ferrosilicon it is absolutely necessary that the duty be increased from $4 a ton to $6 a ton.

Ferrosilicon is used by every maker of open-hearth steel and steel castings. It is a common ferro alloy used to deoxidize the molten steel. It disappears and is lost in the operation. It gives temper to the steel, but being used in such comparatively small quantity, only about 1 per cent, does not add to the cost of the steel in any appreciable degree, but is valuable as giving a certain pliability.

Blast-furnace ferrosilicon is a low-grade pig iron and is cheap compared to the other alloys named in the same paragraph. The market prices of these alloys, so far as I have been able to learn them, is as follows:

Ferromanganese, 80 per cent. Present selling price about $42 per ton ex-ship seaboard.

Manganese metal, 92 to 93 per cent. Sold at 75 cents per pound within the last five years, or $1,680 a ton.

Ferromolybdenum. We can not find what is the selling price, and possibly it is not a commercial metal.

Molybdenum metal, 98 per cent. Sold at about $1.50 per pound in small lots about a year ago, or $3,360 a ton.

Ferrotitanium, 10 per cent. Present selling price, 15 cents per pound in small quantities and 12½ cents per pound if sold in ton lots, or $280 to $336 a ton.

Titanium. This metal is not now produced, I am told.

Ferrovanadium, 33 per cent. Present selling price is 5 cents per unit of contained vanadium per pound, or about $5 per pound of contained vanadium, or $11,200 a ton.

Ferrotungsten, 70 to 75 per cent. Sold at 50 cents per pound in small lots several years ago, about 1904, or $1,120 a ton.

Tungsten metal or wolfram metal, 98 per cent. Sold at 65 cents per pound in small lots about 1904, or $1,465 a ton.

Ferrochrome or ferrochromium, 50 to 60 per cent. Has sold at $400 per ton within about four years.

Chrome or chromium metal. We can not find that it is made or used.

Ferrophosphate (probably means ferrophosphorus), 20 per cent. Has sold at about $50 per gross ton delivered, Pittsburg, within five years.

Ferrosilicon, 10 per cent. Present selling price, $23, Pittsburg, Pa. Ferrosilicon, 50 per cent. Electrolytic, $62, Pittsburg.

Tantalum. We can not find anything about this metal.

It is possible these other alloys need the higher protection proposed in the bill. The low-grade ferrosilicon clearly needs additional protection. Bulletin No. 78, Census Bureau, shows that the production of open-hearth steel in the United States increased, from 1900 to 1905, 91.2 per cent, and of steel castings, 62.2 per cent, while the production of ferrosilicon decreased, and would have been wiped out entirely but for the business boom of 1906. The reason for this lies in the steadily increasing inability of the domestic manufacturer to compete with the foreign maker. I have a number of recent quotations from importers on ferrosilicon delivered f. o. b. this country, duty paid, and the average price is $23 a ton. This is the actual selling price in normal conditions of 10 per cent silicon, which is the standard. For each 1 per cent of added silicon the price per ton increases $1. At this rate the cost of manufacture abroad is not over $17 a ton. I quote from a statement showing the operation of one furnace in the United States making ferrosilicon containing less than 15 per cent silicon, covering a period of four years:

1905.

	Tons.	Value.
Ore	17,182	$54,424.95
Limestone	8,843	7,349.02
Coke	14,125	50,963.09
Coal	16,870	20,214.14
Total raw material	57,020	132,951.20
Paid to employees		25,462.25
Manufacturing expense		13,500.27
Selling expense		1,695.35
Total expended		173,609.07
Average cost		21.83

In operation 216 days, made 7,991 tons; average silicon, 10.88 per cent.

1906.

	Tons.	Value.
Ore	31,534	$107,357.26
Limestone	17,029	14,419.66
Coke	21,635	81,227.22
Coal	27,030	33,788.63
Total raw material	97,228	236,792.77
Paid to employees		45,376.02
Manufacturing expense		22,773.39
Selling expense		6,481.23
Total expended		311,423.41
Average cost		21.10

In operation 332 days, made 14,712 tons; average silicon, 10.70 per cent.

1907.

	Tons.	Value.
Ore	36,542	$130,339.83
Limestone	17,825	15,298.48
Coke	24,997	95,538.13
Coal	30,017	37,521.50
Total raw material	109,381	278,697.97
Paid to employees		50,891.21
Manufacturing expense		27,535.08
Selling expense		5,900.83
Total expended		363,025.09
Average cost		21.58

In operation 356 days, made 16,841 tons; average silicon, 10.25 per cent.

1908.

	Tons.	Value.
Ore	9,160	$29,954.73
Limestone	4,914	3,931.17
Coke	6,739	21,378.08
Coal	8,091	10,085.09
Total raw material	28,904	65,349.07
Paid to employees		13,460.46
Manufacturing expense		26,527.56
Selling expense		3,550.72
Total expended		108,887.81
Average cost		24.60

In operation 101 days, made 4,435 tons; average silicon, 10.17 per cent.

The following figures give the itemized cost per ton to produce ferrosilicon in blast furnaces in this country, covering a period of the past five years. They show the item of labor is the largest single constituent of the cost:

	Ore.	Limestone.	Fuel.	Labor.	Manufacturing expense.	Selling expense.	Total.
1905	$6.81	$0.92	$8.91	$3.18	$1.69	$0.32	$21.83
1906	7.30	.98	7.81	3.08	1.55	.38	21.10
1907	7.74	.91	7.90	3.02	1.63	.38	21.58
1908	6.75	.89	7.09	3.04	5.98	.85	24.60
1909	7.22	.86	7.74	2.80	1.70	.60	20.92
Average for 4 years	7.32	.93	7.96	3.06	2.03	.43	21.73

The cost for February, 1909, was somewhat more.

	Per cent.
Ore	7.92
Limestone	.92
Fuel	7.94
Labor	2.84
Manufacturing expense	2.05
Selling expense	.66
Total	22.33

This one Ohio furnace shipped 44,596 tons in all, distributed as follows:

	Tons.	Per cent.
Pittsburg territory	24,439	54.8
East of Pittsburg	11,262	25.3
Total		80.1
West of Pittsburg	8,895	19.9
Total	44,596	100

The difference in cost between this country and Europe is made up principally of the difference in the cost of labor. The cost per ton of making the alloy in the United States is $21.73, made up as follows:

Fuel	$7.96
Ore	7.32
Limestone	.93
Labor	3.06
Manufacturing expense	2.03
Selling expense	.43
Total cost	21.73

The highest single item of cost is the fuel. They use a mixture of 1.5 tons of coal and 1.8 tons of coke. As it takes 2 tons of coal to make a ton of coke, this mixture equals about 5 tons of coal to 1 ton of alloy made.

	Per ton.
Cost of mining coal in Ohio	$0.90
Cost of mining coal in England	.45
Advantage to foreign manufacturer in cost of mining coal	.45

The figures given by the Labor Bureau as the cost of mining coal in Great Britain were 30 to 45 cents per ton. The larger have been used.

If our miners were on the same basis as their miners, we would save on fuel alone $2.25 per ton in producing our alloy.

We pay our common laborers $1.50 to $1.75 per day, while foreign countries, as per Bulletin No. 54, Bureau of Labor, pay from 50 cents to $1 per day. The difference in the prices paid semiskilled and skilled labor are much greater. If our scale of wages were on the same basis, we would save $1.50 per ton on labor in production.

If the ore miner worked under the same conditions in this country as in Europe, there would be a saving in ore of at least 50 cents per ton, which would mean a saving of $1 per ton in production, as it takes a little more than 2 tons of ore to produce 1 ton of alloy.

There would also be a saving in freights and cost of material used for repairs, and so forth, which would reduce the manufacturing and selling expenses at least $1 per ton.

Summary of saving in the cost of production if labor conditions in this country were the same as in England:

Fuel	$2.25
Labor	1.50
Ore	1.00
Manufacturing and selling expenses	1.00
Total saving	5.75

Comparison of wages of occupations represented in the manufacture of ferrosilicon containing not more than 15 per cent of silicon. Taken from Bulletin No. 54, Bureau of Labor, year 1903:

	Great Britain.	United States.
	Per hour.	*Per hour.*
Blacksmith	$0.1740	$0.2951
Boilermakers	.1719	.2848
Bricklayers	.2062	.5472
Carpenters	.2028	.3594
Iron molders	.1787	.3036
Laborers	.1019	.1675

If wages and living conditions were the same in this country as in Great Britain there would be a saving, as shown above, which would put the American manufacturer in position to compete with the English manufacturer without any duty.

If, however, we are to maintain the high standard of the American workman, it is necessary to have a sufficient duty to cover the differences in the labor conditions.

As it requires $6 per ton to do this, and the request of the American producer is in accord with the plan of this legislation, why, then, are they to be denied adequate protection?

The following figures show how impossible it is for the American article to compete with the foreign product:

Pittsburg territory.

American cost price per ton at furnace, figuring no profit	$21.73
Freight per ton to Pittsburg	1.90
	23.63
Foreign selling price per ton Pittsburg, on $4 tariff	23.00
Advantage to foreigner over domestic absolute cost price	.63
Selling price per ton Pittsburg of foreign, at $6 tariff	25.00
Domestic cost price Pittsburg, figuring no profit, as above	23.63
Profit to home manufacturer if a $6 per ton duty were imposed	1.37

This profit represents less than 6 per cent per annum on the investment.

Philadelphia territory.

Domestic cost price per ton, figuring no profit		$21.73
Freight per ton to Philadelphia		3.30
		25.03
Selling price per ton of foreign, at $4 per ton tariff		22.50
Advantage per ton to foreigner over domestic cost price		2.53
Domestic cost price per ton delivered Philadelphia, as above		25.03
Selling price per ton for foreign, at $6 per ton tariff		24.50
Advantage to foreigner, even at $6 per ton tariff		.53

This shows the domestic producer can not compete with the foreign product in the Philadelphia territory, even with a $6 per ton tariff. In figuring the foreign cost of production, in order to prove beyond a reasonable doubt the necessities of the case of the domestic producer, let us assume the value of the foreign product at $25 per ton Baltimore, duty paid, which we know is abnormal:

Value per ton of foreign at Baltimore, duty paid		$25.00
Deducting tariff per ton under present law	$4.00	
Deducting for ocean freights and incidental expenses	2.00	
Deducting profit to importer for tying up capital	1.00	
Deducting profit to foreign manufacturer	1.00	
		8.00
Cost per ton of foreign product at port of export		17.00
Domestic cost per ton at furnace		21.73
Foreign cost per ton at port of export		17.00
Advantage of foreigner in cost of manufacture		4.73

With a $6 per ton tariff, the domestic producer would enjoy a profit of $1.27 per ton provided the freight rate from the domestic furnace to the point of consumption was the same as the freight rate from the seaboard. This means a profit of 5½ per cent per annum on the investment.

As neither the act of 1897 nor the Payne bill provide a tariff on blast-furnace ferrosilicon as distinct from electric-furnace ferrosilicon and other alloys, the domestic manufacturers ask that the proposed tariff legislation provide a specific duty of not less than $6 per ton on blast-furnace ferrosilicon.

The principal use of blast-furnace ferrosilicon is in the manufacture of steel castings. Its consumption has increased in this country in the last decade with the marvelous growth of the steel-casting industry, while its production in this country has decreased. The Columbus and Hocking Coal and Iron Company at one time had five furnaces; a New York company, two furnaces in the same district; the Ashland Iron and Mining Company, two furnaces; making nine in all. In 1903 there were three furnaces left in the Ohio district and two in Ashland. Now, one furnace alone is left producing this material, the two furnaces of the Ashland company having been shut down for a year and a half, waiting to resume in case adequate protection is obtained. If adequate protection is not obtained, the last domestic manufacturer will be compelled to discontinue the manufacture of ferrosilicon, and the many users in this country will be entirely dependent upon the foreign manufacturer for their supply.

This country is the largest consumer of blast-furnace ferrosilicon in the world, and produces all the raw material necessary for its manufacture.

The snuffing out of this industry would mean not only a loss to our workmen, but to all the men employed in furnishing the raw material.

Had this industry grown in this country as it has in Europe we would have at least 10 furnaces, representing an investment of at least $5,000,000, consuming 1,093,810 tons of raw material and expending $3,630,250.90 annually in this country, giving employment to at least 3,000 men. Why should not this industry receive sufficient protection to encourage its growth?

The figures of cost of material, as given above, compared with those of the United States Steel Corporation, show that the domestic plant is well located and the cost of raw material is not excessive. Figures taken from Tariff Hearings before the Ways and Means Committee, Schedule C, part 1, pages 1683 and 1684. Statement made by Judge E. H. Gary, representing the corporation.

	United States Steel Corporation.	Domestic makers of ferrosilicon.
Ore cost per ton delivered at furnace	$4.70	$3.41
Fuel cost per ton delivered at furnace	3.93	2.35
Limestone cost per ton delivered at furnace	1.06	.84

The above figures show that the domestic producer can assemble raw material at a lower cost than the United States Steel Corporation. The higher cost of making the alloy per ton over that of pig iron is due to the larger amount of fuel and limestone necessary to produce a higher grade of product and the larger amount of labor involved per ton and the higher manufacturing cost due to more frequent and expensive repairs necessary in the production of a high-grade article.

The increase of duty asked for blast-furnace ferrosilicon is not to be compared with the increases given other alloys named in the same paragraph, as is shown by the following comparison of tariff bills:

	Dingley bill, ad valorem.	Senate bill, ad valorem.	Increase.
	Per cent.	*Per cent.*	*Per cent.*
Ferrochrome	1.74	20	1,049
Tungsten	.40	20	4,900
Ferrosilicon containing more than 15 per cent of silicon	5.54	25	351
Ferrosilicon containing not more than 15 per cent of silicon	[a] $4.00	[a] $4.00	([b])

[a] Specific. [b] No increase.

There were once nine furnaces in this country making ferrosilicon, representing an investment of over $3,000,000. Only one remains, and that must shut down if the duty is not raised to $6 a ton. The use in this country amounts to at least 150,000 tons a year, which would mean the output of about ten furnaces, which is the number of furnaces which are in successful operation in Great Britain alone. Even with a duty of $6 a ton the Ohio producer could not successfully compete in the Philadelphia market, which consumes 25 per cent of the product used here. Only the Pittsburg territory, using 55 per cent of the product, would be open for the present home producer, with the additional protection which is here asked for. With the last American furnace closed, the foreign maker will raise the price. The home product is equal to the foreign, and only needs adequate protection to secure the maintenance of another profitable home industry, employing thousands of men. I know of no fair protests against this slight increase here asked for, and there is no good reason why it should not be granted.

Mr. TILLMAN. That is another evidence that the information furnished to us is not always reliable. But I am not responsible for that, either. [Laughter.]

Mr. CRAWFORD. Mr. President, in regard to ferrosilicon, I became somewhat interested in what information I could get from some Ohio manufacturers who were in my office. I confess that they impressed me with the difficulties under which they are laboring in their effort to maintain the industry. Really, this is one of the very few cases in which I have felt that there is justice in the demand for an increase in the duty.

I do not pretend to speak with very much knowledge upon the subject. Perhaps the Senator from Ohio [Mr. DICK] can give the Senate some information in regard to these figures:

In the volume entitled "Imports and Duties, 1894-1907," on page 491, under the heading "ferrosilicon," it is stated that in 1902 the imports were only 3,567.63 tons. The very next year they jumped up to 23,795.35 tons.

In 1904 and 1905 they fell to something like 6,000 tons. In 1906 and 1907 they began to increase.

The gentlemen to whom I have referred said, as I remember their statements, that ferrosilicon is a sort of tonic that is used in some processes of making steel, and that more is imported than is manufactured in this country. They added that unless the duty is raised the entire manufacture of ferrosilicon will go out of the country.

But the figures given by the Senator from Ohio [Mr. DICK] are somewhat surprising to me, because in this statement the total imports for 1906 are given as only 10,275.20 tons, and those in 1907 as 12,653.12 tons. As I remember it, these gentlemen said that they manufactured a still smaller quantity than that in this country.

Mr. ALDRICH. I am inclined to accept the amendment of the Senator from Ohio [Mr. DICK] and make this rate $6 a ton.

Mr. LA FOLLETTE. I hope the paragraph will not be disposed of to-night. I have some data relating to the matter that I should like to consult.

Mr. ALDRICH. If the Senator will allow it to be disposed of to-night, I will see that the Senator's rights are preserved in regard to making an amendment hereafter.

Mr. DU PONT. Mr. President, I should prefer to have it go over until to-morrow.

The PRESIDING OFFICER. The amendment as amended will be reported.

Mr. HEYBURN. Mr. President, I understood that some Senator had the floor. I have not so far had an opportunity of calling the attention of the Senate to the item of tungsten, which is included within this enumeration.

Mr. ALDRICH. As I understand, the Senator from Idaho desires an amendment upon tungsten ore, as the Senator from Colorado does, and not upon the metal.

Mr. HEYBURN. I want to cover the metal and the ore.

Mr. ALDRICH. The metal is covered by this provision.

Mr. HEYBURN. I want to cover both.

Mr. ALDRICH. The metal is covered in this paragraph.

Mr. CUMMINS. Mr. President, we can not hear a single word of the colloquy that is going on.

Mr. BAILEY. The shepherds and the weavers are getting together.

Mr. HEYBURN. If I may have the attention of the Senate for a moment, I think I may save some time.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. ALDRICH] has the floor.

Mr. HEYBURN. I thought I was recognized and had the floor. I beg pardon of the Chair.

Mr. ALDRICH. If I have any right to the floor, I yield it to the Senator from Idaho.

Mr. HEYBURN. I had the floor when the Senator rose.

The PRESIDING OFFICER. The Senator from Idaho [Mr. HEYBURN] has the floor.

Mr. HEYBURN. Mr. President, the item of tungsten is a comparatively new one and has not heretofore been provided for; but, as was said a few days since by the Senator from Pennsylvania, I believe, it has become an article of very great importance. Its use has made it possible for us to manufacture a class of steel that this country has never before been able to produce.

We mine tungsten ore in large quantities, and its production in our State is increasing enormously. It is proper, therefore, that along with other ores and metals tungsten should receive the protection to which it is entitled. The mere fact that it may, perhaps, have been an unfamiliar subject to the committee, or to the Senators, affords no reason why it should be rushed through.

It is a very reasonable assertion that tungsten mining, at the present rate of development, will in the immediate future become one of the most important of the mining industries of the country. We not only have the mines developed and are producing the ore in large quantities, but we are now making preparations to enlarge the production and build very extensive works.

Tungsten is worth more than iron or steel. It is a very valuable product. The annual production is worth a very large sum of money, and it is not reasonable that the market should be left open until Congress again revises the tariff on a rate that amounts to no protection at all.

When this question comes up again Senators will find that this item will be stated in millions of dollars instead of a few hundreds of thousands. I say that because it has revolutionized steel making in the United States. It will continue to revolutionize it until we will make just as fine spring steel as is made in the world, and we will produce the mineral that makes it possible to do it in our own country with our own labor. So I suggest——

Mr. ALDRICH. Will the Senator allow me to make a suggestion?

Mr. HEYBURN. Yes.

Mr. ALDRICH. The duty on tungsten is 25 per cent ad valorem.

Mr. HEYBURN. Yes.

Mr. ALDRICH. Will the Senator tell us what the metal is worth to-day?

Mr. HEYBURN. The metal, according to its quality, is worth about 20 cents a pound.

Mr. ALDRICH. That is $400 a ton.

Mr. HEYBURN. Yes.

Mr. ALDRICH. This rate would be $100 a ton.

Mr. HEYBURN. Yes.

Mr. ALDRICH. Does the Senator think that is too little?

Mr. HEYBURN. I do. I think it is too small in an industry which is just being developed in this country. It is not out of proportion for a metal of that kind.

Mr. BURTON. If I may have the attention of the Senator from Idaho and the Senator from Rhode Island——

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

Mr. HEYBURN. Certainly.

Mr. BURTON. I do not think we ought to act hastily upon this item, but for a different reason from that stated by the

Senator from Idaho. This article, tungsten, which is coming to be used as a very valuable ingredient in steel, is now dutiable at $4 a ton. According to the statistics for the year 1907 (Imports and Duties, p. 491), while but a small quantity was imported, it was valued at $993 a ton, and paid $4 per ton. At 25 per cent ad valorem when valued over $200 per ton, the duty would be about $200, or fifty times as great a duty as we now levy. If it is worth less than $200 a ton 20 per cent ad valorem, would mean, on a ton of maximum value at the latter rate, $40. It seems to me some very sufficient reason should be given why there should be such an enormous increase as is proposed in this rate of duty.

Mr. HEYBURN. I suggest it is in order that this industry may be developed. That can not be done without capital, nor by mere assertion. It is a mining proposition. These ores are found under circumstances similar to those under which silver ores and gold ores are found, and they are required to be mined from the ground and treated by most expensive processes. Not only has its former scarcity given it value, but the method of producing it and fitting it for application in the process of which it becomes a part are expensive. It is a very important question. I entirely agree with the Senator from Ohio that it ought not to be passed over lightly.

Mr. ALDRICH. Mr. President——

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

Mr. HEYBURN. Certainly.

Mr. ALDRICH. My information is entirely different from that of the Senator from Idaho. My information is that tungsten is worth $1,200 a ton, instead of $993, as stated by the Senator from Ohio, and then duty would be $300 a ton under the present price of tungsten. It seems to me to be a reasonable rate on a crude metal.

Mr. HEYBURN. I do not think there is any State in the Union which has quite as much interest in this question as has the State which I represent in part, and I think we ought to have more knowledge on the subject. I shall ask that the paragraph go over until that item——

Mr. ALDRICH. I rather think we ought to have more knowledge if the Senator thinks $400 a ton is not sufficient.

Mr. HEYBURN. It is not out of proportion to a dozen schedules here.

Mr. ALDRICH. But the Senator said $993 a ton, and my understanding is it is $1,200 a ton.

Mr. HEYBURN. It depends upon the quality. It depends upon the condition to which it has been reduced——

Mr. ALDRICH. It depends upon the metal——

Mr. HEYBURN (continuing). As with all other metals. Metals which have a certain amount of alloys in them are not worth so much as those chemically pure.

Mr. NELSON. I find by examining the Tariff Notes that it is worth from $1,000 to $1,500 a ton.

Mr. ALDRICH. I think that is correct.

Mr. NELSON. And if you take 25 per cent on that, it is a pretty good duty.

Mr. ALDRICH. That is the way it seemed to the committee, but we may be wrong.

Mr. HEYBURN. This item should not be run over rapidly. It is one of importance.

Mr. ALDRICH. We are not trying to run over it rapidly. It has been reported here for some time.

Mr. HEYBURN. I think we might very fairly and reasonably put a specific duty on it, because they will send it here in a condition where the valuation placed upon it will be favorable to the country exporting it and against the industry in this country. I would rather have seen a specific duty placed on it.

Mr. BAILEY. Mr. President——

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

Mr. HEYBURN. Yes.

Mr. BAILEY. Before we determine whether we shall pass over this item or not, I should like to ask the chairman of the committee if he will not move that when the Senate adjourns to-day it be to meet on Monday?

Mr. ALDRICH. I can not consent to that.

Several SENATORS. No.

Mr. BAILEY. We have been coming here at 10 o'clock in the morning and staying until after 5 o'clock in the afternoon. I do not know what is the case with other Senators, but for almost a month I have been unable to dispose of my mail.

Mr. ALDRICH. If the Senator will allow me to make a suggestion——

Mr. BAILEY. I think we ought to have at least one day that we may dispose of the accumulations which demand our attention. If one of a Senator's constituents writes him, he is entitled to an answer inside of two weeks.

Mr. ALDRICH. I am going to make a suggestion which I think will save any trouble about the matter. It is my purpose to take up the lumber schedule to-morrow morning, and I know myself of four or five formal speeches that will be made upon that subject, and I can assure the Senator and the Senate that if we take up the lumber schedule we will not take any votes upon it until Monday.

Mr. BAILEY. That is just simply an invitation for Senators to absent themselves from the Senate while other Senators are addressing the Senate.

Mr. ALDRICH. No; I did not intend that.

Mr. BAILEY. That is a very polite way, at least.

Mr. ALDRICH. No; I did not intend that.

Mr. BAILEY. The Senator from Rhode Island knows that I have no disposition at all to delay this measure. This is the first time in the history of tariff legislation that the minority has offered no kind of obstructive tactics. We have our opinion of the bill. Those of us who have not yet expressed it are ready to express it, and we are content to take the vote and let the country decide between us.

Besides, we know very well—at least, we think we know; we have gone far enough to see—that the committee have a fixed majority, and that however we may struggle, however we may offer amendments, there will be no substantial modifications of this bill except such as the committee agrees to.

Feeling that way about it, I think nothing is to be gained for the country or for the Democratic party or for any other cause by delay. But I do feel that Senators are entitled to a day now and then out of the Senate that they may devote themselves to those matters which call for attention. I think our constituents have a right——

Mr. ALDRICH. I will agree now that there shall be nothing done to-morrow except the consideration of the lumber schedule, and that there shall be no votes taken.

Mr. BAILEY. In other words, the Senator from Rhode Island means that there will be nothing done except speaking.

Mr. ALDRICH. Except a day of general debate upon the lumber schedule, which is sure to come—perhaps several days. We shall not save any time by——

Mr. BAILEY. If it is true that the lumber schedule is going to occupy several days, then I give notice that I am going to offer the income-tax amendment to-morrow. I am not going to let the lumber schedule or any other schedule that will require three or four days and probably result in amicable arrangements to go ahead of the income-tax amendment.

Mr. ALDRICH. The Senator, of course——

Mr. BAILEY. The Senator from Rhode Island, of course, will have the floor, and he will have the eye of the Chair, and he can call that up probably before I can offer the other.

Mr. ALDRICH. I hope so.

Mr. BAILEY. I think the Senator can be relied upon to get that advantage. But, then, in view of the fact that the Senator announces that he intends to exclude it in that way, I should like to get an agreement this afternoon that we vote on the income-tax amendment immediately after the lumber schedule is disposed of.

Mr. ALDRICH. I think the Senator from Texas was not in the Chamber when I said that to-morrow I would try to get a time fixed for a vote upon the bill. I did not make the other suggestion at that time, because the Senator from Texas was not present, and I knew his desire to have a vote taken. I should be very glad, so far as I am concerned, to arrange with the Senator from Texas and the Senate to have a time fixed for taking a vote upon the income-tax proposition and the bill generally.

Mr. BAILEY. The Senator knows I have no objection to that. I am especially anxious for a vote on the income-tax amendment, because I have a very well-founded suspicion that there has been a systematic effort to reduce our strength on the income-tax amendment, and I think the quicker we vote on it the more votes we will have.

Mr. BURKETT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Nebraska?

Mr. ALDRICH. Certainly.

Mr. BURKETT. I understood the Senator from Rhode Island to say that he could assure Senators that there would not be any vote taken to-morrow; that the Senate would consider the lumber schedule. But some of us have amendments which we wish to offer to that schedule and to have them voted on. I do not understand how the Senator can prevent votes.

Mr. ALDRICH. What I said was that I knew there were formal speeches to be made, which would take the time of the Senate to-morrow; and I think it is much better to have it understood by the Senator that no votes are to be taken upon the lumber schedule to-morrow.

Mr. BURKETT. And that only formal speeches shall be made?

Mr. HEYBURN. Then there will not be a quorum.

Mr. ALDRICH. There will be a quorum of the Senate present. Senators need not be troubled about that.

Mr. BURKETT. There ought to be.

Mr. ALDRICH. There will be; there is no question about that.

Mr. BAILEY. You can bring them here, but you can not keep them here.

Mr. ALDRICH. I think so.

Mr. BAILEY. If the Senator will try that to-morrow, he will find he lacks the ability to do it, because he can not keep everybody here.

Mr. ALDRICH. I feel very certain that we can.

Mr. BAILEY. All right; we will see about that. I move that when the Senate adjourns to-day it adjourn to meet on Monday.

Mr. CUMMINS. Will the Senator from Texas withhold that motion for just a moment?

Mr. BAILEY. I will.

Mr. CUMMINS. I wish to ask about the reply which the Senator from Rhode Island made to the Senator from Texas with regard to fixing a time for voting upon the income-tax proposition. I am quite anxious that it shall be voted upon, but I do not want the time fixed without my hearing it, and I could not hear the reply.

Mr. ALDRICH. I simply stated that so far as I personally was concerned I would be very glad to have a time fixed for taking a vote upon the income-tax amendment and the bill generally.

Mr. CUMMINS. Does that mean that you are not willing to fix a time for a vote upon the income-tax proposition until the time is fixed for voting upon the bill?

Mr. ALDRICH. I am not willing at present. That is what I meant to say.

Mr. CUMMINS. I could not hear just what the Senator said, and therefore I made the inquiry.

Mr. ALDRICH. I was trying to compose any differences with the Senator from Texas about the lumber schedule, and therefore I made the suggestion which I did. I certainly hope that the party responsible for this legislation will not consent to have the Senate adjourn from to-day until Monday. I withdraw the suggestion which I made about to-morrow, because I am extremely anxious that the bill should pass.

Mr. CULLOM. It had better go over regularly.

Mr. ALDRICH. It had better go over regularly until to-morrow.

Mr. BAILEY. I will withdraw the motion if the Senator from Rhode Island will agree on a day when we may take a vote on the income-tax amendment.

Mr. ALDRICH. I can not make any agreement upon that subject.

Mr. BAILEY. How can the Senator expect us to agree to his request to fix a day for the final vote on the bill when he will not agree to fix a day for a vote on an amendment to the bill?

Mr. ALDRICH. I will agree to them jointly, as far as I am concerned, and make an agreement to vote on the bill at the same time.

Mr. BAILEY. I will agree to them disconnected myself. I do not think it is necessary that we agree to vote on the bill before we vote on the amendments, because the orderly procedure requires us to vote on the amendments before we vote on the bill.

I want to say, in addition to the statement I made a while ago—a very frank statement—I have not been unaware of what has been going on here to defeat the income-tax amendment. I was moved twice before to prefer this request, because I felt the ground slipping from under us. I want to be frank again, and say to the Senator from Rhode Island that there are a number of Senators who from time to time are called away for one reason or another—some by illness and some by engagements of a quasipublic kind. They want to be here, and I believe that if a day can be agreed upon in advance we will have the satisfaction of seeing, perhaps, the fullest vote cast on that particular amendment which has been cast in the Senate in quite a season.

I think, for the accommodation of Senators, to enable them to be here if it is possible, we ought, in common fairness, to fix a day far enough in advance to enable all to come who are now away.

Mr. ALDRICH. The orderly method of procedure would be to fix a time for taking the final vote upon the bill. Then I would certainly be willing, after that has been done, to fix a day for taking the vote on the income tax and upon the other important schedules and amendments to the bill. I think that would be the orderly course, and until that is done I can see no reason for fixing a time for voting upon any one of the numerous amendments to this measure.

Mr. ELKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from West Virginia?

Mr. BAILEY. I do.

Mr. ELKINS. It is now 15 minutes after 5. I hope the Senator in charge of the bill will let the paragraph which has been under discussion be passed over.

Mr. ALDRICH. I do not see how I can do anything else, with the great variety of views that have been expressed on the subject.

Mr. BAILEY. I ask for a vote on my motion, that when the Senate adjourns to-day it adjourns to meet on Monday.

Mr. DANIEL. Mr. President——

Mr. BAILEY. I withdraw the motion until the Senator from Virginia can be heard.

Mr. DANIEL. Mr. President, I wish to make a very few remarks. I should like to inquire beforehand if the Senator from Rhode Island has finished reporting the bill?

Mr. ALDRICH. We have finished reporting a bill, but that we shall report amendments to the bill from time to time, of course, the Senator from Virginia understands.

Mr. DANIEL. Have the committee reported all the subjects included in the complete bill?

Mr. ALDRICH. They have not.

Mr. DANIEL. I just wanted to know that. The most extensive conceivable accommodation has been extended to the chairman of this committee. We went into this debate without having seen the bill and without the Senator having reported it, except in part. Such parts as he has pleased to give us have been retailed to the Senate, and he is not yet done with the process of the evolution of the bill.

Mr. ALDRICH. Mr. President——

Mr. DANIEL. I have the floor, if you please.

Mr. ALDRICH. Would the Senator like to have an explanation?

Mr. DANIEL. No, sir; not now. Running explanations have been going on, and I want to make my observation and stop.

There is no man in the Senate who is more anxious than I am to conclude this debate and let what is going to happen happen. I have not delayed the Senate consciously one moment, and I have made only such remarks as I felt I was called on to make.

On the contrary, Mr. President, while every courtesy in the way of parliamentary accommodation outside of the committee has been extended, it is well known that whenever Democrats objected that they were not permitted to attend committee meetings, which is unparliamentary and against law, as I understand parliamentary law, we were told to wait and we could thrash everything through the Senate. Our presence in the Senate has been constantly burdened with inquiries about which we should have been as well informed as any of the rest of the committee.

I took the position at the beginning that it was not parliamentary for a committee to pass on anything without the privilege of the presence of every member. I do not understand that anyone gainsays it. Certainly no one here replied to or joined issue on that proposition. I do not deny that Senators of committees, majorities of committees, minorities, or any other body of Senators have the right, unincommoded, uninterfered with, to hold any kind of private consultation that they please.

If I were mistaken in any conception which I formed as to what was done in the private consultations of the members of this committee, it was through their own statement and on times and occasions when I was not present. It was stated by the next senior member of the committee, the Senator from Maine [Mr. HALE], that they had had hearings; that officials of the Government were there to participate in it, and so on. Since then two members of the committee on the Democratic side, who had never made known to me their views before, one of them the Senator from Texas, have informed the Senate that if the Democrats had been in power they would have done the same thing.

I can only answer for myself. I aver that I would not have done the same thing, and that I do not think the same thing, whether done by Democrats or Republicans at any time heretofore, was the right thing. So much for that. I let it drop. I have not incommoded the Senate by any restatement of my views, for I know that I am helpless either to summon the rights of parliamentary law or to change a result which has been thus established.

I will say one thing as to the Democrats who are said to have so acted some seventeen or more years ago—that all of them are passed away, and that I would be glad if some of them were

living to give their explanation of it. But I will not gainsay a word which has come to us from the Senator who has just spoken.

Mr. President, we are not going to get through one bit earlier than we will in the natural course of events by overpressure upon a wearied body. Senators have attended here habitually. I am in the same situation that, no doubt, every other member of the committee, if not of the Senate, is in. I have piles of mail concerning this subject, in which, in the due course of things, the correspondents would receive, as they are entitled, a reply; but it can not be done when we have our minds occupied with determining how we shall vote on different propositions and necessarily occupied in attendance upon the Senate.

But the Senator from Rhode Island can rely upon this body, for we know its sense as well as he does. There is not going to be any undue delay. It is as important to some Senators to lay their views before the Senate in a fitting way as it is to other Senators. Such a prodigious matter as this, which he hopes, and his side hopes, may be of long continuity and bring peace to the country, can not be disposed of by dragooning. That is one thing which the Senate always flinches from doing, and which they will not permit, in my judgment, to be done. I do not mean to intimate that that is the spirit of the Senator, but, having been aroused here by a few jests on yesterday of the Senator from South Carolina, he seems to have gotten into an instant passion of haste and to wreak it upon the Senate.

Mr. President, it would help the movement of this body to adjourn over until Monday. My colleague [Mr. MARTIN] has gone away. The lumber schedule is very important. He will be back here Monday. Of course, the Senate is not going to stop for one man at any time, but there was no contemplation of that matter coming up to-morrow. I think we had better go along with such matters as they arise in their due course and let it come later. That is all I have to say.

Mr. ALDRICH. Mr. President, as far as the colleague of the Senator from Virginia is concerned, he came to see me before he left the Chamber and I explained to him precisely what was going to happen; that the lumber schedule would be taken up to-morrow, and that there would be nothing but speeches; and he said that was perfectly satisfactory to him.

I think every Member of the Senate will agree that there has never been a time in the memory of anyone who has any knowledge of the subject, when a tariff bill was before the Senate, that more hours have not been occupied in its discussion and consideration than in the tariff bill which is now before the Senate. In 1890, when I had charge of the McKinley bill in this body, the Senate met every day at 10 o'clock and remained in session continuously until 6, and a large part of the time had evening sessions. In 1897 the same thing was done.

The Senate certainly have not remained in session to an undue length of time at any time since the pending bill has been before the Senate, and it is not my purpose, certainly, to crowd the Senate. I have shown no such disposition. But it is the paramount duty of this body to pass the bill, and to pass it as speedily as possible. So far as I have any responsibility about the matter I intend to ask the Senate to stay here not unreasonably, but certainly every day, until the bill is disposed of.

Mr. BAILEY. Mr. President, perhaps the architects of this Capitol are partly responsible for the inconvenience of long sessions. It is built on the principle of a jail. It is a house within a house. I have never been able to spend seven consecutive hours here without leaving it with a headache, and I know that is the experience of some other Senators, at least.

I believe that the interests of the country shall be above the personal comfort or the personal convenience of Senators, but it seems to me when a Senator is giving from fifteen to eighteen hours every day to the service of his country, it is not unreasonable for him to consult his comfort by taking one day in a month, even if he asks it for personal reasons.

But in this case, speaking for myself—I assume it fairly states the case of other Senators—I expect to employ that one day, if I can have it free from the sessions or demands of the sessions of the Senate, in correspondence with those people who have a right to expect a reasonably prompt reply to the letters which they write. I am sure the Senator from Rhode Island has so many letters that he has quit reading them. He lays them aside. They may permit that in Rhode Island, but they do not permit it in Texas and they do not permit it in many other States.

I think that if we can give one day in two weeks to our correspondence it is as little consideration as we can show those people. I myself would rather come here at night and have an occasional day. I can employ myself about my correspondence and many of these letters concern these very questions, as the Senator from Virginia has said. And your constituent does not feel any too well pleased with the fact that he writes you a letter about a schedule and gets an answer to it after the tariff bill has passed. If he can make and does make a sensible suggestion he is entitled to recognition at the hands of a Senator. I do not know how others feel, but I was taught that common politeness requires us to make an answer to a civil letter received from anybody under any circumstances. The correspondence of a Senator is the work of a man. It has become a burden. It is a burden that occupies altogether more of our time than is well for the knowledge we ought to acquire and for the knowledge which the discharge of our duties does require.

Still I see no way out of it in this day of general enlightenment. Men have learned to write, and men exercise their talent in this way. If I could find a constituency that could not write I think I would move out there. Probably I would find after I got there that they voted the Republican ticket, and I would not be able to come to the Senate from a State like that. But at the same time this correspondence has grown until every Senator here knows that I but speak his experience when I say that it takes almost half our time to answer our letters. If it does take half our time ordinarily and we stay here continually without the intermission of a day, it simply means that some of us will have too much work in explanations and letters after the tariff bill is disposed of, and when my distinguished friend from Rhode Island is on the high sea bound for a vacation in the Old World. I think he ought to consent that some of us who are not going to take a vacation may take a day off now.

Mr. ALDRICH. I move that the Senate adjourn.

Mr. BAILEY. My motion is pending and has precedence. I withdrew the motion merely——

Mr. ALDRICH. But the motion to adjourn takes precedence.

Mr. BAILEY. It does not. A motion to adjourn to a day takes precedence. I submit that matter to the Chair.

Mr. ALDRICH. A motion to adjourn is always in order.

Mr. BAILEY. But a motion to adjourn to a day takes precedence. It is proper for the house to fix a time to which it will adjourn before it is to adjourn.

Mr. ALDRICH. On some subjects I will be glad to submit to the superior judgment of the Senator from Texas; but it is undoubtedly the fact that a motion to adjourn is always in order.

The PRESIDING OFFICER. Rule XXII provides that—

When a question is pending, no motion shall be received but—
To adjourn.
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
To take a recess.
To proceed to the consideration of executive business.
To lay on the table.
To postpone indefinitely.
To postpone to a day certain.
To commit.
To amend.
Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 22, 1909, at 10 o'clock a. m.

SENATE.

SATURDAY, *May 22, 1909.*

The Senate met at 10 o'clock a. m.

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

The VICE-PRESIDENT being absent, the President pro tempore took the chair.

The Journal of yesterday's proceedings was read and approved.

FOREIGN PRODUCTS IN DOMESTIC MARKETS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting, in further response to resolutions of March 6, 1909, and April 5, 1909, additional reports of the consular officers of the United States relating to the practice of selling foreign manufactured goods in this country at a lower price than the domestic price (S. Doc. No. 16, part 2), which, with the accompanying papers, was ordered to lie on the table and be printed.

RIVER AND HARBOR BALANCES.

Mr. BURTON. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. J. R. 33) relating to the provisions of section 10 of the sundry civil act of March 4, 1909, to report it favorably without amendment, and I submit a report (S. Rep. No. 4) thereon. I ask unanimous consent for the immediate consideration of the joint resolution.