By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of Lovina P. Simmons; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of American Cotton Manufacturers' Association, in opposition to proposed legislation concerning the sale and purchase of cotton, etc.; to the Committee on Agriculture.

Also, petition of Railway Mail Association, favoring the reclassification of salaries for railway postal clerks proviso in the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of citizens of Bottineau County, N. Dak., favoring establishment of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of E. F. Dunton, of Ellendale, N. Dak., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Westminster Presbyterian Church, of Devils Lake, N. Dak., for speedy passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of L. E. Yonaka, of Haynes, N. Dak., favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of the Central Union Label Council of Greater New York, for the creation of a commission on industrial relations; to the Committee on Rules.

Also, petition of the Railway Mail Association, for a reclassification of salaries and a system of service promotion for railway postal clerks; to the Committee on the Post Office and Post Roads.

Also, petition of the American Cotton Manufacturers' Association, in opposition to proposed legislation concerning the sale and purchase of cotton, etc.; to the Committee on Agriculture.

Also, memorial of the Order of Knights of Labor, relative to pending pension legislation for policemen and firemen of the District of Columbia; to the Committee on the District of Columbia.

By Mr. McCALL: Petition of Leslie F. Hunting Camp, No. 12, United Spanish War Veterans, of Cambridge, Mass., favoring passage of House bill 17470, which provides for the care of widows and orphans of deceased comrades of the Spanish War; to the Committee on Pensions.

By Mr. McCOY: Petition of the United Garment Workers of Houston, Tex., favoring passage of Booher prison-labor bill; to the Committee on Interstate and Foreign Commerce.

By Mr. McMORRAN: Petition of citizens of Owendale and Columbiaville, Mich., favoring the regulation of express rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Lapeer, Mich., favoring passage of law for regulation of express rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Columbiaville, Lapeer, and Owendale, Mich., favoring passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of St. Clair, Mich., protesting against any change in the oleomargarine law; to the Committee on Agriculture.

By Mr. RAKER: Petition of citizens of California, favoring House bill 21225, and protesting against House bill 20281; to the Committee on Agriculture.

Also, memorial of the Chamber of Commerce of the State of California, favoring the $36,000 appropriation for figliting the Mediterranean fly; to the Committee on Agriculture.

Also, memorial of the Grand Parlor, Native Daughters of the Golden West, of California, to accompany House bill 12211, to acquire control by the United States of the Calaveras or Mammoth Grove of Big Trees; to the Committee on the Public Lands.

Also, memorial of the City Council of Berkeley, Cal., favoring the Bulkley 3-cent-piece bill; to the Committee on Coinage, Weights, and Measures.

Also, letter from the Bank of California, to accompany Senate bill 5735, to enable the President to propose and invite foreign governments to participate in an international conference to promote inquiry into causes of high cost of living throughout the world; to the Committee on Banking and Currency.

By Mr. REILLY: Petition of the American Cotton Manufacturers' Association, in opposition to proposed legislation concerning the sale and purchase of cotton, etc.; to the Committee on Agriculture.

By Mr. STEPHENS of California: Petitions of citizens of the State of California, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of J. A. Beddison, of Palmdale, Cal., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Whittier, Cal., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Benjamin H. Rentipohler, of Los Angeles, Cal., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petition of the Southern California Wholesale Grocers' Association, for enactment of House bill 4667 and Senate bill 4727; to the Committee on Interstate and Foreign Commerce.

Also, petition of residents of Los Angeles, Cal., for enactment of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. SULZER: Petition of the American Cotton Manufacturers' Association, in opposition to proposed legislation concerning the sale and purchase of cotton, etc.; to the Committee on Agriculture.

Also, memorial of the New York State delegation to the National Rivers and Harbors Congress, relative to development of waterways within the State of New York; to the Committee on Rivers and Harbors.

Also, petition of the Railway Mail Association, for reclassification of salaries and a system of promotions for railway postal clerks; to the Committee on the Post Office and Post Roads.

Also, petition of C. A. Burrows, of Lancaster, Pa., favoring passage of old-age pension bill (H. R. 13114); to the Committee on Pensions.

By Mr. TOWNER: Petition of Swedish Baptist Church of Creston, Iowa, favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of residents of the State of New York, against repeal of the anticanteen law; to the Committee on Military Affairs.

By Mr. UTTER: Petition of Friends Society of East Greenwich, R. I., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE: Petition of citizens of Newport, Washington County, Ohio, favoring passage of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. WILLIS: Papers to accompany bill for the relief of Williamson T. Tway (H. R. 4639); to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of the American Cotton Manufacturers' Association, in opposition to proposed legislation concerning the sale and purchase of cotton, etc.; to the Committee on Agriculture.

Also, petition of residents of New York City, for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. YOUNG of Texas: Petition of F. L. Moseley and other citizens of Murchison, Tex., favoring passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

SENATE.

SATURDAY, *April 13, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

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

MOTOR AND OTHER VEHICLES IN GOVERNMENT SERVICE (S. DOC. NO. 558).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 25th ultimo, a statement showing the number of carriages, motor vehicles, etc., owned and operated by the Government and used by the War Department, which was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregation of the Middle Smithfield Methodist Episcopal Church of Munroe County, Pa.; of the Ladies' Aid Society of the First Methodist Episcopal Church of Worcester, Mass.; of members of the Salvation Army of Worcester, Mass.; and of the congregation of the First Swedish Methodist Episcopal Church of Worcester, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented the memorial of A. A. Brenninger, of Washington, D. C., remonstrating against the proposed appropriation of $215,000, reimbursable out of Indian funds, for the purpose of the survey, resurvey, classification, and appraisement of In-

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dian lands to be allotted, etc., which was referred to the Committee on Indian Affairs.

Mr. GALLINGER presented a petition of Local Grange No. 13, Patrons of Husbandry, of Nashua, N. H., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a petition of William McKinley Camp, No. 9, United Spanish War Veterans, of Connecticut, praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. ROOT. I present resolutions adopted by the Legislature of New York, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

The resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

IN ASSEMBLY, *March 11, 1912.*

By unanimous consent, Mr. Sweet offered for the consideration of the House a resolution in the words following:

Whereas this State, under the provisions of chapter 147 of the laws of 1903, is expending the sum of $100,000,000 in the widening and deepening of and otherwise improving the canals of this State; and

Whereas, as a part of the improvement authorized by said act, the Champlain Canal is being widened and deepened and improved to barge-canal dimensions from the village of Waterford northerly to the so-called harbor lines of Lake Champlain, located at or near the southerly boundary line of the village of Whitehall; and

Whereas that portion of Lake Champlain from said harbor lines northerly to the lake proper, and known as the inlet of said lake, is under the jurisdiction and control of the Federal Government, and is a narrow irregular channel, nearly 10 miles in length, entirely inadequate and unsuitable to be navigated by craft for which the Champlain Canal as improved is intended; and to the end that a full utilization of the benefits of the improved Champlain Canal when the same shall be completed may be had and a through and improved water route northerly to Lake Champlain provided, it is most desirable and necessary that the said inlet of Lake Champlain be improved and enlarged to barge-canal dimensions:

Resolved (if the senate concur), That Congress of the United States be, and it is hereby, requested to make suitable and proper provision for the improvement of said inlet of Lake Champlain from the so-called harbor lines at or near the southerly boundary line of the village of Whitehall or the point at which the jurisdiction of this State ends to Lake Champlain proper, to the end that said inlet shall be of the same dimensions of the Champlain Canal as the same is proposed to be improved under the provisions of chapter 147 of the laws of 1903, and suitable and proper for the navigation of craft plying said improved Champlain Canal when the same shall be completed; and be it further

Resolved (if the senate concur), That the clerk of the assembly be, and he hereby is, directed to transmit copies of this resolution to the Senate and House of Representatives of the United States and to the several Members of said bodies representing this State therein.

Mr. Speaker put the question whether the house would agree to said resolution, and it was determined in the affirmative.

Ordered, That the clerk deliver said resolution to the senate, and request their concurrence therein.

—

MARCH 12, 1912.

The senate returned the concurrent resolution in relation to the improvement of Lake Champlain inlet, with a message that they have concurred in the passage of the same without amendment.

—

I, Fred W. Hammond, clerk of the assembly, do hereby certify that the foregoing is a true copy of said resolution, and of the whole thereof as continued in the journals of proceedings of said dates.

In witness whereof I have hereunto set my hand this 15th day of March, 1912.

FRED W. HAMMOND,
Clerk of the Assembly.

Mr. ROOT presented petitions of the Woman's Christian Temperance Unions of Warrensburg and Kanona, and of sundry citizens of Chautauqua and Waterloo, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying that an appropriation be made for the improvement of the harbor at Buffalo, N. Y., which was referred to the Committee on Commerce.

Mr. WETMORE presented a petition of members of the Friends Society of East Greenwich, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. GRONNA presented a petition of sundry citizens of Bottineau County, N. Dak., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. TOWNSEND presented petitions of sundry citizens of Ann Arbor, Addison, Sand Lake, and Crystal Falls, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Capital Grange, No. 540, Patrons of Husbandry, of Ingham County, Mich., and a petition of Local Grange No. 1362, Patrons of Husbandry, of Thompson, Mich., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Real Estate Board of Detroit, Mich., praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

He also presented memorials of the Chamber of Commerce of Lansing and of sundry citizens of Pinconning, Bay City, Standish, Linwood, Reese, Saginaw, Vassar, Fairgrove, Watrousville, Richville, Akron, Santiago, Au Gres, Coleman, Mount Pleasant, Loomis, Gera, Gagetown, Unionville, Wolverine, Owendale, Elkton, Sebewaing, Kankawlin, Auburn, Freeland, Munger, Beaverton, Gilford, Silverwood, Mayville, Clifford, Turner, Twining, and Standish, all in the State of Michigan, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 4862) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts, and for other purposes, reported it without amendment and submitted a report (No. 618) thereon.

Mr. OWEN, from the Committee on Public Health and National Quarantine, to which was referred the bill (S. 1) to establish a department of health, and for other purposes, reported it with amendments and submitted a report (No. 619) thereon.

CONGRATULATIONS TO PEOPLE OF CHINA.

Mr. LODGE. From the Committee on Foreign Relations I report back the joint resolution (H. J. Res. 254) congratulating the people of China on their assumption of the powers, duties, and responsibilities of self-government, changed from a joint to a concurrent resolution, with certain amendments, and I ask for its present consideration.

The VICE PRESIDENT. The Senator from Massachusetts reports back as a concurrent resolution the following, which will be read by the Secretary.

The Secretary read as follows:

Resolved, etc., That the United States of America congratulates the people of China on their assumption of the powers, duties, and responsibilities of self-government, and expresses the confident hope that, in the adoption and maintenance of a republican form of government, the rights, liberties, and happiness of the Chinese people will be secure and the progress of the country insured.

The VICE PRESIDENT. The Chair suggests that it be reported as an original concurrent resolution and that action on the joint resolution be indefinitely postponed. It would be more easily disposed of in that manner.

Mr. BACON. I suggest that possibly it might be more satisfactory to the House from which it came that it simply be converted into a concurrent resolution and still be recognized as a House resolution rather than that we should indefinitely postpone the House resolution and substitute a Senate resolution.

Mr. LODGE. That was my impression. That is what I desire. It is to retain the House resolution, and I think it is perfectly legitimate to do it.

The VICE PRESIDENT. Very well. The question, then, is on agreeing to the concurrent resolution.

Mr. WILLIAMS. Mr. President, in this connection I do not want to oppose the passage of the resolution at all, but I should like to call the attention of the President and of the Senate to a clause of the Constitution which, it seems to me, is being constantly violated. I refer to the part of section 7 which reads as follows:

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

This language could not be more explicit:

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States.

I merely want to call attention to it, because at some future time when some matter that I regard as objectionable is brought up in this way I want to bring it to the attention of the Senate and House. I do not want to do it suddenly. It seems to have been the habit for many years to overlook that clause.

Mr. LODGE. I was aware of the existence of that clause of the Constitution, but there is no question that the practice has been that the Houses have passed concurrent resolutions where they were a mere expression of opinion that were not expected to become a law, which is the case with this resolution.

Mr. WILLIAMS. I know the Senator is right about the practice, and it is because the practice was going on and it was becoming more and more the practice that I wanted to call attention to it. We have got to a point where we not only do it where there is an expression of opinion, but where frequently a necessary expense grows out of the concurrent resolution. It seems to me it would be well not to be quite so careless in the future as we have been in the past.

Mr. LODGE. I will be glad to say to the Senator from Mississippi that I have never clearly seen myself how we escape from that clause of the Constitution.

Mr. WILLIAMS. There is no escape from it.

Mr. LODGE. Yet the practice is, as the Senator well knows, to pass concurrent resolutions by the two Houses alone.

Mr. WILLIAMS. Yes; I know it.

Mr. BACON. Mr. President, this is a matter we can not dispose of now, but it is important that a suggestion of that kind should not go by any acquiescence sub silentio. It is not simply a matter of practice; it is a matter of law; and the reasonable construction of the paragraph is in accordance with what is now denominated as a practice.

There are numbers of things which are done by concurrent resolutions of the two Houses. Manifestly they do not have the effect of law, and the President has nothing to do with them. For instance, the two Houses adopt a concurrent resolution to meet to count the electoral votes. Nobody will suppose for a moment that that is a matter with which the President has anything to do, or that his approval is necessary to it.

Mr. WILLIAMS. If the Senator from Georgia will allow me, our forefathers may have been unlucky in expressing what they intended; but if they intended to say only that a concurrent resolution should be sent to the President when the President had any interest in it, or the President had anything to do with it, or anything else, they did not say it. They simply say that any vote or resolution passed by either House to which the concurrence of the other House is necessary shall be presented to the President. They do not undertake to make the provision on account of the character of the vote or resolution at all, but any vote, any resolution to which the concurrence of the other House is requisite shall be presented to the President.

Mr. BACON. Mr. President, the Senator from Mississippi undertook to answer me before he heard what I had to say. Possibly it was upon the same principle that the House of Representatives in the report of the Ways and Means Committee answered the report of the Finance Committee of the Senate before the report was made.

The section of the Constitution from which this is taken is one relating to the passage of laws, and must necessarily be construed in such a way as not only to relate to that subject, but not to conflict with other provisions in the Constitution and the practice of legislative procedure which necessarily grows out of it. There are numbers of things, I will not stop to elaborate them at all, simply making it as a suggestion in order that it may not, as I say, pass apparently by consent that such is the proper construction. There are other things, not to say numbers of them, where manifestly the President of the United States has no concern. For instance, the very grave and important matter of the adoption of a resolution proposing an amendment to the Constitution of the United States is a question with which the President of the United States has nothing to do. The President of the United States can not by his veto in any manner affect the action. A great many things are to be construed, and, of course, necessarily construed, that might upon the very surface not appear to be the intention of the lawmakers.

As I said, I will not interrupt the proceedings now to speak of that, but I think an examination of the context and of the particular section shows that those provisions are intended to apply to those things which, when done, will have the effect of law and be binding upon the public.

Mr. WILLIAMS. Mr. President, I can not let the remarks of the Senator from Georgia pass without one observation in reply. The Senator cites the case of an amendment to the Constitution. That is totally different, because the clause of the Constitution which provides how the Constitution shall be amended provides for that; and the two clauses are to be construed together, of course, the clause specifically reading that an amendment takes preference. The clause telling how to amend the Constitution provides that it shall be done by two-thirds of the two Houses without the President.

Mr. BACON. It does not say without the President. It says by a resolution of the two Houses.

Mr. WILLIAMS. It specifically states how an amendment is to be adopted. That clause of the Constitution with regard to that particular question overrides this general provision.

Mr. BACON. There is nothing in that clause which says the President shall not be required to approve it. It would fall within the classification of a resolution if it be one of the number known when the Constitution says every resolution. There are other things which I could mention, but which I will not now stop to mention. There is the matter of a recess. There is a provision in the Constitution that neither House shall adjourn for more than three days without the consent of the other House. Consequently, the two Houses adopt a concurrent resolution to take a recess for a longer time than three days. Nobody would suppose for a moment that the President of the United States had any possible right to veto or that he was called upon to approve such a resolution. So the illustrations can be carried to a number of cases.

Mr. LODGE. Mr. President, I do not desire to delay the passage of the resolution. I think it is entirely within our power to change it to a concurrent resolution. My purpose, of course, in doing that is that this is a House resolution and we pass it in the same words, and I think it is more courteous to the House to let it remain a House resolution. I am not aware of any parliamentary objection to our doing it.

The VICE PRESIDENT. Without objection, the amended resolution is agreed to.

The SECRETARY. The committee recommend striking out the preamble as printed in the resolution of the House.

The VICE PRESIDENT. Without objection, that is agreed to.

The SECRETARY. The committee recommend changing the title so that it will be a concurrent resolution, and also changing the resolving clause.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LODGE. In regard to what has been said about concurrent resolutions, I desire to ask that the part of the report which I have marked, made in the Fifty-fourth Congress by Senator Hill, of New York, on this matter of concurrent resolutions, may be printed in the RECORD. It conforms with what I ventured to say is the practice.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

CONCURRENT RESOLUTIONS.

The passage of concurrent resolutions by Congress began immediately upon the organization of the Government. They differ very little from simple resolutions, Senate concurrent resolutions being in form substantially as follows: "Resolved by the Senate (the House of Representatives concurring therein), That, etc." They have not been used (except as hereinbefore stated) for the purposes of enacting legislation, but to express the sense of Congress upon a given subject, to adjourn longer than three days, to make, amend, or suspend joint rules, and to accomplish similar purposes, in which both Houses have a common interest, but with which the President has no concern. They are frequently used in ordering the printing of documents, in paying therefor, and in incurring and paying other expenses where the moneys necessary therefor have previously been appropriated and set apart by law for the uses of the two Houses.

Concurrent resolutions from their very nature require the concurrence of both Houses to make them effectual, and if the Constitution in section 7, before quoted, has reference solely to the form and not to the substance of such resolutions, they must of course be presented to the President for his approval.

For over a hundred years, however, they have never been so presented. They have uniformly been regarded by all the departments of the Government as matters peculiarly within the province of Congress alone. They have never embraced legislative provisions proper, and hence have never been deemed to require Executive approval.

This practical construction of the Constitution, thus acquiesced in for a century, must be deemed the true construction, with which no court will interfere (Stuart *v.* Laird, 1 Cranch, 299). If it be contended that the exception in section 7 (whereby adjournment resolutions are excluded from those which must be presented to the President, although they require the concurrence of both Houses) somewhat corroborates the theory that all other concurrent resolutions are intended to be included, regardless of their character, it may be answered that such exception was rendered necessary because of that other provision of the Constitution (Art. I, sec. 5, subdiv. 4) which prevents adjournments for more than three days without the consent of each House. Such adjournment resolutions were therefore constitutionally required to be concurrent because the "concurrence" of both Houses was under the Constitution itself necessary thereto to make them valid, and if there had been no exception contained in said section 7 all such resolutions would have been required to be presented to the President, which would be an unprofitable and useless proceeding, as Congress itself should have the sole right to determine the question of its own adjournment, the President being sufficiently protected in such matters by his power to convene Congress whenever he deems it desirable.

In other words, the exception was necessary in order to take certain adjournment resolutions out of the category of those "to which the concurrence of the Senate and House of Representatives may be necessary," under the other provisions of the Constitution, and for that good reason all adjournment resolutions were appropriately excepted.

The provisions of chapter 9 of the laws of 1874, incorporated in the Revised Statutes (2d ed., 1878, p. 33) as section 205, which do not seem to have been repealed, imply that there may be resolutions, other

than joint resolutions, in which legislation may properly be embraced, requiring the approval of the President. They are as follows:

"Whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved by the President or not having been returned by him with his objections, becomes a law or takes effect, it shall forthwith be received by the Secretary of State from the President. And whenever a bill, order, resolution, or vote is returned by the President with his objections, and on being reconsidered is agreed to be passed, and is approved by two-thirds of both Houses of Congress, and thereby becomes a law or takes effect, it shall be received by the Secretary of State from the President of the Senate or Speaker of the House of Representatives, in whichsoever House it shall last have been so approved, and he shall carefully preserve the originals."

It will be observed that this statute uses the broad phrase "order, resolution, or vote," the same as used in the Constitution, without making any distinction between joint and concurrent resolutions. Neither do the provisions of the act of February 25, 1871 (now incorporated in the Revised Statutes, 2d ed., 1878, p. 2, secs. 7 and 8), throw much light on the subject.

They simply prescribe the form of bills and joint resolutions, and are as follows:

"SEC. 7. The enacting clause of all acts of Congress hereafter enacted shall be in the following form: 'Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.'

"SEC. 8. The resolving clause of all joint resolutions shall be in the following form: 'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.'"

From these provisions it may properly be inferred that Congress did not intend or contemplate that any legislation should thereafter be enacted except by bill or joint resolution. That is a fair inference, because it has provided no form of legislation by concurrent resolution; but of course these provisions, which must largely be regarded as directory, could not bind subsequent Congresses, which possess the inherent right to prescribe their own forms of legislation notwithstanding this statute.

The rules of the respective Houses treat bills and joint resolutions alike, and do not contemplate that legislation shall be enacted in any other form or manner; but it is still true that rules may be suspended at the pleasure of either House, and legislation may also be enacted by a majority in evasion or violation of rules, and even in the absence of rules, without affecting its constitutionality or validity. This principle is plainly deducible from the case of Field *v.* Clark (143 U. S. R., 649) and other authorities.

The act of January 12, 1895, providing for the public printing, recognizes the distinction for which we contend. It provides (ch. 23 of the laws of 1895, sec. 59) that—

"Orders for printing extra copies shall be by simple, concurrent, or joint resolution. Either House may print extra copies to the amount of $500 by simple resolution; if the cost exceeds that sum the printing shall be ordered by concurrent resolution, except when the resolution is self-appropriating, when it shall be by joint resolution."

It will thus be observed that a joint resolution is only to be used when an appropriation is desired additional to the amount already appropriated for printing purposes in the general appropriation bills—in other words, when the resolution is self-appropriating, thereby rendering it legislation per se. When there is no appropriation, but the expense is to be borne by the fund already on hand, placed at the disposal of the two Houses, then a simple or concurrent resolution is appropriate, depending upon the amount involved.

The printing act before mentioned (ch. 23, laws of 1895, sec. 73) contains a departure from the practice which had prevailed since the organization of the Government. It requires the Statutes at Large to contain "all laws, joint and concurrent resolutions passed by Congress, and also all conventions, treaties, proclamations, and agreements." Concurrent resolutions had never theretofore been printed in the Statutes at Large, but are now so printed under the authority of this act. The necessity or propriety of their publication among our statute laws (except for ready reference as a matter of convenience simply) may be open to question. They are not approved by the President and are not laws in any sense.

It should also be stated that it has been the uniform practice of Congress, since the organization of the Government, not to present concurrent resolutions to the President for his approval, and to avoid incorporating in such resolutions any matter of strict legislation requiring such presentation. As a matter of propriety and expediency it is believed to be wise to continue that course in the future.

THE METAL SCHEDULE.

Mr. WILLIAMS. I submit the views of the minority of the Finance Committee, to accompany the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

With the indulgence of the Senate, I will say, in this connection, that the report is signed by all of the minority members except the Senator from Missouri [Mr. STONE], who is unfortunately and unavoidably absent, but we have every reason to believe that he would sign the report if he were here. I also desire to say that I was unable, for the same reason, to see the Senator from Wisconsin [Mr. LA FOLLETTE], and do not know how he would act.

The VICE PRESIDENT. The views of the minority will be printed as part 2 of Senate Report No. 591.

BILLS INTRODUCED.

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

By Mr. SMITH of Arizona:

A bill (S. 6328) to provide for an extension of time within which the cost of the Salt River irrigation and reclamation project in the State of Arizona may be repaid by the landowners within the same, and granting the same privileges to the Yuma irrigation project and others similarly situated upon the same terms; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. CHAMBERLAIN:

A bill (S. 6329) to provide pensions for the officers and soldiers of the Indian wars of the United States which occurred prior to the year 1880; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 6330) increasing the cost of erecting a public building at Santa Barbara, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. CRAWFORD:

A bill (S. 6331) granting an increase of pension to William J. Percy (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6332) to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service; to the Committee on Commerce.

By Mr. WARREN:

A bill (S. 6333) for the relief of Thomas Mooney; to the Committee on Claims.

By Mr. BOURNE:

A bill (S. 6334) granting an increase of pension to Thomas Coats (with accompanying paper); to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 6335) to reimburse T. C. Barrier, postmaster, Philadelphia, Miss., for registered money stolen in transit; to the Committee on Post Offices and Post Roads.

By Mr. CURTIS:

A bill (S. 6336) for the relief of Elizabeth Ely, her heirs or assigns (with accompanying paper);

A bill (S. 6337) for the relief of Frank Crathorne, his heirs or assigns; and

A bill (S. 6338) for the relief of William H. Sparrow; to the Committee on Claims.

By Mr. OWEN:

A bill (S. 6339) to adjust titles within the Five Civilized Tribes in Oklahoma, and for other purposes; to the Committee on Indian Affairs.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. GALLINGER submitted an amendment proposing to appropriate $4,000 for clerical and stenographic expenses in publishing hearings before the National Waterways Commission, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WORKS submitted an amendment proposing to appropriate $327,250 for the improvement of the Los Angeles Outer Harbor, Cal., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate $20,000 for improving the entrance to St. Joseph Bay, Fla., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WILLIAMS. In the absence of the senior Senator from Texas [Mr. CULBERSON], and at his request, I submit an amendment proposing to appropriate $25,000 for the improvement of the mouth of Brazos River, Tex., intended to be proposed by him to the river and harbor appropriation bill, which I ask may be printed and referred to the Committee on Commerce.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENTS TO INDIAN APPROPRIATION BILL (H. R. 20728).

Mr. JONES submitted an amendment providing for the settlement of the claim of the attorney of record in the matter of the enrollment and allotment of lands to Virgil H., Willie A., and Oscar R. Esterbrook, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. SMITH of Arizona submitted an amendment proposing to appropriate $25,000 for examinations and surveys for reservoirs and irrigation works on the Gila River, Ariz., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

TELEGRAPH AND TELEPHONE.

Mr. OVERMAN. I ask for a reprint of Senate Document No. 205, the edition having been exhausted.

Mr. SMOOT. May I ask the Senator what the document is?

Mr. OVERMAN. It is Senate Document No. 205, Fifty-fourth Congress, first session, being papers containing an article by Judge Walter Clark on the subject of telegraph and telephone.

Mr. SMOOT. How many copies does the Senator desire printed?

Mr. OVERMAN. The usual number.

Mr. SMOOT. There is no usual number in the case of a reprint.

Mr. OVERMAN. I will say 500, if that comes within the rule.

Mr. SMOOT. The chairman of the Joint Committee on Printing can order it printed without the action of the Senate.

Mr. OVERMAN. I ask the Senate to make the order now.

Mr. SMOOT. Very well. Does the Senator modify his request that 500 additional copies be printed?

Mr. OVERMAN. Yes; 500 additional copies.

The VICE PRESIDENT. Without objection, the order to print 500 additional copies is entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That 500 additional copies of Senate Document No. 205, Fifty-fourth Congress, first session, entitled "Papers containing an article by Judge Walter Clark, entitled 'Telegraph and Telephone,' in the American Law Review, etc.," be printed for the document room.

COMMITTEE SERVICE.

Mr. PERKINS was, on his own motion, excused from further service upon the Committee on Agriculture and Forestry.

Mr. GALLINGER submitted the following resolution, which was read, considered by unanimous consent, and agreed to:

Resolved, That Mr. SANDERS be assigned to service on the following standing committees of the Senate: Agriculture and Forestry, Coast and Insular Survey, Education and Labor, Expenditures in the Department of Commerce and Labor, Expenditures in the War Department, and Military Affairs.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. NEWLANDS. I submit the amendment I send to the desk, and I should like to have it read.

The Secretary read as follows:

An amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, viz:

Amend the appropriation of $3,500,000 for improving the Mississippi River from Head of Passes to Cape Girardeau, Mo., by inserting in lieu thereof, on page 34, lines 23 and 24, the words "eight million dollars," and by adding thereto, at the end of line 20, page 35, the following: "*Provided further*, That the Mississippi River Commission is also authorized to use such portion of the equipment of the Panama Canal as from time to time can be spared from the Panama Canal service and as may be useful to the Mississippi River Commission in the work prosecuted under its direction.

Mr. NEWLANDS. Mr. President, with the consent of the Senate I should like to say a few words regarding this amendment.

I have just returned from the drainage congress held at New Orleans. There I obtained some realization of the enormous proportions of the pending flood, though as yet the crest of that flood is two weeks off from New Orleans. I ascertained while there that the method of appropriating for the Mississippi River from the Ohio River down was this: A commission, known as the Mississippi River Commission, has been organized, composed mainly of Army engineers; that commission is acting in cooperation with the various States in which these swamp lands are located and with the officials of the various levee districts in works intended to promote both navigation and reclamation; Congress decided some years ago upon the policy of appropriating $80,000,000 for levee protection and bank protection, and declared its purpose of appropriating that sum in annual installments of $4,000,000 for the period of 20 years. That understanding was complied with for some years, but within more recent years the appropriation was reduced from $4,000,000 to $3,000,000; and in the pending appropriation bill, instead of the installment of $4,000,000 we find the sum of $3,500,000.

It is apparent, Mr. President, that instead of distributing the expenditure of this large sum of money over a period of 20 years, as was originally contemplated, thus creating an expenditure of $4,000,000 annually, it would have been much better to have limited that period to 10 years, appropriating $8,000,000 annually. If that had been done, the disastrous effects of the existing flood might have been averted. I have endeavored to correct this in the amendment just offered, which increases the next year's installment from $3,500,000 to $8,000,000.

Mr. President, the whole problem of the Mississippi River is one of regulation of flow. The problem is to reduce the height of the floods and to increase the height of the ebb flow during the period of drought. The method so far pursued has been simply to endeavor to handle the flood waters falling in 24 States, in the lower reaches of that river, by bank revetment and by levee protection, under a system of cooperation, which seems to be working admirably between the National Government and the State governments and the levee districts, but it is now clear that a larger area must be covered by these works relating to flood prevention; that the thing to do is not simply to endeavor to restrain the flood waters as they come from the upper States in the channel of the river below by bank protection and by the construction of these enormous levees, but also to prevent the floods from coming down to the lower reaches of the river and vexing the four or five States which are most threatened with injury.

The problem of storage, then, is one of the most important questions presented with reference to the regulation of the Mississippi River. That storage can be effected upon the Ohio River and its tributaries by storage in the Allegheny and the Monongahela Rivers, thus preventing the floods which almost every year inflict injury upon Pittsburgh and the regions surrounding to the extent of $4,000,000 or $5,000,000, and by storing water also in the headwaters of the Tennessee and the Cumberland.

These waters can be made useful in the development of water power, which is made efficient in the creation of electricity, an element that is entering more into the daily lives and the comfort and the convenience of our people than almost any other element. Thus the storage can be made effective in two ways: One, by protecting the lower reaches of the Mississippi River, the States of Kentucky, Missouri, Arkansas, Mississippi, and Louisiana from the floods which fall upon the States bordering upon the Ohio River; and, two, in the production of electric power, to the immense advantage of the country adjoining the Ohio River.

So also with the headwaters of the Missouri River, taking their sources in the Rocky Mountain region, where large flood control could be secured by the storage of water that will be useful not only in preventing floods from the snow waters coming down to the lower reaches of the Mississippi River, but also useful in irrigation in the arid region; for as these waters are drawn over the thirsty plains they will diminish the flow of the river during the period of flood, and their gradual seepage back to the river will increase the flow of the river during the period of drought for purposes of navigation. So it is with the Platte and the Arkansas and their tributaries.

This question has been taken up in great detail by the Irrigation Congress, whose problems relate to the mountain regions above tributary to the Mississippi, and by the Drainage Congress, whose problems relate to the reclamation of swamp lands in the Mississippi Valley below; and they, in connection with the other waterway associations of the country interested in waterway development as a matter of navigation, have substantially agreed that the best way, the full and comprehensive way, of taking hold of the question of river development for purposes of navigation, to which the Federal jurisdiction attaches, is by regarding the river with all its tributaries as a unit; regarding the Mississippi River, with its tributaries of the Ohio, the Tennessee, and the Cumberland on the east, and with its tributaries of the Missouri, the Platte, and the Arkansas on the west, as a unit; requiring cooperative treatment upon the part of both the Nation and the State, the Nation being interested in developing these rivers for transportation; the States and the Nation both being interested in the development of the waste land of the country, whether it be the arid land above or the swamp land below, and also in the development of that great natural resource, the water power of the country, for the purpose of hydroelectric expansion.

Suggestion is made that through a system of cooperation of the great scientific services of the country full and comprehensive plans can be made covering all these various forms of development and also covering such an apportionment of costs and of benefits as will assign to the different sovereignties certain proportions of the cost, just as they receive certain proportions of the benefit.

Mr. President, for years I have been urging upon Congress a measure covering this question. Public opinion is made up regarding it; and that public opinion has been expressed in the resolutions passed by the numerous waterway associations, reclamation associations, and drainage associations of the country. That sentiment was expressed in a message of Mr. Roosevelt appointing the Inland Waterways Commission, of which I was a member, which commission rendered a report calling for full coordination of the various scientific services and cooperation between the Nation and the State. That report was followed later on by a recent report of the National Waterways Commission, of which the Senator from Ohio [Mr. BURTON] is the chairman, in which substantially the same ground is taken and the same policy urged.

In addition to this, the two great national parties of the country acted specifically and definitely at the last election over three years ago. The Republican Party declared unequivocally for the conservation policy of Mr. Roosevelt relating to waterways. The character of that policy was well known, and it was unnecessary for the platform to enter into details, as it

covered every form of development to which I have referred. On the other hand, the Democratic Party, without referring to the policy of that administration, regarding itself as the real guardian of the conservation of the resources of the country through policies which it had urged in its platforms for many years, declared specifically and definitely in favor of a board of experts, consisting of the chiefs of the related services of the country having anything whatever to do with water, declaring for cooperation between the Nation and the State, declaring for an ample fund for continuous work, and declaring specifically that this work should relate not only to navigation but should relate to the storage of water for the reclamation of the arid lands above the swamp lands below the intermediate development of water power and also the conservation of forests as a means of naturally storing the flood waters and preventing rapid run off.

Three years have passed by since those pledges were given to the people of the United States, and it is time that they were enacted into law. The people, in my judgment, will not be satisfied with either party if we content ourselves in the next campaign with renewing in our platforms the pledges made four years ago without any attempt at substantial compliance with them.

I offer this amendment to this bill, a river and harbor measure. I am tempted—and I may pursue the course—to offer later on as an amendment to that bill the full and comprehensive river-regulation bill which I have been urging for some time before this body. But if that course is not pursued, I trust that the appropriate committee of this body will take up that bill and bring it before the Senate for action before final adjournment.

The great Sacramento Valley, which the Senator from California [Mr. PERKINS] represents, is now moving before our committee the adoption of a great scheme for the cooperative development of that river embracing both reclamation and navigation, a scheme which has been approved by the Engineer Corps of the Army; and yet I find upon the subcommittee of which I am a member an indisposition to consider that measure, though it has been recommended by the Engineer Corps, on the ground that the subject ought to be taken up in a full measure devoted exclusively to this subject. If that is so, it is all the more important that we should have immediate action upon the general subject which will embrace rivers and waterways of the Atlantic watershed, rivers and waterways of the Gulf coast and the Mississippi Valley, and rivers and waters of the Pacific coast. There is no more important question of conservation presented to the American people, and the recent floods accentuate its importance.

The VICE PRESIDENT. The amendment will be printed and referred to the Committee on Commerce.

CHOCTAW AND CHICKASAW INDIAN LANDS.

Mr. OWEN. I desire to give notice that on Monday, the 15th instant, at the conclusion of the speech by the junior Senator from Georgia [Mr. SMITH], I shall address the Senate on the bill (S. 5727) to provide for the appraisement of the mineral deposits of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes.

UNITED STATES V. AMERICAN TOBACCO CO.

Mr. CUMMINS. Mr. President, I ask the Senate to take up for consideration the bill (S. 3607) to give the right of appeal to the Supreme Court of the United States to certain organizations or persons in the suit of the United States against American Tobacco Co. and others.

The VICE PRESIDENT. The Chair lays before the Senate the bill indicated.

Mr. CUMMINS. Mr. President, this bill is before the Senate upon the adverse report of the Committee on the Judiciary. The report of the majority was accompanied with minority views signed by five members of the committee. It is true of this bill as it is true of substantially every bill that relates to the regulation of commerce among the States, that there are two general questions involved.

The first is as to the policy of the bill. Is it wise for the Government to do the things this bill proposes it shall do? Second. Has Congress the power to pass the bill and so enact it into legislation if it be found that as a matter of policy it is wise to do so?

I intend for a few minutes to address myself to these questions in the order in which I have stated them, and first with regard to the wisdom of the action which is here proposed.

In order to make my conclusions clear, Senators, I must be allowed to recount very briefly the history of the case to which the bill applies. First, I may be permitted to say that the antitrust law passed by Congress in 1890 has for its chief purpose—and I think it is fairly accurate to say that it has for its only purpose—the maintenance of fair, substantial competition and rivalry in trade and commerce. The American Tobacco Co., when the suit to which this bill refers was instituted, had monopolized the tobacco business in the United States. It had monopolized it from its production in the fields through all its transformations until the finished product reached the ultimate consumer. The suit was brought by the United States alleging a violation of both sections 1 and 2 of the act of 1890, commonly known as the antitrust law. It was alleged that this company, together with its individual managers and its subordinate corporations, had combined, conspired, and entered into contracts in restraint of trade. It was also alleged that the company had monopolized the business in which it was engaged.

The defendants were the American Tobacco Co., the principal corporation and, as I now recall it, 67 other corporations all of which, or all of which save one or two anyhow, were entirely controlled by the stockholders of the American Tobacco Co. through the corporate instrumentality of that company. There were 29 individual defendants, and they were the principal stockholders of the American Tobacco Co.

The case finally reached a decision in the Circuit Court of the United States for the Southern District of New York. A decree was entered awarding the United States a portion of the relief that was asked. The decree was not satisfactory to the Department of Justice, as then administered, and thereupon an appeal was taken by the United States to the Supreme Court of the United States.

Last summer the highest tribunal of the land delivered its decision, and I but refresh the memory of every Senator here when I say that the denunciation of the American Tobacco Co. and all those engaged in its operation found in that opinion was more severe than will be found in any other opinion of that court or of any other court respecting an offense against and in violation of the antitrust law.

The Supreme Court found that not only was the American Tobacco Co. itself a criminal, but that all the subsidiary companies were criminals as well, and it not only thus characterized the corporate character of the enterprise, but it applied the same strictures to the work of the individual defendants, because it was through them that the vicious outcome of the combination was accomplished.

I intend to read, if you will allow me, a paragraph or so of this opinion, because it will show, not all the strictures I have mentioned, but the ultimate disposition of the case by the Supreme Court and why it was returned to the Circuit Court of the United States, and the direction given to the circuit court for its guidance in the further proceedings of the case. The Supreme Court said:

> Under the circumstances, taking into mind the complexity of the situation in all its aspects, and giving weight to the many-sided considerations which must control our judgment, we think, so far as the permanent relief to be awarded is concerned, we should decree as follows:
>
> First. That the combination in and of itself, as well aseach and all of the elements composing it, whether corporate or individual, whether considered collectively or separately, be decreed to be in restraint of trade and an attempt to monopolize and a monopolization within the first and second sections of the antitrust act.
>
> Second. That the court below, in order to give effective force to our decree in this regard, be directed to hear the parties, by evidence or otherwise, as it may be deemed proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating, out of the elements now composing it, a new condition which shall be honestly in harmony with, and not repugnant to, the law.
>
> Third. That for the accomplishment of these purposes, taking into view the difficulty of the situation, a period of six months is allowed from the receipt of our mandate, with leave, however, in the event, in the judgment of the court below, the necessities of the situation require to extend such period to a further time not to exceed 60 days.
>
> Fourth. That in the event, before the expiration of the period thus fixed, the condition of disintegration in harmony with the law is not brought about, either as a consequence of the action of the court in determining an issue of the subject or in accepting a plan agreed upon, it shall be the duty of the court, either by way of an injunction restraining the movement of the products of the combination in the channels of interstate or foreign commerce or by the appointment of a receiver, to give effect to the requirements of the statute.

Such were the directions given by the Supreme Court to the Circuit Court for the Southern District of New York and thereupon the case was returned to the latter tribunal for proceedings in harmony with this direction.

As I remarked a moment ago, the purpose of the antitrust law is to maintain free competitive conditions in the trade and commerce of the United States, and what the Supreme Court meant by its direction to the circuit court requiring that the re-creation or reorganization should be in harmony with the law, was as everybody will admit—the Attorney General admits it, the court which decided the case, the Circuit Court of the United States in New York, admits it—that these conditions

which were to be produced by any plan approved by the court, should create and should maintain substantial, fair competition in the business in which the company was engaged.

I now call your attention to what was actually done. It seems that instead of proceeding in a judicial way in the circuit court of New York the parties—I include the United States as well as the defendant—reached the conclusion that it would be wise to have conferences with the court, and for a period of several months the Attorney General of the United States and the tobacco people were in conference with the judges or some of them.

I regret exceedingly that judges have ventured into that field. I do not believe the judges of the circuit court or any other court should have conferences in the sense in which they were held in this case. The judicial proceedings of the courts should be public. They should be held with due regard to decorum and to the dignity which pertains to judicial proceedings. I can not imagine anything better calculated to arouse the very criticism which is now so general throughout this country upon the action of the courts than to adopt the procedure which has received sanction in the case before us. I can imagine nothing that will tend more inevitably to destroy the confidence and the respect which we ought to have in the courts than to permit a judge and parties and lawyers to gather together in a conference as distinguished from the presentation upon the one side or the other of a right asserted under the laws of the country.

But nevertheless that is what was done in this case; and to show that I am not magnifying or exaggerating the matter, I turn to an extract contained in the opinion of Judge Lacombe, one of the judges of the circuit court, delivered in approving the decree which I have mentioned. Judge Lacombe says:

> While the plan is correctly described as the proposed plan of the American Tobacco Co. since that corporation and the other defendants offer to carry it out, it should be remembered that in its present form the plan is the fruit of much discussion. For upward of two months successive conferences, in the presence of two or more members of the court, were had between the Attorney General and the counsel and representatives of the Tobacco Co.

The truth is that in these conferences not only counsel were present, but the experts in the tobacco business were also present.

I do not want it to be understood that I think these judges were in any wise improperly or corruptly influenced. I only say that the method in which they obtained the information, and upon which they reached the conclusion which they afterwards announced, is not the method which is known to and approved by the English-speaking people for the conduct of judicial proceedings, and I earnestly hope that in some way we will be able to so adjust our procedure in such cases that hereafter there will be no such conferences as were here had.

Let us see what was done finally. The American Tobacco Co. had a capitalization of $223,000,000. That was the nominal capitalization. This capitalization consisted of bonds, preferred stock, and common stock. I will have occasion presently to mention that phase of the subject again. But the $40,000,000 of common stock which was outstanding, issued by the American Tobacco Co., controlled all the business and controlled every corporation that had been drawn into the American Tobacco Co.

What was the plan which was finally agreed upon, because while the decree does not appear to be upon its face a consent decree, in fact it is a consent decree so far as the Attorney General is concerned and so far as the defendants in the case are concerned? The decree proposed to create 11, as I remember it, new corporations, taking three of the old ones as integral parts of the new arrangement, and we thus have the business of the American Tobacco Co., which you will remember was controlled by common-stock holders of the American Tobacco Co., divided into 14 corporations. That sounds like a substantial distribution and disintegration, but it was simply repeating the promise to the ear and breaking it to the hope.

Let us pass a step further. Of the $223,000,000 of capitalization which represented the whole of the old business of the American Tobacco Co., three companies took $213,000,000 of it. I will read the precise figures in order that I may not seem to be merely conjecturing about it. The original capitalization of the American Tobacco Co.—by originally I mean at the time the suit was brought—was as follows:

It had bonds outstanding of the par value of $104,236,750; it had preferred stock outstanding of the value of $78,689,100; it had common stock, and that was the controlling part of the organization, of the par value of $40,242,400, making a total of $223,168,250.

Let no Senator confound that with the market value of these securities. It is quite true the bonds were worth but little more than par; it is quite true that the preferred stock was worth but little more than par; but the $40,000,000 originally of the common stock of the American Tobacco Co., mainly water, had been worth before the prosecution was begun more than 500 per cent, rising at one time as high as 515 per cent.

Bear that in mind when you come to consider the value and the force and power of a monopoly, because it was only the monopolistic power exercised by the stockholders of the American Tobacco Co. that gave this worthless watered stock the enormous value that I have just suggested. It was only because they had the power to exact and extort whatsoever they pleased to extort from the American people for the products which they manufactured that their stock was worth upon the market from 400 to 500 per cent.

I pass now to the reorganization; and I want you, for the purpose of simplicity, to dismiss from your minds 11 of these companies for a moment. They stand in the same relation precisely as the three of which I shall speak, but these 11 companies as a whole took only about $10,000,000 of the capitalization of the American Tobacco Co., while the three companies which I have named took $213,000,000 of that capitalization, and this is the way in which it was distributed. To the American Tobacco Co., the old company, there was reserved a capitalization of $98,432,473.83. Remember that I am not stating a fact that does not appear in the plan itself, approved by the court, or in the opinion of the Supreme Court delivered at the time the judgment or decree below was reversed. Every fact that I shall bring to your attention is therefore authenticated and certified either by the court whose decree I am now criticising or by the Supreme Court itself.

There was a new company to be organized to be called the Liggett & Myers Tobacco Co., and that company was given a capitalization of $67,447,490, taken from the old American Tobacco Co. A third company, all engaged in the same business, although using different brands, called the P. Lorillard Co., was to be organized and given a capitalization of $47,552,501, making an aggregate of $213,432,473.83. Substantially, therefore, the whole business of the American Tobacco Co., as it was when challenged by the United States, passed over to these three companies. The 11 companies are even worse, but I dismiss them for a moment. Substantially the whole business passed over to these three companies.

If these three companies so created and so established in the field in commerce became competitors of each other, so that the natural rivalry between corporations engaged in the same business would protect the people of the United States, then the opinion of the Supreme Court has been realized; then the conditions which the Supreme Court required have been created.

I ask you, as reasonable and sensible men, to inquire with me whether these three companies did become competitors or rivals of each other. This is the way they were created: The American Tobacco Co.'s stockholders surrendered a part of their stock in the American Tobacco Co., and took an equal amount of stock in each of the two other companies. That was the plan of reorganization. That was the way in which the circuit court and those who were helping the circuit court thought competition could be created in that business; whereas before the decree a certain number of men held all the stock of the American Tobacco Co. and in that way controlled the business, after this performance, the same men who had held the control of the American Tobacco Co. held the control of the Liggett & Myers Co. and held control of the P. Lorillard Co., and they held their interests in the very same proportions in which they held their stock in the American Tobacco Co.

I will give you an illustration of it to make it as plain and simple as I think it can be made. Suppose that there was a corporation charged with the violation of the law in suppressing competition and establishing monopoly. Its stock, we will assume, was held by three persons, each holding 33⅓ per cent. The Supreme Court says the corporation must be dissolved and disintegrated, and out of the elements composing it there must be recreated a condition which will be in harmony with the law; that is, that will at least establish conditions out of which competition may arise and which according to the natural course of business would arise. How do they do it? They organize two other corporations and these three men who own the stock of the parent corporation in equal amounts become stockholders in the same proportions of these two other corporations and thus the three men control the parent company, just as they did before, and the two new companies just as they did the original company before the dissolution.

So we have three companies owned by the same men and we are asked by high authority to believe that a reorganization of that kind will create conditions out of which competition may be reasonably expected. It is precisely as though, if I may suggest another illustration, one man owned all of the stock of a given corporation and his corporation was found to be in viola-

tion of the law because it had monopolized the business in which it was engaged, and thereupon, in order to escape the violation of the law, he organizes two other companies to do a part of the business which the original company formerly did. Then we have three companies owned by the same man, engaged in the same business, owned and controlled by one man; and yet I suppose that even in that extreme case it would be alleged that there had been created substantially competitive conditions.

Senators, it is very hard to be patient when considering a proposition of that character. It contravenes our common sense just as it shocks our instinctive conceptions of honesty and fair dealing. There is no more competition in the tobacco business now than there was before. There is even less competition now than before. It would be better for the business of the country, for the people of the country, if the American Tobacco Co. had never been challenged as a violator of the law than to have its present organization adjudged to be in harmony with the law.

Every independent tobacco dealer, whether producer or manufacturer or seller, with whom I have been able to come into contact or with whom I have been able to get into communication, declares that the grip of the monopoly held by the American Tobacco Co. has been strengthened instead of weakened by the decree which was entered in November last by the Circuit Court of New York. You will find no dissent from the men who feel the weight of monopoly and whose trade is being restricted and destroyed by the ruthless power of this new monopoly which now has the seal of the approval of the judiciary of the country and whose judgment is now accepted by the Department of Justice.

Mark how immensely important it is. To the Department of Justice there is necessarily committed the prosecution and enforcement of the antitrust law. If we accept the decision of the circuit court of New York as the final exposition of the law in this respect, if we are to allow that decision to remain as the guide to the Department of Justice, what follows? The Department of Justice assumes that any reorganization of any trust that is claimed to be in violation of the law carried forward in the way in which it has been carried forward in New York will create an honest and law-abiding corporation. Now, what happens? There are a great many trusts in the United States which are threatened with prosecution, and many against which prosecutions have been begun. They take the matter up in an administrative way with the Department of Justice. We are told, for instance, by the public prints, that for two or three months or more the International Harvester Co. has been in consultation and conference with the Attorney General in order to ascertain how that corporation can be reorganized to bring itself into harmony with the law. The Attorney General, of course, accepts the plan which has been judicially approved as the plan which will bring a trust into harmony with the law, and therefore he says—I am putting now a purely conjectural case, because I do not know what he has said to the International Harvester Co.—but he could well say, "If you reorganize your business in the way in which the American Tobacco Co. reorganized its business—that is, if you will create three corporations instead of one, although they are controlled and managed by the same persons who now control the parent company—then you will be immune from prosecution, and you can go on with the monopoly which you have created without any fear of disturbance or interference on the part of the Government of the United States." So, if this decision is to be permitted to stand unchallenged, we will presently, through the Department of Justice, have all the trusts that have any fear of the law reorganized under the Attorney General in accordance with the plan that has here been adopted.

If what has been done in the American Tobacco Co. case is the real outcome of the antitrust law; if that is all that it will do to protect the people of this country from the evils of monopoly and the exactions of combinations and trust, the sooner we add something to its strength and power the better it will be for the people of our country.

Therefore this decree takes on a two-fold aspect. In the first place, it has failed to relieve the people from any of the burdens which they heretofore suffered at the hands of the American Tobacco Co. The proof of that lies not only in the opinion of those who are dealing in this commodity, but the further proof of it is in this, that since this decree was rendered, aye, since this bill was introduced—for apparently Wall Street has no great fear that Congress will take any action upon this matter—since this bill was introduced the market price of the stock of the American Tobacco Co. and the market price of the stock of these other two companies has risen higher than ever before since the monopoly was entered upon.

There was one day just before I presented the case to the Senate at a former time when the stock of the American Tobacco Co., notwithstanding its alleged dissolution and disintegration, was worth 530 per cent in the markets of Wall Street. The $40,000,000 of stock represented was worth, according to the judgment of Wall Street, more than $212,000,000. The stock originally represented nothing and now represents nothing but the power of this monopoly to exact whatsoever prices it sees fit to exact. If this monopolistic power were taken from it and it were put into fair and decent and honest competition with other manufacturers and dealers, its stock would instantly fall to a point that would represent only the superior sagacity or the superior capacity of the managers of this company to produce, to manufacture, and to sell tobacco. This is the case, Senators, that you have before you.

I come to the next step. After this decree was rendered, against the most earnest protests on the part of everybody except the defendants and the Department of Justice, every independent interest asked the Attorney General of the United States, who alone had the authority and power to act for the United States, to appeal from the decree and submit it for review to the Supreme Court of the United States in order that that court might say whether it was in harmony with the law and whether it was a faithful fulfillment of the mandate upon which the case was returned to the circuit court.

The Attorney General refused to take the appeal, although it was, as it seems to me, required by every consideration. Even if he believed it to be fair and right, yet considering his duty to the people of this country, considering the vital importance of a proper interpretation of the law, considering the high desirability, at least, that Congress should know whether this is the outcome of the antitrust law and is its true application to the existing trusts and monopolies—notwithstanding all these high and imperative considerations, he refused to take an appeal and he allowed the 60 days, which under the law are given to a party to a suit for appeal, to expire. That period expired, I think, some time in February of the present year; I have the precise date here, but it is not material.

In that situation it seemed to me that our duty to the people of this country required that Congress should do what it could to put the decree under review by the Supreme Court of the United States, and, therefore, I introduced this bill. It went to the Judiciary Committee; it has been reported adversely, and, while I know it is not appropriate to declare upon the floor of the Senate what takes place in a committee, yet I think I ought to say for the members of the Judiciary Committee that they did not report the bill adversely because they did not want this decree to pass under the supervision of the Supreme Court. I believe that all, or most of them at least, felt that it would be an excellent thing if this decree could be appealed from and the final word said by the highest tribunal of the land. I believe that the reason for the adverse report lies in the doubt which some of the members of the Judiciary Committee entertained with respect to the power of Congress to do what is here proposed.

Before I pass to the consideration of that power let me say, in order that I may not be accused hereafter of only partially stating the facts, that these 11 other companies, to which I have given no attention because they are smaller companies, are controlled by the same people who formerly controlled the American Tobacco Co. and who still control the American Tobacco Co. I have left them out of consideration simply because they are small in comparison with the three which I have believed would illustrate the principle for which I am contending. I will, however, give you an illustration of one of them. Take, for instance, the MacAndrews & Forbes Co. At the time this suit was brought it monopolized the manufacture of licorice paste, which is an essential ingredient in the manufacture of plug tobacco. They made 95 per cent of it, according to my recollection, and it not only monopolized the licorice paste and other like compounds, but it monopolized the sources of supply. It holds now, as it held then, all the available sources of supply. Licorice root is a foreign commodity, and this company, with a comprehensiveness that characterized everything done by the American Tobacco Co., put itself in possession of substantially all of the available licorice root. It imports substantially all the licorice root that is used. This decree required the MacAndrews & Forbes Co. to transfer the old factory at Baltimore—there had been one there—to a new company to be organized, to be called the J. S. Young Co. It did transfer that factory, with its machinery and so forth, and thus apparently divided the business of making licorice paste in this country between two companies, whereas formerly it was carried on by one.

The first thing I want to observe about that is that both these companies are controlled by the very same persons who formerly controlled the MacAndrews & Forbes Co. So there has been no change of control in that respect. But another thing that seems to have escaped entirely the observation of the Attorney General is that while the MacAndrews & Forbes Co. was compelled to transfer one of its factories for making licorice paste it was not compelled to transfer any part of its power to supply the licorice root. This new concern is as powerless to do business as though it had been established on the golden streets of the New Jerusalem unless the MacAndrews & Forbes Co. is willing to supply it with its raw material.

There are several other things of the same sort in this decree, but they pertain to smaller things, and therefore I have not mentioned them.

One other thing I ought to mention, because it is a consideration very much relied upon by the Attorney General. The American Tobacco Co. as originally organized gave no voting privileges to the preferred stock, and one of the provisions of this decree is to extend the voting privilege to the preferred stock. That is true also of the two new companies organized, namely, the Liggett & Myers Co. and the Lorrillard Co. That, however, is a mere shadow of relief. It does not change the control in the least degree. The preferred stock of this company is precisely like a bond with a guaranteed payment of interest. It is the common stock which really controls the corporation, and even if the preferred stockholders do vote there is nothing to indicate but that they will vote precisely within the same circle of stockholders as existed in the control prior to the bringing of the suit.

With these observations, I intend to pass for a moment to the consideration of our power in this respect. I return just a moment to the history, in order to show why the bill is drawn as it is. During the progress of this——

Mr. BACON. Before the Senator proceeds——

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

Mr. CUMMINS. I do.

Mr. BACON. Before the Senator from Iowa passes to that, I wish to make an inquiry of him. I was called out of the Chamber during a portion of his address, and I do not know, and therefore I inquire, whether the Senator has commented upon the claim which is made, that by reason of the fact that this is a judicial decision these corporations are immune from further criticism or attack? Has the Senator commented upon that?

Mr. CUMMINS. I have not yet reached that.

Mr. BACON. If the Senator has it in view, I shall not now interrupt him further.

Mr. CUMMINS. I am about to do that.

After the case was sent back by the Supreme Court to the circuit court and these conferences had begun between counsel and the court, there came into view the independent dealers, or the trade organizations which represented the independent dealers. There also came into view the attorneys general of several States, and in one State the State itself through its governor. These organizations sought the privilege of intervening so that they might become parties to the record, and not only have the privilege of making arguments, but the privilege of any subsequent remedy that could be secured. The court below denied the intervention, and I think very properly so, because under the law as it was then these parties had no other interest in the litigation than the interest which was being presented by and presumably protected by the United States through its Attorney General.

They therefore were refused admission to the case, under the law as it then existed, but the court gave them the opportunity—and for that the court is to be commended in the highest degree—of appearing *amici curiae* for argument, and they did present to the court their argument after these conferences had been held. They were not admitted to the conferences, and the truth is that the whole plan had been consummated practically before the argument took place.

After the refusal of the Attorney General to take an appeal, although importuned to do it by every person who had any direct interest in the matter, I introduced this bill for the purpose of giving the right to intervene in the circuit court and without further proceedings there to appeal from the decree to the Supreme Court of the United States. I used these trade organizations, and these attorneys general, and the State of Wisconsin simply because they had interested themselves in the matter and were prepared to avail themselves of the privileges of the bill.

I now come to the point just suggested by the Senator from Georgia [Mr. BACON]. The Attorney General seems to be of the opinion that if this decree stands as it is that so long as the status remains as it is, all these corporations have been given immunity from further attack. I want to do him no injustice. We all agree that if these corporations were to proceed in an unfair and unreasonable way, through some method or practice, to restrain trade or commerce or to suppress competition, they would be open to suit brought by the United States, but the status itself has been fixed as an innocent status by this decree, and that can never be challenged, according to the view of the Attorney General, by the United States.

Mr. BORAH. Mr. President——

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

Mr. CUMMINS. I do.

Mr. BORAH. Do I understand that the Senator from Iowa understands the Attorney General to be of the opinion that if, in the working out of this proposition, in the actual practical affairs of life, although this organization complies technically with the provisions of the decree, its operations should result in monopoly, it can not be challenged?

Mr. CUMMINS. I do, although he did not express it in just that way.

Mr. BORAH. Does the Senator so understand the law?

Mr. CUMMINS. As I understand the Attorney General, here is his proposition: Here are 14 corporations organized under the authority and under the sanction of the circuit court of the United States. They have a certain relation to each other. They have certain stocks and bonds and organizations. Now, as long as those corporations and persons exercise honestly their powers and only the powers which are thus established, they are immune; that is, the United States can not challenge the three corporations. The American Tobacco Co., Liggett & Myers, and P. Lorillard are monopolizing the business simply because they do monopolize the business which they have been given the privilege of monopolizing by the circuit court of the United States. That is to say, they have been given a business which is in and of itself a monopoly—these three—and so long as they honestly, without unfair practices, carry on that business they can not be attacked by the Department of Justice under the antitrust law.

Mr. BORAH. Mr. President——

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

Mr. CUMMINS. I do.

Mr. BORAH. Does the Senator think it is within the power of the court to decree the continued violation of a statute?

Mr. CUMMINS. That is precisely what I object to. I think it has no such power. I think the circuit court exceeded its jurisdiction. I think it took to itself a power which never before has any court in the civilized world attempted to exercise, and I want the decree set aside, largely for that reason.

Mr. BORAH. Mr. President——

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

Mr. CUMMINS. Certainly.

Mr. BORAH. The Senator from Iowa is more familiar with the actual terms of this decree than I or than is anyone else, I suspect. Is there in the decree anything reciting that the circuit court finds this plan or scheme to be in honest harmony with the statute?

Mr. CUMMINS. No; not in those terms. I will read the part which may shed some light on the question just suggested by the Senator from Idaho. It is taken from the decree itself. The decree begins:

Appeals having been taken by the plaintiff and certain defendants in this cause from the decree entered by this court on the 15th day of December, 1908, the Supreme Court of the United States reversed said decree and issued its mandate filed herein on the 30th day of June, 1911, by which the said cause was remanded to this court with directions to enter a decree in conformity with the opinion of the Supreme Court of the United States and to take such further steps as might be necessary to fully carry out said directions. By the said opinion of the Supreme Court of the United States this court was directed to "hear the parties by evidence or otherwise as it may deem proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating out of the elements now composing it a new condition which shall be honestly in harmony with and not repugnant to the law, but without unnecessary injury to the public or the rights of private property." And this cause having come on to be finally heard, pursuant to the order or decree of this court, made and entered herein on August 3, 1911, on the mandate of the Supreme Court of the United States as aforesaid, the American Tobacco Co. and the other defendants herein, except United Cigar Stores Co., the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.), and R. P. Richardson, jr., & Co. (Inc.), filed in this court on October 16, 1911, a petition proposing and embodying a plan or method of dissolving the combination and of re-creating out of the elements now composing it a new condition in harmony with and not repugnant to the law. Due notice was given to the parties hereto that the hearing on the said petition would be had on October 30, 1911, in room 124 of the

Federal Building, in New York City, and thereafter, to wit: On the 19th day of October, 1911, the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.) filed a petition.

Then it proceeds to recite the hearings, and concludes:

Now, it is ordered, adjudged, and decreed that all the defendants—except Welford C. Reed, who died before the final hearing—heretofore became parties to and engaged in the combination assailed in the pleadings, which "in and of itself, as well as each and all of the elements composing it, whether corporate or individual, whether considered collectively or separately," is "in restraint of trade and an attempt to monopolize, and a monopolization within the first and second sections of the antitrust act," and which should be dissolved and a new condition brought about in harmony with and not repugnant to the law, either as a consequence of the action of this court in determining an issue or in accepting a plan agreed upon.

And it is further ordered, adjudged, and decreed that said plan as modified by the consent of the parties, or through the action of this court as aforesaid, is as follows, to wit:

Then follows the plan, which is minute, containing all the details for the organization of these new companies, for the issuance of their bonds, stocks, etc., and for the transfer of the property from one corporation to the other, and the decree finally concludes:

It is further ordered, adjudged, and decreed that such books and papers of the defendants the American Tobacco Co. and S. Anargyros, or either of them, as relate to the suit of the Ludington Cigarette Machine Co. *v.* S. Anargyros and the American Tobacco Co., or the subject matter thereof or any part thereof, be preserved by the said defendants respectively until after the accounting, if any shall take place in said suit, and said suit be finally determined and ended.

It is further ordered, adjudged, and decreed that jurisdiction of this cause is retained by this court for the purpose of making such other and further orders and decrees, if any, as may become necessary for carrying out the mandate of the Supreme Court.

There is a provision approving this plan which I am not able to turn to just now. It becomes and is a part of the decree of the court. The view of the Attorney General—and I have no very great title to speak for him—is that so long as this plan prevails and so far as this plan is concerned, the United States is estopped ever hereafter to question it as being a violation of the antitrust law, but that if any of the parties should proceed to do something that does not necessarily and honestly arise out of the conduct of the business as so organized, they can be further prosecuted.

Now, returning to the point from which I digressed, this bill provides that these separate organizations, the Attorneys General and the governor, can intervene in the suit in New York and thus become parties to that suit and then appeal from the decree to the Supreme Court of the United States, and the time for the appeal is enlarged so as to permit the appeal to be perfected.

The objection to the bill is, of course, a constitutional one. I do not reflect upon the opinions of any of my brother lawyers on either the Judiciary Committee or in the Senate, but I am happy in the belief—and I hope to long continue in the belief—that the men in the Senate exercise their judgments and hold their opinions honestly and fairly, but granting all that I have observed, not only here but elsewhere, that if we do not want to do a thing very much or very badly it is a great deal easier to find objections to doing it than though we really wanted to do it and wanted to do it very much; and I therefore do not entirely, to be candid about it, trust my own judgment about this. I want to get this decree before the Supreme Court of the United States. I think it is vital; I think it is overwhelmingly important; and therefore these constitutional objections which lie so plentifully scattered along the pathway do not seem to me as formidable as they may seem to others who are not so enthusiastic with regard to the outcome which I desire to reach.

The objections, as I understand them and as they are put in the majority report are, first, that if these persons and organizations were allowed to intervene and attempt to take the case to the Supreme Court, it would be attempting to confer original jurisdiction upon that court. Fortunately there is not much disagreement among the lawyers who have considered this bill with regard to the principles themselves. The whole disagreement, as it seems to me, relates to the application of those principles to the case, and I want Senators to understand that I admit, first, that it is not within the power of Congress at this stage in the proceeding to introduce new parties, asserting new rights, upon which there must be a trial in the circuit court.

Mr. BORAH. Mr. President——

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

Mr. CUMMINS. Yes.

Mr. BORAH. Does the bill of the Senator go any further than to simply provide a party for the purpose of perfecting an appeal? It does not contemplate any retrial or rediscussion or reopening of the case which has been closed in the court below.

Mr. CUMMINS. It does not.

Mr. BORAH. It simply provides a party to take, as it were, the place which belonged to the Attorney General in the matter of perfecting the appeal?

Mr. CUMMINS. It might be expressed this way: It is allowing these persons and organizations to use the name of the United States in the appeal from this decree inasmuch as the appeal will not be taken by that department, which, under the law, has the right to use the name of the United States for that purpose.

Mr. BORAH. Now, when the case reaches the Supreme Court of the United States that court will exercise the same jurisdiction and upon the same record review the matter precisely as if the Attorney General had taken the appeal?

Mr. CUMMINS. Precisely, and it is so expressly declared in the bill. There can be no controversy with regard to that. The proposed intervenors are given the right to intervene in the public interest. The United States enforces the antitrust law for the public welfare, for the protection, not of private interests, but for the protection of all the people of the country, and these intervenors are in a way substituted for the United States in that interest. If the bill were to pass, the procedure would be that these intervenors would appear in the Circuirt Court of the United States, and then having that status in the Circuit Court, they would given the notice of appeal precisely as the United States would have given it, and thereupon the record would go to the Supreme Court precisely as it would have gone if the United States had taken the appeal. Therein lies the whole fallacy, if I may be permitted to use that word, of those who oppose or object to it on the ground of its unconstitutionality. They assume apparently that we are endeavoring to introduce into the court in New York parties who have some other or different right to assert than that which has already been asserted in the case by the United States, and the very moment that the true relation of these intervenors to the suit is understood and appreciated, in my opinion, every objection which has been made disappears. There is not any doubt from my point of view of the right of Congress to give to these people the privilege or power of intervening in this suit for the purpose of doing the very thing in the public interest and for the public welfare that the United States could have done through the Department of Justice.

Just here I may remark there is another way in which this could be brought about, and there are some members of the committee who believe that it is the way which should be pursued. Upon the most careful reflection, investigation, and study, I have no doubt now that we could command the Attorney General to take an appeal from this decree.

The VICE PRESIDENT. Will the Senator from Iowa suspend for a moment? The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3175) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

Mr. CURTIS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, on the request of the Senator from Kansas, the unfinished business is temporarily laid aside.

Mr. BACON. I wish to say to the Senator——

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

Mr. CUMMINS. I do, gladly.

Mr. BACON. I wish to say to the Senator, with his permission, that he does not absolutely classify all Senators who have some interest in this bill. I am most earnestly in sympathy with the purpose of the bill. I think the decree ought to be reviewed. I can not believe that the Supreme Court would ever sanction what the circuit court has done. At the same time I confess that I have very grave doubts as to the constitutionality of a provision which, after a final decree, constitutes certain parties as parties to the case and clothes them with power to take an appeal.

I recognize the fact that whatever we may think about it at last the final word is to be spoken by the Supreme Court. I very much fear that that court would take the view that adopting this course is practically giving the Supreme Court original jurisdiction. Therefore, I would very much prefer the alternative which is now suggested by the Senator; that is, a provision which would make it the duty of the Attorney General to take the appeal.

I make this statement because the Senator in his several classifications of Senators did not embrace the particular class to which I belong.

Mr. CUMMINS. Of course I think it is quite true that every general classification is to a degree inaccurate. It is impossible in a general classification to be wholly just or entirely accurate. I spoke rather from my own experience. I practiced law for a good many years, and I know from my own observation as well as my own work that objections do not seem to me to be so formidable if there is an earnest desire to overcome them and reach the end. However, that is not material.

I know that there are members of the Judiciary Committee who believe that the best way, and the only way, that the result we desire to accomplish can be obtained is through a command to the Attorney General to take an appeal. I say frankly that I would a great deal rather have that than nothing. I suppose I would have drawn the bill in that way, in the first place, if I had not felt that when the case reached the Supreme Court it would be far better in the hands of lawyers who really wanted the decree of the court below reversed than in the hands of a man who wanted the decree of the court below sustained.

I do not think the Attorney General could very consistently, after all that he has said, appear in the Supreme Court insisting upon a reversal of this decree, because he has declared not only to us in the Judiciary Committee, but, as you all know, to the public that he believes the decree is right and is substantially what it ought to be. I take it for granted that he is honest and sincere in that position, and in some way or other this case should be presented to the Supreme Court by counsel who feel that the decree of the court below is wrong and ought to be reversed. That led me to take the course I have taken, because I knew if we could put the appeal in the hands of these organizations and these Attorneys General it would be presented with zeal and earnestness and ability and a great desire that justice should be done.

Mr. BACON. I will suggest to the Senator that possibly the end might be accomplished by making it the duty of the Attorney General to take the appeal and then making suitable provision for certain parties to be heard when that case was before the Supreme Court by argument. That would not be making them parties, but at the same time it would give them a right to be heard—a thing that is frequently done.

Mr. CUMMINS. I am not prepared to say that we can not reach the results in that way, but I am prepared to say that I am vastly more interested in securing the review than I am as to the method or course by which we secure it. I will yield very readily at any time to any suggestion that will obtain the result and that will encounter fewer objections than the plan I have presented will encounter.

Mr. SUTHERLAND. Mr. President——

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

Mr. SUTHERLAND. The Senator from Iowa, as I understand him, thinks it would be within the power of Congress to pass a law directing the Attorney General to appeal this case. I understand the Senator from Georgia to agree to that proposition. I wanted to ask the Senator a question, and if he will bear with me a minute I wish to preface it by a statement of what I understand to be the fundamental principle involved here.

Under the Constitution the people of the United States have created three separate departments to administer their Government, the executive department, the legislative department, and the judicial department. It has intrusted to those three several departments certain definite functions, and by intrusting them to those several departments it has forbidden the particular function conferred upon one to be exercised by the others. Thus, except in exceptional cases provided for by the Constitution itself, Congress can not exercise judicial functions; the executive may not exercise legislative functions; the judicial can exercise neither legislative nor executive functions.

Now, it is a legislative function to pass a law laying down a rule of conduct with reference to the general class of cases which come under it.

Mr. BORAH. Mr. President——

Mr. SUTHERLAND. Will the Senator bear with me for a moment? It is a judicial function to interpret that law and apply it to the particular case as it arises. It is an executive function to enforce the law in the given case, to direct prosecutions to be brought for a violation of the given law.

In view of that would the Senator say that Congress would have the power to pass a law, having information that somebody within the jurisdiction of the United States had committed a murder, to direct the Attorney General to institute a prosecution against that person accused of crime?

Mr. BORAH. Mr. President——

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

Mr. CUMMINS. I yield to the Senator from Idaho.

Mr. BORAH. I should like to ask the Senator from Utah a question, in order to amplify——

Mr. SUTHERLAND. No; I wish to get an answer to my question, and then I want to follow it with another.

Mr. BORAH. I want to get the Senator's position clearly before the Senator from Iowa and the Senate before a further question is asked.

Suppose, instead of passing this particular bill for this particular case, we should amend the Sherman law, and so amend it as to provide that in all instances where the Supreme Court returns a case to the lower court for the purpose of securing a disorganization of a monopoly it should be the duty of the Attorney General to appeal in all instances from the court below to the court above. Could we not pass such a law?

Mr. SUTHERLAND. I think so; subject to this qualification: We are not forbidden from passing retroactive legislation, as is sometimes stated, but we can not pass retroactive legislation which will affect vested rights. If any rights are vested under this decree, a law although in general terms, would not be valid as applied to that case if it permitted an appeal to be taken in such a way as to disturb vested rights under the decree.

Mr. BORAH. Suppose it be admitted we can not pass a law which disturbs vested rights without giving the party an opportunity to be heard by some provision which would be termed due process of law, but would not the appeal under such circumstances itself be due process of law?

Mr. SUTHERLAND. No; it would not be due process of law if it disturbed vested rights. If, for example, I had brought an action against the Senator from Idaho to recover a piece of land and had gone into possession of it, and probably sold a part of it to somebody else, I do not think any law could be passed, assuming the power of Congress to legislate on that subject, which would disturb that disposition of the property. But, however, the distinction——

Mr. CUMMINS. Will the Senator allow me to answer his first question?

Mr. SUTHERLAND. Yes.

Mr. CUMMINS. My answer to it at the moment is this: The bill I am discussing does not contain any command to the Attorney General. When I drew it I had grave doubt about the power of Congress to command the Attorney General to appeal this case. Therefore, I did not take that course. Subsequent discussion, however, and further reflection, and the confidence I feel in the judgment of those Senators who have looked into the subject, have led me to believe that we can do it. But I would rather not discuss that question until we reach it, because that involves the notion that it will in some way take the place of the bill I have already before the Senate.

Mr. SUTHERLAND. The question that I intended to ask the Senator following his reply, and that I want now to ask is this: If we can not direct the Attorney General or the executive department of the Government to institute a prosecution for a given violation of law, can we ignore the executive department and direct somebody else to do it? In other words, is it not an executive function, not a legislative function?

Mr. CUMMINS. Upon that point I have no doubt whatever. I have no doubt that Congress can direct, as it has directed in a great many instances other departments, those created by itself, to enforce the law and to bring suit. Evidently the idea of the Senator from Utah is that the enforcement of the law, so far as it is enforced in court proceedings, must be remitted to the Department of Justice. I do not agree to that. I think we could give, if we desired to do it, the Interstate Commerce Commission the right to bring all these suits for the enforcement of the antitrust law or any other law. I think the Attorney General is a creature of Congress. Congress made the Attorney General, and it can circumscribe, of course, the work which he has to do.

The last question put by the Senator from Utah really, as I look at it, has no connection with the first one he put.

Mr. SUTHERLAND. I may be dull, but I was under the impression that it had.

Mr. CUMMINS. I think not. Suppose we had directed the Interstate Commerce Commission as a body to bring these suits and the Interstate Commerce Commission had brought this suit and the decree had been precisely what it is. I formerly had doubts whether we could pass a law commanding the Interstate Commerce Commission to appeal the suit. That is commanding an officer, whether he be in the Department of Justice or whether he be in the Bureau of Corporations, or

wherever he may be, to do a particular thing in a particular way.

Mr. BORAH. Mr. President——

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

Mr. CUMMINS. In a moment. I am not expressing any opinion upon that point. As I said, I had that doubt, and I therefore did not follow it. But it is entirely different for Congress to say that the United States or somebody for the United States may appeal the case without putting a command on any particular officer of the Government to do the thing in that way.

Mr. SUTHERLAND. If the Senator will permit me, I grant that Congress has the power to pass a law directing that in a given class of cases the Attorney General shall institute a prosecution, and make it his duty to do it, but when Congress passes a law declaring that certain things done by the citizen shall constitute a violation of it, then the institution of the suit under that law is an executive function and not a legislative function, just as the determination of the suit afterwards brought is a judicial function and not a legislative function or an executive function. We can only deal with the subject, as I view it, by general legislation and not by specific legislation directing the executive department to see that a particular violation of the law is followed by a prosecution.

Mr. CUMMINS. I do not recognize any difference between a special and a general law in that regard. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, the Supreme Court has decided a time or two, in cases with which the Senator from Utah is no doubt familiar, that you can provide for an appeal long after the time has gone by when even an appeal could not have been taken under the law as it existed at the time the judgment was rendered.

Mr. SUTHERLAND. If it does not disturb vested rights.

Mr. BORAH. I am coming to that. The Supreme Court has not laid very much stress on the question of vested rights in such instances. The Supreme Court has decided that a decree which fixes a status of a citizen, upon which status he receives and enjoys certain rights, may be appealed from after the time in which it could have been appealed from at the time the judgment was rendered. It has gone further and it has provided that you may have an appeal in cases where there was no appeal at the time the judgment was rendered, although that judgment fixed the right.

Now, if that is true, could we not provide by law that the Attorney General should appeal in all cases of this kind, and fix the time for the appeal so far ahead, say six months, that it would be within the time in which to yet take an appeal?

Mr. SUTHERLAND. Has the Supreme Court held that in any case, in the case of John Doe *v.* Richard Roe, for example, which has already been decided, where rights have attached, that the Congress of the United States may pass a law authorizing one party, the losing party in that case, to appeal to the Supreme Court?

Mr. BORAH. I think it has decided that proposition. Take, for instance, the case which went up to the Supreme Court at the time that Nevada came into the Union as a State. The appeal died, the parties had lost the right of appeal, the judgment had become fixed, the status of the parties and the rights of the property under the judgment had become fixed. Notwithstanding that, a year or a year and a half thereafter, Congress passed an act which provided that one of the parties should take an appeal, and they took an appeal. All the rights of the parties under that decree were as fixed and settled within 24 hours after the time for an appeal had gone by as they were a year thereafter.

Mr. SUTHERLAND. I should like to examine the decision and see just the extent of it.

Mr. BACON. Mr. President——

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

Mr. CUMMINS. I will yield in a moment. We are probably projecting ourselves a little in advance of the propositions I was discussing. I will come to the question of vested rights presently, and of course that doctrine is just as applicable to the bill I have introduced as to the suggestion that we command the Attorney General to take an appeal. I will consider that a little later. I now yield to the Senator from Georgia.

Mr. BACON. With the permission of the Senator from Iowa, I should like to ask the Senator from Utah a question. Does the Senator from Utah contend that the Attorney General derives any of his powers from the executive department of the Government?

Mr. SUTHERLAND. Well, he gets his orders from the executive department.

Mr. BACON. That is not the question.

Mr. SUTHERLAND. But he gets his authority by an act of Congress.

Mr. BACON. Very well; he gets no——

Mr. SUTHERLAND. So does a judge get his authority from an act of Congress; and yet we can not invade the functions of a judge.

Mr. BACON. Not by any means. The Supreme Court decided that exactly. I am trying to draw a distinction for the Senator, or rather to make a suggestion to him. The Senator took the position that the division of the three coordinate branches of the Government would present a barrier to our laying this duty on the Attorney General. I think the line of distinction is this. Congress can not by legislation direct anything where the power is exercised by virtue of that which is conferred by the Constitution. We could not, for instance, direct the President as to his selection of an ambassador, because that is a function devolved upon him by the Constitution. We could not direct the Supreme Court as to any matters where it gets its power from the Constitution. But the fact is that the Attorney General does not get an atom of power from the executive department. If he did Congress could not add to it nor take from it. But he gets every particle of his power from the legislative department. As stated by the Senator from Iowa, he is the creature of Congress. He exercises no power that has not been conferred upon him by Congress. He possesses no power that can not be taken from him by Congress. Therefore, it seems to me, between these two there necessarily rests the other conclusion that he has no power in which there can not be a variation prescribed by Congress or in which there can not be a direction given by Congress.

Mr. SUTHERLAND. Mr. President, the Commerce Court that we recently created is in the same way a creature of Congress. It derives all its power from an act of Congress. I think the Senator from Georgia would not contend that Congress could direct that court how to decide a given case. We pass general laws and the court in deciding the case must be governed by those laws.

Mr. BACON. I will say to the Senator I think he is mistaken in that regard. The judicial power is not only conferred by the Constitution upon the Supreme Court but upon such inferior courts as Congress may create; and when Congress creates those courts they have powers given to them by the Constitution.

Mr. SUTHERLAND. If the Senator will pardon me, he confirms what I have said about it. We create the court and the Constitution fixes its power.

Mr. BACON. Exactly.

Mr. SUTHERLAND. We create the office of the Attorney General and we define his powers. His powers are executive, and the Constitution certainly says by whom the executive power shall be exercised.

Mr. BACON. I do not think the Senator is right; it is true that we create the court and the Constitution fixes the power of that court; but it is not true that we create the office of Attorney General and that the Constitution fixes the powers of that officer. That officer is not known to the Constitution. There is not a line or a letter in the Constitution which provides for the creation of the office of Attorney General or prescribes any duty or any power that he may exercise after Congress shall have created the office.

Mr. SUTHERLAND. Let me ask the Senator from Georgia a question. Does the Senator from Georgia contend that if Congress to-day learned that some notorious individual had been counterfeiting coin of the United States, we could pass a law commanding the Attorney General to institute a prosecution against that individual?

Mr. BACON. I am not prepared to say that that would be a proper law to pass, but as to whether or not we would have the power, that is another question. I am very much inclined to the opinion that the office of the Attorney General having been created by Congress, every power it has having been conferred by Congress, every power it has subject to can be taken away by Congress; it must necessarily include all those between the two and carry with it the power to direct him in any particular that Congress may see fit to direct.

Mr. CUMMINS. I wish to suggest to the Senator from Georgia there could be no doubt in the case put by the Senator from Utah, as it seems to me, that Congress could say that the Attorney General shall lay the evidence which he has collected before a grand jury, of course allowing the grand jury then to take whatsoever action upon that evidence it saw fit.

Mr. BACON. If I recollect correctly, we have directed the Attorney General to bring suits in many cases, specifying the cases.

Mr. CUMMINS. Undoubtedly.

Mr. BORAH. In a number of cases. We directed the Attorney General within the last year or so to bring a very important suit.

Mr. SUTHERLAND. To recover property belonging to the United States. I regard that as a very different proposition. We exercise our right as proprietors of land as an individual might do, and we direct that something shall be done about it; but as to the violation of a public law, I think it is purely an executive function to direct the prosecution, and not a legislative function.

Mr. BORAH. Mr. President——

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

Mr. CUMMINS. I do.

Mr. BORAH. It is apparent that we can not conclude this discussion to-night, and if it is satisfactory to the Senator from Iowa and the Senator from Ohio [Mr. POMERENE] I shall move an adjournment.

Mr. SUTHERLAND. Before doing that——

Mr. CUMMINS. Just allow me to say that it is entirely satisfactory to me. I certainly would have concluded my remarks, but we have been spending quite a while in discussing a proposition that is not really in the bill. Therefore I fear that I could not finish the argument that I have had in mind to-night, but it will not require long on Monday.

HOUR OF MEETING ON MONDAY.

Mr. SUTHERLAND. I move that when the Senate adjourns to-day it be to meet at 12 o'clock on Monday next.

Mr. BACON. I should like to inquire whether that is agreeable to the Senator from Iowa? Between the hours of 12 and 1 there is not much in the way of attendance.

Mr. CUMMINS. I had not considered that. I believe I would just as soon have the Senate meet at 12 as at 2. That will be satisfactory to me if it is to others.

Mr. BACON. Very well.

The VICE PRESIDENT. The Senator from Utah moves that when the Senate adjourns to-day it be to meet at 12 o'clock on Monday.

The motion was agreed to.

THE STANDARD OIL AND AMERICAN TOBACCO COS.

Mr. POMERENE. Mr. President, I gave notice the other day that immediately upon the conclusion of the address of the Senator from Iowa I would speak on Senate concurrent resolution No. 4; but the hour is getting late and, if agreeable to the Senate, I will defer my remarks until Monday after the conclusion of the routine morning business, or at some other time that may be acceptable to the Senate.

Mr. CUMMINS. In suggesting that an adjournment at this time would be agreeable to me, I had in mind, of course, that at the conclusion of the routine morning business upon Monday the Senate would resume the consideration of Senate bill 3607, or at least I would ask the Senate to resume the consideration of it.

Mr. POMERENE. I did not mean by my statement to interfere in any way with the desire of the Senator from Iowa to conclude his remarks.

The VICE PRESIDENT. The Chair understood the Senator from Ohio to mean that he desired to follow the Senator from Iowa, as he originally intended to do.

Mr. POMERENE. That is correct.

Mr. BORAH. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 32 minutes p. m.) the Senate adjourned until Monday, April 15, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 13, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, let the light of Thy countenance shine upon us to illumine our minds and quicken our conscience that we may see clearly the way and with firm and steadfast footsteps walk therein, keeping a conscience void of offense toward Thee and our fellow men, that we may prove ourselves worthy of Thy care and protection and the marvelous gifts with which Thou hast so abundantly bestowed upon us, and to Thee we will give all praise, our God and our Father, through Jesus Christ our Lord. Amen.

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

EXPENSES COMMITTEE ON BANKING AND CURRENCY.

Mr. LLOYD. Mr. Speaker, I ask for the present consideration of the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

Mr. LLOYD. Mr. Speaker, I will ask that the Clerk please read the bill without the amendments, without the interlineations.

The SPEAKER. The Clerk will first read the bill without the amendments and then read the amendments.

The Clerk read as follows:

House resolution 465 (H. Rept. 548).

Resolved, That all expenses that may be incurred by the Committee on Banking and Currency in making the investigation authorized by House resolution 429 shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by the two subcommittees of said committee, signed by the respective chairman thereof and approved by the Committee on Accounts, evidenced by the signature of the chairman of the said Committee on Accounts.

The committee amendments were read, as follows:

In line 3, after "429," insert "to an amount not exceeding $25,000"; in line 5, after the word "by," strike out "the two subcommittees of"; in line 6, after the word "the," strike out the word "respective"; in line 8, after the word "chairman," strike out all the remainder of line 8 and insert the word "thereof."

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

Mr. HILL. Mr. Speaker, I would like to ask a question of the chairman of the committee.

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Connecticut [Mr. HILL]?

Mr. LLOYD. Yes, sir.

Mr. HILL. I would like to ask whether it is possible under the terms of this resolution to have repeated the experience to which we listened yesterday, that a committee authorized to expend a certain amount—$2,500—comes in later and asks for three times that amount, and it develops that a portion, and certainly a large portion, of the additional appropriation is to be used to pay back obligations which were incurred under the $2,500 appropriation. Now, I shall not object to the consideration of this bill, and I shall vote for this proposition, for I am perfectly willing to give the majority full scope, to run and be glorified, in the firm belief that their investigations will redound to the credit of the Republican administration, as they have thus far, rather than to its detriment, but I do object to a resolution which gives unlimited authority to expend the money of the taxpayers of the United States in what seems to be useless investigations unless these expenditures are limited and confined to an amount which we know in advance. I am perfectly ready to increase that amount to $50,000, but I want the terms of the resolution to prescribe that no obligation shall be incurred beyond the amount appropriated, and with that I am ready to vote for the resolution, and without it I am ready to fight it.

Mr. LLOYD. Mr. Speaker, by the terms of the proposed amendment we limit the expenditure to $25,000, and I fully agree with the statement that is made by the gentleman from Connecticut that no committee ought ever to exceed the limit that is permitted under the resolutions which are passed in this House, and I want to say, as far as the Committee on Accounts is concerned, we have not allowed any of these claims beyond the amount of the limitations in the several resolutions, but in the case of the gentleman from Illinois [Mr. GRAHAM], to which reference has been made, it is proper to state that he was justified in making the expense he did. He was in Minnesota and Michigan, and made while there greater expenditure than the limit, but he had asked for greater limit and had been assured that the limit would be extended if money was needed.

Mr. HILL. I know; but in the case yesterday you did bring in a resolution.

Mr. LLOYD. I understand the case yesterday, and I am very glad for you to emphasize what happened then, and I hope it will not occur in any other; but it was justified in that case.

Mr. MANN. Will the gentleman yield?

The SPEAKER. Will the gentleman from Missouri [Mr. LLOYD] yield to the gentleman from Illinois [Mr. MANN]?

Mr. LLOYD. Yes, sir.

Mr. MANN. Will the gentleman tell us what condition the contingent fund of the House is in now?

Mr. LLOYD. Mr. Speaker, there is at the present time in the contingent fund, that can be used for these expenses, a little less than $10,000. We have not spent as much during the present Congress as has been spent each year for a number of years, but it will be necessary before the 1st day of July to ask for a deficiency appropriation.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

After "nine," line 3, insert "to an amount not exceeding $25,000."

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

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

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Line 5, strike out the words "to the two subcommittees of."

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

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

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Line 6, strike out "respective."

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

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

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Line 8, after the word "chairman," insert the word "thereof."

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

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

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Line 8, after the word "thereof," strike out the words "the said Committee on Accounts."

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

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

The question was taken, and the resolution as amended was agreed to.

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. To-morrow is the day set aside for the memorial ceremony on the late Representative MADISON, of Kansas, and the Chair designates Mr. TAGGART, of Kansas, to preside as Speaker pro tempore.

THOMAS JEFFERSON.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] asks unanimous consent to address the House for one minute. Is there objection. [After a pause.] The Chair hears none.

Mr. AUSTIN. Mr. Speaker, this is the anniversary of the birth of Thomas Jefferson, the 13th day of April. He was born on the 13th day of April, 1743—169 years ago. I know of no public man to whom the American people owe a greater debt of gratitude than Thomas Jefferson. [Applause.] As a southern Republican Representative I desire this House to pause and consider for a moment what a debt we owe to him and what a debt the American people will for all time owe to his genius and his patriotism in drafting the immortal Declaration of Independence. [Applause.] I love and revere his memory as much as any man in this House, and I entertain the fond hope that before the adjournment of this Congress we will all see the wisdom and the justice of not only procuring his historic home—Monticello, in Virginia—but erect in this magnificent Capital City a fitting tribute in the way of a monument to his illustrious career and his great and invaluable services to the Republic. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. AUSTIN. Mr. Speaker, I ask permission to print in the RECORD "One wish," by a gifted and patriotic American woman, the wife of our distinguished colleague from New York [Mr. LITTLETON], a publication which is a patriotic labor of love. [Applause.]

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] asks leave to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

ONE WISH.

[A copy of a letter from Mrs. Martin W. Littleton to her Long Island friends.]

"LITTLECÔTE,
"PORT WASHINGTON, LONG ISLAND,
"*New York, August 30, 1911.*

"MY DEAR FRIENDS: This letter was written to you in Washington, and somebody forgot to mail it, till now I am afraid it is too late. But it is not really a letter, anyway, for there is nothing personal between you and me in it, or anything newsy; nor is it an essay, for there is not enough learning in it. The only thing I can call it is a wish, my one wish. But you must wait till the end, like shutting your eyes and waiting for the wagonload of hay to pass out of sight, before you can know what my one wish is. I hope you have made the same wish, and that they both may come true. My wish is about Thomas Jefferson.

"It seems when the Nation was very young, and first starting out, its Government was without a home. It was worn-out from fighting battles, and could hardly see through the smoke. Those whom it had fought were hoping it would come to grief. Its own friends were quarreling. States were arrayed against States. Constantly the North and South were picking at each other, as some brothers do. Its friends were jealous of the affections of each other for it, and it could not stay in the house of any of them. It was without money. The Treasury was empty. The wars had cost a lot. Soldiers were without pay, and were clamoring for the price of its freedom. Weary and faint, young and all alone in the world, there was no place to rest. Almost out of breath, it hardly had strength to go on doing the great things it had to do. Like a fugitive, it wandered from place to place, through stormy times, with not a roof to cover its head. And the clouds were dark and threatening above it. Some said they were war clouds. They looked black and angry. A shelter must be found. A seat of government. A capital city. The North wanted the honor of being its birthplace. The South wanted it just as much. Congress must settle the dispute. It had its hands full. Speeches were made, claims were urged, inducements offered, bills passed, amendments added, decision delayed. Still there was no seat of government, no site chosen, until Jefferson and Hamilton agreed about it. Alexander Hamilton was Secretary of the Treasury, and was much troubled over the debts for our war with England. There was nothing to pay them with. He hardly knew which way to turn. There seemed no way out of trouble. The thing he most feared was that the Union might be dissolved on account of them. He could think of nothing to prevent it, except that the Southern States would consent that these debts should be assumed by the Federal Government. This he confided to Jefferson. Thomas Jefferson was Secretary of State. He could not bear to see the Union dissolved, any more than Hamilton could. So, to avert this disaster, he would do anything. He would not even object if Congress passed a 'funding act,' permitting the Federal Government to pay these debts. Hamilton, not less patriotic, said he would not object to the cause Jefferson had espoused. A cause he had espoused with his whole heart, as a bridegroom his bride. The cause was that of locating the Capital City in his beloved South. One day it was agreed to. An act of Congress was then passed to establish the seat of government in a 'district or territory not exceeding 10 miles square, to be located on the river Potomac.'

"What a precious gift to the South! May it never cease to be grateful to Thomas Jefferson!

"Then and there a city was born. A Capital City for all time to come. It was born in the brain of man, and it found a place in the hearts of all men. It was held in the encircling arms of a mighty river. It was nursed in the lap of a valley, sweet and soft as a mother's. It was fed by fertile fields, rich in yellow corn and wheat that in sunshine turned to solid gold. Clear, cool springs watered it. Hills of royal colors sheltered it with their forests on top, glistening like crowns. It was protected by cordons of mountains going around, their walls a thick barrier between it and harm. In the blue, blue distance they looked like brave soldiers covered with smoke from belching cannon.

"That was just a little more than a hundred years ago.

"Then began a labor of love. Washington! Jefferson! L'Enfant! Laborers! Master builders! Master minds!

"They made maps; they made surveys; they studied architecture and laid out parks, avenues, and streets; and builded a city. A city of every nation, a world's shrine.

"They built it in the heart of a great, deep, dark forest; a heart warm and tender with a soft place in it big enough to hold all who wish to enter. Its goodness is above everything else in the world.

"Its woods have become peopled with tall, gray monuments of giant heroes, and children that laugh and play with their images in its clear pools, filling it full of sounds of music. It is sweet and sylvan with the notes of mocking birds, and sounds of bluebirds and redbirds. Gay little squirrels scamper and run about through the leaves of the trees, lively as recollections that sometimes go running through one's head. Its dark nooks and recesses are lighted up with the white marble buildings of the Government. They look like noble Greek palaces. Myriads of their white pillars gleam through the black woods like lighted candles in a solemn cathedral. The religious sound of silvery church bells hallows it and gives to everyone a sense of comfort. Its gray-paved streets are cut through wooded paths edged with shrubbery and leafiness. All of them lead to yonder

green hill whereon rests our Capitol Building, white, pure white, with not a shadow across it. It sits as a light on a hill.

"Tucked away under branches and vines are the houses surrounded by hedges. Window boxes seem to grow from them everywhere, with flowers tumbling down from them to touch the earth. Most of the houses are new and fine. Some look proud and fat. They crush between them tiny little old cottages, and keep the sun from shining in their gardens of vines and flowers. But the tiny cottages are not afraid or ashamed for they enjoy the distinction of history and quaintness of age which the newer ones must enviously wait for.

"The city covers about 6,000 acres; nearly 4,000 of this they thought best to lay out in parks and streets. They knew in building a Capital City in the South that plenty and plenty of room was needed for air and breezes; and they believed every house would be healthier to have gardens. Streets were made miles long and acres wide and beautiful with great, long vistas. Tall trees grew along their sides, and when passersby come underneath them they bend their heads over to shade them from the sun.

"Not long ago I attended the unveiling of a monument to the memory of L'Enfant, one of the master builders. It was at Arlington, once the home of Robert E. Lee, general of the Confederacy, a soldier among soldiers. The house is big and white, and empty now. Rooms and halls are quiet as death, except for the noise the silence makes. The windows are closed like eyes that can not see and sunken deep in like hollow caverns. The rooms seem to want to push out of the cold and dark into the warm sunshine. The ceilings hang high above the floor and are full of echoes that answer every whisper. The walls are covered with zigzag cracks that look like mysterious writing, and I wondered if there were anyone who could read them. These cracks must be very old and able to tell a lot. I loved the old floors made of broad, thick wooden boards. Dim, dusky shadows lay across them, and when I walked over them I thought I could hear other footsteps following falling softly and quietly. I was even sure of hearing breathing. And I could not help looking to see if some one were coming back of me. I was wondering all the time if the dead are really gone. If life is not death, and if death is not resurrection. Great spirits seem to live—seem always to live among us—even though their bodies have left us. They seem to live in their works and in the seeds they have planted and in all around us. I walked out on the portico and stood between two great white pillars. I could look across the hills with lovely valleys in between and see the ground covered with little white headstones like flakes of snow fallen from the sky. The graves were lying in beds of tender grass and covered with blankets of moss soft as down. Over them were bent forest trees. The stirring and swaying of their leaves sounded like sad voices whispering to each other. Sounds of other voices made me look around and I saw crowds of people. In the middle of them was a monument covered with bunting streaming in red, white, and blue mixed with the colors of France. Then I heard the voice of the President of the United States, the voice of Ambassador Jusserand, and the voice of Senator Root dedicating this monument to the memory of L'Enfant and laying at his feet the praise and thanks of an appreciative Nation. And a little farther on I could see the river at the foot of the hill winding about like a silver thread. Willow trees garlanded and wreathed its banks. Their tender branches streamed into the water without making a sound like tears that flow without a sob.

"Yet in the still farther distance from us I could see a tall marble shaft. It was of heavenly white without a blemish. It rose far away and above us in the luminous sunshine and beautiful blue sky like a gigantic, glorious ghost.

"A grateful Nation had erected it to the memory of George Washington, one of the master builders. I listened and listened to the voices to hear the name of Jefferson, the other master builder. And as I stood on that hill and looked from Arlington to Mount Vernon, from Mount Vernon to Charlottesville, and from Charlottesville to Washington, I thought of these three great men. They were all in my mind together. And as I looked there in the city of 20,000 dead and looked across at another city of 200,000 living I thought of Jefferson. And I could not see a monument or a shaft or a tombstone in his honor. In all this glorious temple of trees and marble there was no niche reserved for him. Jefferson's impress upon the city and upon the world is broader than that of any other man—and though he has gone out of our lives, not one of the things he did is gone; all remain, all live, all ours, except his sleeping body. Monticello, his beloved mountain, holds that high above all other monuments, lifting it into the clear, pure air above us. He was born at its bottom, and while he lies dead in its summit democracy lives.

"It was he who had faith in man. It was he who fought for a new Government, founded upon the belief that all men are equal. It was he who builded an asylum for the oppressed of all nations. It was he who had the laws of primogeniture and entail abolished, and made the young son equal with the elder brother. It was he who caused the separation of church and state, and made it possible for all men to profess their religious belief, without fear of oppression, whether Protestant, Catholic, or Jew. It was he who spoke the first words in behalf of the freedom of the Negroes before any other American statesman, and if this bill, the 'Ordinance of the Northwestern Territory,' prohibiting slavery after 1800, had passed, our great Civil War would never have been fought. He drew the bill establishing our present system of coinage and currency on the decimal basis. Everyone knows that the last work his hands found to do, when he was an old, old man, was to inaugurate and build a great democratic university for Virginia, the first real university in America. He believed that in a representative democracy education and intellectual freedom were necessary.

"Without sword and with only his pen he took over from Napoleon Bonaparte for the United States the great Southwestern Territory, known as the Louisiana Purchase, and added 11 States to the Union. He created and wrote five great State papers, from which Americans have learned their lessons of freedom.

"The sublimest one of all he wrote was the Declaration of American Independence. It brought to all people free gifts of conscience, free gifts of thought, free gifts of speech, free gifts of education, free gifts of ballot, free gifts of press, free gifts of religion, and free gifts to all men of the 'rights to life, liberty, and the pursuit of happiness.' The only one thing he was too poor to give free to the people, for whom he had already done so much, was Monticello, containing his birthplace, his home, and his own dead body. That he had to leave to be sold at auction to the highest bidder.

"Sixty-one years of public service left him on the auction block. Just at this time I could not help but remember about all these things. I also remembered his dislike of hero worship. It was so extreme that he begged his followers not to celebrate the anniversary of his birth.

"But God did not intend for him to be forgotten—this man who was a disciple of goodness to all humanity. And when Jefferson's work was done and God received him unto Himself, He chose to do it on the day of July 4, 1826, the anniversary day of the declaration of American independence. So we can never forget. On the day of his death there was found written on the torn back of an old letter, in his own handwriting, the following directions for his monument and inscription:

"On a grave, a plain die or cube of 3 feet, without any moldings, surmounted by an obelisk of 6 feet height, each of a single stone; on the face of the obelisk the following inscription, and not a word more:

"Here was buried
"Thomas Jefferson
"Author of the
"Declaration of American Independence
"Of the statute of Virginia
"Religious freedom
"And father of the University of Virginia

"Because of these as testimonials that I have lived I wish most to be remembered. It to be of the coarse stone of which my columns are made, that no one may be tempted hereafter to destroy it for the value of the materials. My bust, by Carracchi, with the pedestal and truncated column on which it stands, might be given to the university if they would place it in the dome room of the rotunda."

"His great-granddaughter, Sarah N. Randolph, writes this: 'Jefferson's efforts to save his monument from mutilation by having it made of coarse stone have been futile. His grandson, Col. Randolph, followed his directions in erecting the monument which is placed over him. He lies buried between his wife and his daughter, Mary Eppes. Across the head of these three graves lies the remains of his eldest daughter, Martha Randolph. This group lies in front of a gap in the high brick wall which surrounds the whole graveyard, the gap being filled by a high iron grating, giving a full view of the group, that there might be no excuse for forcing open the high iron gates which close the entrance to the graveyard. But all precautions have been in vain. The gates have been again and again broken open, the graves entered, and the tomb desecrated. The edges of the granite obelisk over Jefferson's grave have been chipped away until it now stands a misshapen column. Of the slabs placed over the graves of Mrs. Jefferson and Mrs. Eppes not a vestige remains, while of the one over Mrs. Randolph only fragments are left.'

"And I thought how much more in keeping with his sense of freedom and love of nature if, instead of erecting a statue to him in Washington, the Nation whom he loved so well were to

purchase and preserve forever to his memory the house and grounds and graveyard at Monticello, now owned by Mr. JEFFERSON LEVY, of New York.

"He is not one man's man. He belongs to the people who love him, for that he first loved them. He belongs not only to us and our people but to the people of all the world wherever liberty is. And their one wish is to be free to lay upon his grave a Nation's tears. It is my one wish, too.

—

QUOTATION FROM THE WRITINGS OF CORNELIS DE WITT.

The nobler emotions of Democracy are of short duration; it soon forgets its most faithful servants. Six months had not elapsed when Jefferson's furniture was sold at auction to pay his debts, when Monticello and Poplar Forest were advertised for sale at the street corners, and when the daughter of him whom America had called "the father of Democracy" had no longer a place to rest her head. (Thomas Jefferson, Etude Historique sur la Démocratic Américaine; par Cornelis De Witt, p. 380.)

MR. JEFFERSON'S LETTER TO MR. MADISON.

You will have seen in the newspapers some proceedings in the legislature which have cost me much mortification. * * * Still, sales at a fair price would leave me competently provided. Had crops and prices for several years been such as to maintain a steady competition of substantial bidders at market all would have been safe. But the long succession of years of stunted crops, of reduced prices, the general prostration of the farming business under levies for the support of manufacturers, etc., with the calamitous fluctuations of value in our paper medium, have kept agriculture in a state of abject depression, which has peopled the Western States by silently breaking up those on the Atlantic, and glutted the land market while it drew off its bidders. In such a state of things property has lost its character of being a resource for debts. Highland in Bedford, which, in the days of our plethory, sold readily for from $50 to $100 the acre (and such sales were many then), would not now sell for more than from $10 to $20, or one-quarter or one-fifth of its former price. Reflecting on these things, the practice occurred to me of selling on fair valuation, and by way of lottery, often resorted to before the Revolution to effect large sales, and still in constant usage in every State for individual as well as corporation purposes. If it is permitted in my case, my lands here alone, with the mills, etc., will pay everything and will leave me Monticello and a farm free. If refused, I must sell every thing here, perhaps considerably in Bedford, move thither with my family, where I have not even a log hut to put my head into (the house at Poplar Forest had passed out of his possession), and where ground for burial will depend on the depredations which, under the form of sales, shall have been committed on my property.

The question, then, with me was utrum horum. But why afflict you with these details Indeed, I can not tell, unless pains are lessened by communication with a friend. The friendship which has subsisted between us, now half a century, and the harmony of our political principles and pursuits have been sources of constant happiness to me through that long period. And if I remove beyond the reach of attentions to the university, or beyond the bourne of life itself, as I soon must, it is a comfort to leave that institution under your care, and an assurance that it will not be wanting. It has also been a great solace to me to believe that you are engaged in vindicating to posterity the course we have pursued for preserving to them in all their purity the blessings of self-government, which we had assisted, too, in acquiring for them. If ever the earth has beheld a system of administration conducted with a single and steadfast eye to the general interest and happiness of those committed to it—one which, protected by truth, can never know reproach—it is that to which our lives have been devoted. To myself you have been a pillar of support through life. Take care of me when dead, and be assured that I shall leave with you my last affections.

A DESCRIPTION OF MONTICELLO.

(By Duc de la Rochefoucauld-Liancourt.)

Monticello is situated 3 miles from Milton, in that chain of mountains which stretches from James River to the Rappahannock, 28 miles in front of the Blue Ridge, and in a direction parallel to those mountains. This chain, which runs uninterrupted in its small extent, assumes successively the names of the West, South, and Green Mountains.

It is in the part known by the name of the South Mountains that Monticello is situated. The house stands on the summit of the mountain, and the taste and arts of Europe have been consulted in the formation of its plan. Mr. Jefferson had commenced its construction before the American Revolution; since that epocha his life has been constantly engaged in public affairs, and he has not been able to complete the execution of the whole extent of the project which it seems he had at first conceived. That part of the building which was finished has suffered from the suspension of the work, and Mr. Jefferson, who two years since resumed the habits and leisure of private life, is now employed in repairing the damage, occasioned by this interruption and still more by his absence; he continues his original plan, and even improves on it by giving to his buildings more elevation and extent. He intends that they shall consist only of one story, crowned with balustrades; and a dome is to be constructed in the center of the structure. The apartments will be large and convenient; the decoration, both outside and inside, simple yet regular and elegant. Monticello, according to its first plan, was infinitely superior to all other houses in America in point of taste and convenience, but at that time Mr. Jefferson had studied taste and the fine arts in books only. His travels in Europe have supplied him with models; he has appropriated them to his design; and his new plan, the execution of which is already much advanced, will be accomplished before the end of next year, and then his house will certainly deserve to be ranked with the most pleasant mansions in France and England.

Mr. Jefferson's house commands one of the most extensive prospects you can meet with. On the east side, the front of the building, the eye is not checked by any object, since the mountain on which the house is seated commands all the neighboring heights as far as the Chesapeake. The Atlantic might be seen, were it not for the greatness of the distance, which renders that prospect impossible. On the right and left the eye commands the extensive valley that separates the Green, South, and West Mountains from the Blue Ridge, and has no other bounds but these high mountains, of which, on a clear day, you discern the chain on the right upward of a hundred miles, far beyond James River; and on the left as far as Maryland, on the other side of the Potomac. Through some intervals formed by the irregular summits of the Blue Mountains, you discover the Peaked Ridge, a chain of mountains placed between the Blue and North Mountains, another more distant ridge. But in the back part the prospect is soon interrupted by a mountain more elevated than that on which the house is seated. The bounds of the view on this point, at so small a distance, form a pleasant resting place, as the immensity of prospect it enjoys is perhaps already too vast. A considerable number of cultivated fields, houses, and barns, enliven and variegate the extensive landscape, still more embellished by the beautiful and diversified forms of mountains in the whole chain of which not one resembles another.

DESCRIPTION OF MONTICELLO.

(By Lieut. Hall, of the British Army.)

Having an introduction to Mr. Jefferson (Mr. Hall writes), I ascended his little mountain on a fine morning, which gave the situation its due effect. The whole of the sides and base are covered with forest, through which roads have been cut circularly, so that the winding may be shortened at pleasure; the summit is an open lawn, near to the south side of which the house is built, with its garden just descending the brow; the salon, or central hall, is ornamented with several pieces of antique sculpture, Indian arms, mammoth bones, and other curiosities collected from various parts of the Union. I found Mr. Jefferson tall in person, but stooping and lean with old age, thus exhibiting the fortunate mode of bodily decay which strips the frame of its most cumbersome parts, leaving it still strength of muscle and activity of limb. His deportment was exactly such as the Marquis de Chastellux describes it above 30 years ago. "At first serious, nay, even cold," but in a very short time relaxing into a most agreeable amenity, with an unabated flow of conversation on the most interesting topics discussed in the most gentlemanly and philosophical manner.

I walked with him round his grounds, to visit his pet trees and improvements of various kinds. During the walk he pointed out to my observation a conical mountain, rising singly at the edge of the southern horizon of the landscape; its distance, he said, was 40 miles, and its dimensions those of the greater Egyptian pyramid; so that it actually represents the appearance of the pyramid at the same distance. There is a small cleft visible on the summit, through which the true meridian of Monticello exactly passes; its most singular property, however, is that on different occasions it looms or alters its appearance, becoming sometimes cylindrical, sometimes square, and sometimes assuming the form of an inverted cone. Mr. Jefferson had not been able to connect this phenomenon with any particular season or state of the atmosphere, except that it most commonly occurred in the forenoon. He observed that it was not only wholly unaccounted for by the laws of vision, but that it had not as yet engaged the attention of philosophers, so far as to acquire a name; that of "looming" being, in fact, a term applied by sailors to appearances of a similar kind at sea. The Blue Mountains are also observed to loom, though not in so remarkable a degree. * * *

I slept a night at Monticello, and left it in the morning, with such a feeling as the traveler quits the moldering remains of a Grecian temple, or the pilgrim a fountain in the desert. It would, indeed, argue a great torpor, both of understanding and heart, to have looked without veneration or interest on the man who drew up the Declaration of American Independence, who shared in the councils by which her freedom was established; whom the unbought voice of his fellow citizens called to the exercise of a dignity from which his own moderation impelled him, when such an example was most salutary, to withdraw; and who, while he dedicates the evening of his glorious days to the pursuits of science and literature, shuns none of the humbler duties of private life; but, having a seat higher than that of kings, succeeds with graceful dignity to that of the good neighbor, and becomes the friendly adviser, lawyer, physician, and even gardener of his vicinity. This is the still small voice of philosophy, deeper and holier than the lightnings and earthquakes which have preceded it. What monarch would venture thus to exhibit himself in the nakedness of his humanity? On what royal brow would the laurel replace the diadem? But they who are born and educated to be kings are not expected to be philosophers. This is a just answer, though no great compliment, either to the governors or the governed.

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ONE WISH AND A WILL.

(The day of Thomas Jefferson's birth, April 13, 1743.)

"Since writing down my wish, I was running over some volumes the other day, when my eyes fell upon an old record showing that I am not the only one who believed the people of the United States should own Monticello, the birthplace, home, and burial place of Thomas Jefferson, author of the Declaration of Independence.

"My wish, I find, is supported by the wish and will of the ancestor of the present owner.

"How curious it is that 50 years ago just this March the then owner of Monticello, whose name was Uriah P. Levy, should have died in the city of New York, and before dying should have made a wonderful will, a will to secure Monticello to the people of the United States. Part of this will I found is in the Reports of New York Court of Appeals, volume 33, page 97, and in Barbour's Reports, 40. Here is what the report says:

"Uriah P. Levy, the testator, died in the city of New York, where he was domiciled, in March, 1852, leaving surviving a widow, brothers and sisters, nephews and nieces, his heirs at law and next of kin. He died seized of real estate in the city of New York of the value of $200,000, and his personal property was inventoried at $131,000. He also was the owner of a farm at Monticello, in Virginia, containing between 2,000 and 3,000 acres (formerly the residence of President Jefferson), and another estate, called the Washington farm, of about 1,100 acres, with the farming implements, cattle, etc., on both properties.

"By his will, after other provisions, the testator devised his farm and estate at Monticello, together with the residue of his estate, real and personal, 'to the people of the United States, or such persons as Congress shall appoint to receive it, in trust, for the sole and only purpose of establishing and maintaining at said farm of Monticello,

in Virginia, an agricultural school for the purpose of educating as practical farmers children of the warrant officers of the United States Navy whose fathers are dead,' etc. But should the Congress of the United States refuse to accept the bequest or to take the necessary steps to carry out the testator's intention, then he devised the same 'to the people of the State of Virginia, instead of the people of the United States, provided they, by acts of their legislature, accept it and carry it out, as herein directed.' And should the people of Virginia, by the neglect of their legislature, decline to accept the said bequest, then he gave the same to certain Hebrew congregations in the cities of New York, Philadelphia, and Richmond, 'provided they procure the necessary legislation to entitle them to hold said estate and to establish an agricultural school at said Monticello for the children of said societies who are between the ages of 12 and 16 years and whose fathers are dead, and also similar children of any other denomination, Hebrew or Christian.'

"Item: I direct my executors, hereinafter named, or such of them as shall qualify, to invest the funds as fast as they accumulate, and to hold the whole of the property and estate hereby devised and bequeathed for said school and in their hands until the proper steps have been taken by Congress or the Legislature of Virginia or the said Hebrew benevolent congregations to receive the same and discharge said executors.

"Lastly, I appoint the Hon. Benjamin F. Butler, David V. S. Coddington, Ashel S. Levy, Esq., and Joseph H. Patten, Esq., counselor at law in the city of New York; Dr. Joshua Cohen, and Jacob I. Cohen, his brother, of Baltimore; George Carr, Esq., attorney at law, Charlottesville, Va.; and Dr. John B. Blacke, of Washington City, executors of this my said will and testament and trustees of said estate, and in case of the death of either of my executors or trustees or their relinquishment or inability to act I direct that the remaining qualified executors or trustees act without them."

"Uriah P. Levy died March 22, 1862. His will was admitted to probate June 9, 1862. The executors qualified June 12, 1862. Resolution (S. No. 137) was introduced in Congress and concurred in by both Houses on March 3, 1863, the last day of the session. In the Congressional Globe of that date we read:

"Mr. FESSENDEN. I wish to introduce a joint resolution to which nobody *will object;* it will explain itself on being read. It is very *necessary to pass it immediately.*

"By unanimous consent leave was given to introduce the joint resolution (S. No. 137) in relation to the property devised to the people of the United States by Capt. Uriah P. Levy, deceased, and it was read the first time.

"*It proposes to* ACCEPT the devise and bequest of Capt. Levy of his Monticello farm in Virginia and his real estate in New York City in trust, to establish and maintain at Monticello an agricultural school for the education of the children of warrant officers of the Navy and to appoint William M. Evarts, Erastus Corning, and Lewis B. Woodruff, of New York, to receive the property and report their proceedings to the next Congress.

"Mr. FESSENDEN. It will be observed that this will bequeaths a considerable amount of property—it is said to amount to about $300,000, including an estate at Monticello and a considerable estate in the city of New York—to the Government of the United States. The whole amount bequeathed, I am told, will reach that sum. The only question is whether Congress will accept it for the purposes therein named. It is for the consideration of Congress. I understand that if the United States refuse to accept it, then it is devised to the State of Virginia; and if they refuse to accept it, then to somebody else.

"Mr. HARRIS. We must accept a lawsuit with it. I understand the *heirs are contesting the validity of the will.*

"Mr. FESSENDEN. I submit it to the consideration of the Senate.

"Mr. LATHAM. I should like to inquire of the Senator from Maine whether there is any limitation as to the time within which the bequest must be accepted?

"Mr. FESSENDEN. All I know about it is precisely what appears in the resolution itself. It was brought into the committee by the district attorney of New York. We had no time to examine it. He said to me that it was believed the estate devised would amount to about $300,000. I was not aware that there was any litigation about it.

"Mr. COLLAMER. I understand that the form of the devise is this: The property is given first to the United States; if not accepted by them, then to the State of Virginia; and so on. I suppose that under such a devise the United States ought to manifest their intention to receive it in some reasonable time. I will ask how long it is since the man died? I do not know, but I think it is within a short time.

"Mr. GRIMES. About a year, I think.

"Mr. COLLAMER. It seems to me that Congress should at the earliest session after being informed of the fact manifest its willingness to receive the devise or not. Perhaps it might be construed by the courts as rejecting it if they did not accept it at the first session after they were informed of the fact. Perhaps not, however. I give no opinion on that point. My idea would be that *we had better accept it* at any rate.

"Mr. HARRIS. The Senate, in acting upon this resolution, ought to understand the precise position of the property in question. The heirs of Capt. Levy *have already commenced a suit* in equity for the purpose of *having this will declared void.* That suit is now pending in the courts of New York, and if the Government accept this donation undoubtedly we shall have to take with it a severe litigation in the courts of New York in reference to it. I have no objection at all to accepting it, but it should be understood that the matter is to be litigated, and will be litigated, with great severity by the heirs of Capt. Levy.

"Mr. DOOLITTLE. I suppose this would be the rule. It is for us to determine whether to accept it, and we ought to have a reasonable time for that purpose. For the *first time* this morning, as I understand, it is brought to the attention of the Committee on Finance and presented to the Senate. Now, if we should, under these circumstances, lay it over until the next session of Congress, it could not be said that we were asking any *unreasonable* time. * * *

"So while the joint resolution in relation to the property devised to the people of the United States by Commodore Levy was still pending, and in less than a year, before the United States could take steps to accept or refuse the devise, though Commodore Levy had plainly directed in his will that his executors hold the whole of the property and estate devised and bequeathed in their hands until proper steps could be taken by Congress to receive the same and discharge the executors, the executors of the will, it seems, brought an action 'to obtain a judicial construction of the testator's will' and to construe its meaning. Of course, to you and me, the meaning does not seem in doubt at all. But, any way, the case went to the court, and there it was decided on the technical ground of 'indefiniteness,' in New York general term, November 30, 1863, that Uriah P. Levy's wish, which was solemnly written in his will, must go for nothing, and the outcome of it was that Monticello came into the possession of JEFFERSON M. LEVY, instead of the people of the United States, to whom it had been left in trust."

THE LATE REPRESENTATIVE GEORGE WASHINGTON GORDON.

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

The SPEAKER. The Clerk will report the order.

The Clerk read as follows:

Ordered, That there be a session of the House at 12 m. on Sunday, May 12, 1912, for the delivery of eulogies on the life, character, and public services of the Hon. GEORGE WASHINGTON GORDON, late a Member of this House from the tenth congressional district of Tennessee.

The SPEAKER. Is there objection to the present consideration of the order? [After a pause.] The Chair hears none.

The question is on agreeing to the order.

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

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21279—the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21279, with Mr. HAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the Post Office appropriation bill. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Texas [Mr. RANDELL] 30 minutes.

Mr. RANDELL of Texas. Mr. Chairman, on last Saturday I rose to a question of privilege to correct a statement in the public press wherein it was charged that in my speech on the 4th instant I had reflected upon the integrity of the House. After I had yielded the floor the gentleman from Alabama [Mr. CLAYTON], the chairman of the Judiciary Committee, was recognized to make a statement, and he proceeded, without provocation or excuse, to speak in a very sarcastic and fretful manner and to criticize me and my antigraft bill pending before the committee of which he is chairman.

The gist of the bill is to prohibit Senators and Representatives from acting as the officers, agents, and attorneys of corporations and from receiving gifts, fees, employment, or compensation from corporations and others interested in legislation. The purpose and the terms of the bill are plain and should be approved or disapproved by Members according to whether or not they consider the measure expedient or salutary.

I did not know that the gentleman from Alabama [Mr. CLAYTON] had any ill will toward me or ill feeling concerning the bill which I introduced. The petulance of his manner was surprising, and the savagery of his attack upon my antigraft bill was something wonderful to behold. I did not have an opportunity to reply at the time, and have not since until the present moment. I do not propose to descend to the same level occupied by the gentleman from Alabama, but with due respect to this House and all its Members I desire to make courteous answer consistent with the dignity and importance of the subject and the high character of those responsible for its rightful solution.

The charge in the Washington Post of April 6 attributed to me the statement in my speech of Thursday, April 4, on my antigraft bill, that—

Nearly every Member of the House and Senate is "approachable."

The word "approachable" was in quotation marks, and it was clearly meant that I had used the language in a sense that involved moral turpitude and that practically all the Members of the Congress and Senate could be bribed.

This statement is absolutely without foundation, involved the honor and dignity of the House and Congress, and it was clearly my duty to correct it, which I did, rising to a question of privilege. Under the rules I was confined in my remarks

to the question of privilege alone, which did not include an argument on the merits of my bill. In denouncing the statement as utterly untrue, I did not attribute to the party making it any desire to misrepresent or injure me. Subsequent publications in the same paper and some other papers, however, have changed my mind on this question, and I am constrained to believe that the charge was deliberately made in accordance with an organized plan of the recipients and beneficiaries of graft to incense the Members of Congress and the people of the country by attributing to me such an outrageous and sweeping charge against the integrity of the Congress and thus diverting attention from the merits of the measure I advocate. [Applause.]

If the newspaper statement had been merely an honest misunderstanding or mistake, all decent and honorable persons would have been glad to have made the correction. Instead of this being done, however, the country has been told, in substance, by that same paper and others, that I made an effort to apologize to the House, which was not favorably received. I made no apology. None was needed. I was guilty of no impropriety.

Since that time I have been credibly informed that it has been whispered about that while my speech in the RECORD did not reflect on the honor of the Members it was because the RECORD had been changed and the objectionable word eliminated.

Knowing that this also was false I requested the official reporters to make a certificate in reference to the facts, which has been done. This is the certificate:

We hereby certify that as official reporters of debates in the House of Representatives we reported the speech of Hon. CHOICE B. RANDELL, delivered by him on Thursday, April 4, 1912, on the bill (H. R. 8158) to prevent graft by prohibiting the giving or receiving of gifts, employment, or compensation from certain corporations by Senators, Representatives, Delegates, or Resident Commissioners in the Congress of the United States, or Senators, Representatives, Delegates, or Resident Commissioners elect, and the judges and justices of the United States courts, and prescribing penalties therefor.

That we have examined the original notes of said speech and that he did not therein say that nearly every Member of the House and Senate is "approachable"; that he did not say in that speech, in respect to any Member of the House, that he was "approachable," and that he did not in that speech use the word "approachable."

FRED IRLAND.
GEO. C. LAFFERTY.
JOHN D. CREMER.

That is signed by the official reporters who reported my speech and had it transcribed from their notes.

I can not understand why anyone but the interests themselves and their hirelings could be inspired to invent and publish such an indecent, slanderous, and libelous falsehood. I care nothing for the ill will or slanders of the grafters who would traduce me, but I do not propose by any fault or omission on my part to forfeit my right to the good will and esteem of the Congress and the country. Neither shall the opposition to my measure, which seeks to remove the hurtful influences which hover about the Capitol, succeed in dodging the issue and diverting your attention and the attention of the country from the real questions involved. [Applause.]

The gentleman from Alabama, inspired by some motive or purpose, when accorded recognition to make a statement, blindly or otherwise, presumed to assume that my remarks were objectionable, although he could not name the words nor the sentence that was objectionable. He then proceeded to denounce my antigraft bill by words, and in a manner indicating a deep interest and feeling on the subject. He not only denounced the provisions of the bill as absurd, but he was so completely under the control of some compelling motive that, despite the rules of decorum and the privileges of the House, he by innuendo ascribed my motives in reference to the introduction and advocacy of my bill to a desire for mere political effect in my home State.

Had such a charge been both well founded and provoked it would scarcely have been excusable for the chairman of the great Judiciary Committee to have been so undignified as to have made it on the floor of the House, but, with neither foundation in fact nor provocation of any kind for such utterance, we must look for some other source of inspiration in order to divine his purpose. Did he have a purpose, or was his mind a blank, like the boy who "whistled as he went for want of thought."

We have many new Members who are, perhaps, not acquainted with the history of this measure, and in order to get a fair understanding of the situation and the attitude of the Democratic and Republican Parties toward this bill it will be instructive to recount briefly the running fight in the Congress that has taken place during the last 10 years.

In the year 1900 I was elected to the Fifty-seventh Congress as a Member of this House, and have been continuously reelected by my constituents. I wondered why the legislative department of the Government was so unresponsive to the will of the people. I came to the conclusion, as did many others, that the beneficiaries of selfish and unwise legislation, especially the public-service corporations and other large financial institutions, were in close touch with legislators, both national and State. Gifts, fees, privileges, employment, and compensation were things that were very generally bestowed and received. We came to the conclusion that the law should prohibit such gifts, employment, and fees. One class of gifts was the free pass; another telegraph franks, and such favors covered, probably, the whole available field.

Many patriotic Members expressed the belief that, although free passes and such favors should be abolished, it would be impossible to do it. We began, however, an organized effort to advance this reform and met every opportunity in that direction. Under the rules of the House it was seldom any such measure could be presented. The first opportunity occurred during the consideration of a bill to regulate the salaries and expenses of Federal judges. Acting with the leadership of my party in the House, I offered an amendment prohibiting Federal judges from receiving gifts, free transportation, or franks from any railroad, steamboat, express, or telegraph company.

The gentleman from Wisconsin, Mr. Babcock, then a Member of this House, endeavored to ridicule the amendment, and proposed an amendment to my amendment, making it apply to Members of Congress as well as to Federal judges. I did not include Members of Congress because it would have made my amendment subject to a point of order. I immediately, however, accepted the amendment, and it was necessary for the gentleman from Illinois [Mr. MANN] to come to the rescue of his colleague, and raise the point of order on the Babcock amendment, which was sustained. The House was overwhelmingly Republican, and the vote on roll call stood ayes 87, noes 114.

This was considered at the time a surprisingly good start. It was readily understood that the abolition of free transportation and franks for the judiciary meant the loss of perquisites to Congressmen as well. Hence the amendment was voted down. Eighty-seven Democrats, however, went on record in favor of this honest reform, and never since that time, according to my recollection, has the membership of this House ever permitted an aye and no vote on this or any similar question. Such a record is embarrassing to those who love to receive such favors.

We continued to be vigilant and strove on all occasions to make converts to the cause. In the early part of 1906, when the railroad-rate bill passed the House, an antifree-pass amendment failed, but public opinion and even the influence in the House was so strong that the patriotic element in the Senate succeeded in amending the bill with an antifree-pass provision.

When the railroad-rate bill went to the Senate and the attention of interested parties was concentrated there I earnestly and diligently pressed my antigift bill, which was pending before the Judiciary Committee of the House. In that bill I did not include fees or employment, being encouraged by the prospect of getting a favorable report to the House on a bill merely prohibiting gifts, franks, and privileges. We got a favorable report from the subcommittee, but when the full committee acted my bill failed on a tie vote. The gentleman from Missouri, Mr. De Armond, late a Member of this House, was the ranking member on the Democratic side on the Judiciary Committee. Without reflecting upon anyone, would to God that that great man were here to be the chairman of that great committee to-day. [Applause.]

His plan, and mine, was to get the bill prohibiting gifts reported to the House and add an amendment prohibiting fees and employment when it came up in the House. Our plans failed, as before stated, on a tie vote. Watching every opportunity, the next which presented itself was in January, 1908, when, in the Committee of the Whole, the codification of the criminal law was being considered, I offered to amend, in accordance with the provisions of my antigraft bill. Quite a lengthy debate ensued, the Democrats favoring my amendment and the Republicans opposing it.

Our distinguished Speaker, Mr. CLARK, who was then in charge of the Democratic forces, spoke in favor of my amendments. Among other things, he said:

I will tell you what I believe about public men. I think they are more honest than they get credit for, to begin with. [Applause.] In the second place, I think that the man who holds a public office ought to be like Cæsar demanded his wife should be—absolutely above suspicion.

I will give you a sample of what I consider public honor. John Quincy Adams was one of the most disagreeable personages that ever sat in the White House, but he was thoroughly educated. He had an extremely delicate sense of honor, and I give him that credit and glory. When he was elected to the House after he was President he

owned some stock in the old United States Bank, and he went immediately after his election and sold that stock, on the ground that there might be legislation involving the property of the United States Bank in Congress, and I commend his example to all of us. [Applause.]

Mr. Chairman, on account of my time being limited—and I am not making any complaint about it—I ask leave to extend my remarks in the RECORD by inserting some extracts from speeches made by the Members of the House on various occasions in reference to this bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to insert certain extracts in the RECORD. Is there objection?

There was no objection.

Mr. RANDELL of Texas. Our distinguished leader, the gentleman from Alabama [Mr. UNDERWOOD], now chairman of the Ways and Means Committee, made an able speech for the amendments, saying, among other things:

The mind and the will of the Representative in Congress should be solely for the interests of his constituency and the people of the United States, and it is no reflection on the membership of this House if you eliminate everything that might go to bias or influence that judgment. There are influences that may be brought to bear on a Member of Congress that involve moral turpitude. [Applause.]

There are influences that may be brought to bear on a Member of Congress in which the idea of moral turpitude is entirely eliminated, but in some cases the influences that do not involve moral turpitude are more far-reaching, more dangerous, more effective to sway the action of this body from that which their constituency desires than influences that do involve moral turpitude.

The influences I have enumerated are influences far more dangerous and far-reaching, as the gentleman from Alabama well said, than those involving moral turpitude—the relations between the attorney and his client, the official and his employee, the beneficiary and his benefactor, the friend with his friend, the associate with his associate.

The gentleman from Arkansas [Mr. MACON] concluded a strong argument with these words:

We ought to adopt this amendment in order to remove the human temptation to err as far from the people's servants as possible. To that end, sir, I trust the amendment of the gentleman from Texas [Mr. RANDELL] will be adopted.

The gentleman from Texas [Mr. HARDY], in concluding an eloquent appeal for the adoption of the amendment, said:

You can use your weapon of ridicule and you can use your argument of demagogy, but the people's reform goes on and the time must come when the people's representatives will not undertake to serve two masters.

The gentleman from Indiana [Mr. COX] made a stirring address on the Democratic side. Among other things he said:

I feel sure that no member of the committee would oppose the amendments offered by the gentleman from Texas, nor do I believe that any Member of this House would oppose or vote against either one of these amendments if they were offered as original independent legislation. To read the amendments is to approve every letter, word, sentence, and paragraph of them.

It is a noteworthy fact that these statements that I have read and many of the others that I will put in the RECORD were greeted with applause by Democrats in this House.

In concluding the arguments on the Democratic side I said, turning to the Republican side:

Is it not a fact that you propose that the evil shall not be reached? If you are going to reach it, how are you going to reach it? Are you in favor of public-service corporations employing Members of Congress and paying them salaries? Are you in favor of it? Then say so, and tell your constituents that, and you will not come back to this House. But you tell your constituents that you are for the people and against Members taking pay and gifts from corporations, and yet you come here and vote for the public-service corporations. I am here to lecture no man, but when the leader on the other side of this House speaks about legislation like this as demagogical it is time he should be answered in the proper spirit. The demagoguery is on that side of the House and the graft is on that side of the House. The proposed remedy is on this side of the House and the opposition to it is on that. A solid Democratic vote for this legislation and a solid Republican vote against it.

These amendments were fought bitterly and stubbornly by the leading Republicans, notable among whom were the gentleman from Pennsylvania, Mr. MOON, the gentleman from New York, Mr. PAYNE, the gentleman from Pennsylvania, Mr. DALZELL, the gentleman from Ohio, Mr. Kiefer, the gentleman from Michigan, Mr. Denby, the gentleman from Illinois, Mr. Boutell, and a number of others.

The first vote, on a division, showed 80 for the amendment and 60 against it. The committee again divided, and the tellers announced ayes 88, noes 109, and so the amendment was rejected; but 88 good Democrats had emphasized the stand Democracy had taken on this subject. [Applause.]

The gentleman from Nebraska [Mr. NORRIS] offered an amendment in derision of the measure, which provided in effect that no Member of Congress should be permitted to do anything at all under penalty of being hanged by the neck until dead, and thereafter be prohibited from holding any office of profit or trust under the Government of the United States.

I understand the gentleman, who is now a Republican member of the Judiciary Committee, is quite favorably inclined toward this measure. I do not know whether he has had a change of heart, or whether—judging him from the standpoint of the gentleman from Alabama [Mr. CLAYTON]—he is losing his mind.

The contest did not stop here, nor will it cease. The reform which is sought will soon become the law of the land.

In that memorable session in 1909, when the Payne-Aldrich tariff bill was before Congress, I introduced a resolution with the consent and under the direction of our leader, Mr. CLARK, requiring the Speaker to appoint the Judiciary Committee, declaring it was necessary to organize that committee in order that my antigraft bill could be reported and passed, making it unlawful for Senators and Representatives to be the officers, agents, and attorneys of incorporated and predatory wealth, or to receive gifts, fees, or employment from them or others interested in legislation. This was a privileged motion.

The gentleman from Illinois [Mr. MANN] now the leader on the Republican side of this House, promptly moved to table my resolution, which was done by a strict party vote—ayes 151, noes 100. Thus, 100 stalwart Democrats in solid phalanx, supporting their splendid leader, declared to the country the position of the Democrats on this question and exposed Republican methods. [Applause.]

And still another battle was fought on the 14th of June, 1910. Acting on the advice and instruction of our leader, Mr. CLARK of Missouri, I introduced a resolution asking that my antigraft bill be taken from the Judiciary Committee, of which the gentleman from New Jersey, Mr. Parker, was chairman, alleging that the chairman of the committee and the chairman of the subcommittee having the bill in charge and the controlling element of the committee were interested parties, who would lose valuable employment if the antigraft bill became a law, and alleging, therefore, that they were incompetent and improper persons to consider the measure, and asking that the committee be instructed to immediately report the bill back to the House for further consideration thereon by the House.

The gentleman from New York [Mr. PAYNE] made the point of order that the resolution was not privileged. After considerable acrimonious debate, Mr. Speaker CANNON, in the chair, sustained the point of order, which ruling was probably technically correct, but the attention of the country had again been called to the Democratic insistence of this necessary reform, which seeks to divorce the trusts from the Congress and the courts. The result of the election which soon followed no doubt demonstrated the approval of the country of this and other Democratic reform measures, which, together with the universal disapproval of Republican perfidy in the so-called tariff revision, had much to do with the overthrow of the Republicans and the ascendency of the Democrats in the House of Representatives. [Applause.]

Many of the standpat Republicans who have fought this measure, including the former chairman of the Judiciary Committee, have been repudiated by their constituency. Reactionary Democrats at both ends of the Capitol have been defeated or compelled to retire from public life. The cause of liberty may be temporarily thwarted, but its defeat is always temporary only. To say that the lawmaking power should be disinterested as well as able and honest is expressing a truism, and yet the contrary is the position of the gentleman from Alabama [Mr. CLAYTON].

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

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. RANDELL of Texas. Mr. Chairman, I ask the courtesy of the House to extend my time for, say, 20 minutes. I wish to discuss the measure. Can the gentleman from South Carolina [Mr. FINLEY] extend my time for 20 minutes, or the gentleman from Tennessee [Mr. MOON]?

Mr. MOON of Tennessee. I regret to tell the gentleman that owing to the number of gentlemen who desire to speak on the bill I can give him only 10 minutes after the expiration of his time.

The CHAIRMAN. The time of the gentleman has not yet expired. He has five minutes yet remaining.

Mr. RANDELL of Texas. I understand, then, that I am recognized for 15 minutes?

The CHAIRMAN. The gentleman is recognized for 10 minutes more than he originally had.

Mr. RANDELL of Texas. Mr. Chairman, in the time allotted it will be impossible for me to discuss at any length the criticism that has been made of my bill by the gentleman from Alabama [Mr. CLAYTON]. I will take it up as briefly as possible, and call attention to some of the salient points that he makes, and

will extend my remarks, perhaps, somewhat in the RECORD in reference to the bill.

In the first place, I am quite sure the chairman of the committee claims a great deal more authority for himself than he is entitled to. I do not believe he spoke for the members of that committee. There has been no trouble between me and the committee. Never an unkind word has passed. His attack was like a thunderbolt from a clear sky, and I do not believe that his statement, which he says every member of the committee would indorse, would be approved by them. Not only that, but his threat that I would hear from the committee falls upon deaf ears, because every member of the committee who read my remarks knows full well that there was no complaint made about them and nothing said to which they could take exception.

But the gentleman from Alabama [Mr. CLAYTON] and the gentleman from West Virginia [Mr. DAVIS] have prepared a criticism of my bill. In the first place they say that all that is of any value in the proposition is already included in the law. To characterize that statement as wild scarcely expresses it. The present law does not cover the reforms which we advocate. We provide in this bill that any free transportation of person or property, or frank, franking privilege, or money or other thing of value shall not be given by corporations and others interested in legislation to any Member of Congress or any judge of a Federal court. The criticism here made by them is—mark it:

> We have analyzed it, and we find that all that is in the bill that would be wise is now the law. For instance, the matter of "free passes." That is a restricted term. The gentleman from Texas does not want free passes to be given. The law already prevents transportation companies from furnishing transportation, a broader term than "free passes," to which the gentleman would narrow the terms of the existing law.

That is a criticism that comes from the chairman of the committee and the gentleman from West Virginia [Mr. DAVIS], who also is a member of the committee.

You can not find the words "free passes" in the bill! It prohibits any free transportation of person or property, or any frank or franking privilege, or gift of money or anything of value. This provision is the same in each clause. Yet in this carefully prepared statement one of the principal criticisms is that I would limit the bill to "free passes." The gist of the measure is against a gift. Why say they shall not give you a pass or a frank? Because it might possibly be construed that that was a privilege, as distinguished from a gift of personal property or money. Therefore, in order to include it, the provisions of the bill were drawn as they are. There is nothing restrictive about it.

But they follow that statement with the statement that my bill is as broad and includes as much as God Almighty's universe. The criticism is just like other criticisms of my position in this matter. There are some of them who say the bill does not include enough, that it does not go far enough, and they will fight it on that ground. Then others say it includes too much, and they will fight it on that ground. Why can not lawyers see the real issue and incorporate in the bill terms which might suit them better?

But, Mr. Chariman, they say that this is new legislation; a new idea in law. Why, sir, the pernicious effect of gifts was recorded in Holy Writ. The law in ancient times commanded, "Thou shalt receive no gift." Why? "For a gift blindeth the eyes and perverteth the words of the righteous." In the Sermon on the Mount He who spake as never man spake said, "No man can serve two masters, for either he will hate the one and love the other, or else he will cleave to the one and despise the other. Ye can not serve God and mammon." Yet they say this is new. The gentleman should look to the Constitution of this Republic. In Article I, section 9, subdivision 8, we find this prohibition:

> No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign State.

If the gentlemen who oppose this measure had been in that convention they would have said that they might not be able to receive a box of cigars from the King of England. This provision was not for the purpose of preventing some one from getting a box of cigars, as the learned gentlemen seem to think, neither is my bill drawn for that purpose. If, technically, such a gift comes within its provisions, so it does within the provisions of the Constitution. At that time the danger to our freedom was from without—from the interference of kings, princes, and potentates, and hence gifts from them to our officials were prohibited, except by the consent of the Congress. If that constitutional convention were in session to-day, inspired by the same motive, they would put in the organic law that no man who was a Member of Congress or the judge of a court—and I believe they would go further than my bill does and include practically every officer of the Government—should receive gifts, fees, compensation, or employment from the great corporations and others interested in legislation. [Applause.]

However that may be, Mr. Chairman, I wish to say that I will extend my criticism in my remarks, in order that Members of the House may see it; and I would like for every Member to consider this matter, because it is of great importance.

In conclusion I wish to say that the people who stand for this measure are not interested in demagogery. The gentleman has no right to impute any motive to me. The people of my State have sent me to Congress, and I want to know—and I want the people of his district, the great State of Alabama, the sister State of Georgia, where I was born and reared—I want all true Democrats to know and consider the situation. When this gentleman, who has been the chairman of the National Democratic convention, twice chairman of the Democratic caucus of this House, who is now Democratic chairman of the Committee on the Judiciary, sees proper to rise in his place and attribute a motive like he did to me for introducing this bill, which has been a Democratic measure in this House for nearly 10 years, I say I want all good Democrats to consider the facts in regard to it.

Furthermore, I am responsible to my constituents, and it might enlighten the gentleman some, if he cares to know, that time and time again the people who sent me here instructed me in the platform upon which I was elected to introduce the measure, and I followed their instructions when I did it. [Applause.]

That explanation will not interest all the influences outside of Congress that have improper motives; it will not suit the grafters, nor their beneficiaries, nor their benefactors; but it seems to me that it is an answer that in itself ought to show the impropriety of the gentlemen who have taken such a position as that.

The CHAIRMAN. The time of the genleman from Texas has expired.

[Mr. JACKSON addressed the committee. See Appendix.]

Mr. MOON of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, I desire to call attention to a statement made by my colleague from Illinois [Mr. MANN], near the end of his remarks yesterday, and which appears in the middle of page 4652 of the RECORD. I will read the remarks:

> But when my colleague's attention was called to the fact that this lady had obtained $100 to represent Indians, and afterwards that the person who had paid the money became dissatisfied with the prospects and demanded the check back, I am informed by an affidavit, which is on file, that my colleague told Mrs. Grey to keep the money.

I regret that my colleague is not in his seat this morning. I hope he spoke unadvisedly or was not correctly reported. The language which he uses says that he is informed by an affidavit, clearly meaning that he has seen an affidavit to that effect, and that it is on file, but he does not say where, and that the affidavit informed him that his colleague—meaning myself—told Mrs. Grey to keep this money.

I want to say that this remark was made at the close of the debate, when I could not get time to answer it; indeed, I did not catch the full force of it then. I now want to say that it is absolutely and unqualifiedly false; that there is no foundation whatever for it, and that I would be entirely justified in using the shortest and ugliest word that I could think of in characterizing it.

Mr. MADDEN. Will the gentleman yield?

Mr. GRAHAM. Not at this time. I do not intend to charge the falsity of it to my colleague, but he is to some extent particeps criminis, because his language implies that he had seen the affidavit. And I call on him now to produce that affidavit. [Applause.] And when it is produced, if it states what he said it does, I repeat that it is absolutely and unqualifiedly false.

Mr. MADDEN. I wish my colleague would wait until the gentleman from Illinois [Mr. MANN] is on the floor.

Mr. GRAHAM. I had to take the time when I could get it, and I have not now time to repeat it.

Mr. MADDEN. The gentleman from Illinois [Mr. MANN] is now on the floor, and I ask that the gentleman be yielded time to repeat it.

Mr. GRAHAM. Mr. Chairman, I will say to the gentleman from Illinois [Mr. MANN] that I was just calling attention to a

statement in the RECORD, which I have read, while the gentleman was absent from his seat, to the effect that I had advised Mrs. Grey to keep a certain $100, which the gentleman said he saw, by an affidavit he had seen, that I had advised her to keep it. I state that that is absolutely untrue; that I never gave such advice; that she never talked to me about such a matter; and that I never talked to her about it. I now call upon the gentleman to produce that affidavit, and when produced, if it states what he says it does, I say the affidavit is false and the affiant is either mistaken or is a falsifier.

Mr. WEEKS. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, in August last, in the House Office Building, I believe, while attending a meeting of the Committee on Expenditures in the Interior Department, presided over by my colleague, Mr. GRAHAM, Mrs. Grey met an Indian named Denomie, who had been attending the hearing on the White Earth Reservation before that committee. She solicited employment from him to represent the La Pointe Indians, and subsequently obtained a check from him for $100. Later the Indian became suspicious of what she could do and ordered payment of the check stopped. The check, however, was paid by the bank upon which it was drawn, through inadvertence. Mrs. Grey refused to pay back the amount. The cashier of the bank endeavored to secure the amount of the check which had been paid by the bank. The Indian declined to be responsible for the check, payment of which he had stopped. The bank subsequently credited his account with $100 and the cashier endeavored to get repayment of the same. In a conversation with the cashier of this bank, the Second National Bank of this city, Mrs. Grey stated that the reason she refused to pay the amount was that she had been advised by the chairman of the committee for which she was working, the Committee on Investigation of Expenditures in the Interior Department, not to refund the amount of the check.

This Indian made an affidavit that he met Mrs. Grey going to the Indian Office, and that she roundly chastised him, saying that she had seen some of her superiors, who advised her not to give him back his money, and that she was not going to give him one cent.

In the affidavit made by this Indian he also stated that Mrs. Grey warned him not to go near Mr. STEPHENS, the chairman of the Indian Committee, using language concerning Mr. STEPHENS which, being wholly unjustifiable, I shall not repeat on the floor of the House to be read into the RECORD. In the same affidavit the Indian stated that Mrs. Grey said that she could get whatever she wanted done by the Interior Department, and that she had Mr. Valentine, the Commissioner of Indian Affairs, under her thumb. The affidavit, I believe, is on file; at least I have had a copy of it.

Mr. RAKER. Where is it on file?

Mr. MANN. I do not know whether it is on file in the Indian Office. It was obtained by the people who were seeking to obtain back the money, I believe.

Mr. GRAHAM. Does the gentleman mean that it is in some official file?

Mr. MANN. I do not now recall whether it is on file in the Indian Office, because I did not obtain my information from the Indian Office. I will say to the gentleman that I have a very complete file, which, if the gentleman desires, I shall be very glad to show to him. I would not care to read it into the RECORD, because it reflects unjustly, in my judgment, upon some people.

Mr. GARNER. Mr. Chairman, does not the gentleman think that, inasmuch as this affidavit impeaches two Members of Congress and the Indian Department, it is not worthy of consideration on the floor of the House?

Mr. MANN. Mr. Chairman, I think that the evidence which I have already submitted to the House shows that Mrs. Grey was in some capacity connected with this committee, using her official position for the purpose of obtaining employment from those people who believed that because of such employment she would have superior influence, and that it is now the duty of my colleague, not only to disavow the statement made by Mrs. Grey, but to dispense with her services with a reprimand, if he has been—and I assume he has been—unacquainted with the facts in the case.

Mr. GRAHAM. Mr. Chairman, I would like to have time in which to ask my colleague a question.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MOON of Tennessee. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. WEEKS. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. GRAHAM. Mr. Chairman, I would like to ask the gentleman if he has any other information on which to base the statement I read from the RECORD:

> I am informed by an affidavit which is on file that my colleague told Mrs. Grey to keep the money.

Has the gentleman any other information on which to base this charge than the affidavit or paper from which he has now given us information?

Mr. MANN. Mr. Chairman, I am informed that the cashier of the Second National Bank of this city received the same information from Mrs. Grey.

Mr. GRAHAM. That would not be additional information with reference to my advising her. That is the question. Did the cashier of the bank say that he had knowledge that I so advised her?

Mr. MANN. Only what she said. Now, I will be frank with my colleague. I never supposed he advised Mrs. Grey on this employment.

Mr. GRAHAM. Did my colleague think himself justified in reading this statement or stating it into the RECORD yesterday in the form in which it there appears, clearly raising the inference that he believed I had done it?

Mr. MANN. Well, I have not seen what the RECORD shows.

Mr. GRAHAM. I have read it to you. You knew——

Mr. MANN. I say now that Mrs. Grey was claiming to be an employee of the committee; that she received letters from the chairman of that committee, which, in my judgment, justified the claim; that she was constantly in attendance upon the committee; that she was used by the committee, and I have been informed that she was paid in a way—how I do not propose to say, but not out of public funds, and that while in this position she was using—I will not say was using her position—her pretended employment and seeking employment elsewhere where the employment and the subjects of the employment came within the scope of the investigation to be carried on by the committee. Now, in my judgment, I did not reflect upon the honesty of my colleague, and certainly would not.

Mr. GRAHAM. But my colleague did yesterday in this language.

Mr. MANN. Oh, I did not. I do not think I reflected upon his honesty. I stated the fact and he denied that he advised Mrs. Grey on the subject, and that denial was sufficient for me.

Mr. GRAHAM. My colleague asserts he knew, or at least he believed, I did not so advise before he made the statement; then was he candid in making the statement under those circumstances?

Mr. MANN. I have been candid in making the statement——

Mr. GRAHAM. I leave it to the House.

Mr. MANN. I thought it was within the right of the House to know what an employee of my colleague was saying in reference to her employment and saying in reference to the committee. I would like to know from my colleague why Mrs. Grey has been in attendance upon this committee; why she has been given superior rights over other people in connection with the work of that committee?

Mr. GRAHAM. I will be glad to answer the gentleman. The committee hearings are open; anyone who chooses has the right to attend them, and many people do attend them regularly. She could have done so; she was never there at the request of the committee.

Mr. GARNER. Will the gentleman let me ask, Was she employed by the committee?

Mr. GRAHAM. She was not employed by the committee. I repeated that yesterday more than once.

Mr. MANN. Does the gentleman from Texas know how she is paid——

Mr. GRAHAM. I want to answer the gentleman more fully the question which he asked. The committee has a great deal of difficulty in getting from the Indian Bureau and the Department of the Interior the papers which are there which the committee ought to have. Mrs. Grey is exceedingly familiar with those papers and files. Calls we send there are not always promptly answered, and she has, at my suggestion, gone through these files and pointed out for us papers in the files in the department that the committee ought to have and has had some difficulty in locating. That is the extent of her service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL. Mr. Chairman, I would like to have the time extended as I would like to ask a question.

Mr. WEEKS. Mr. Chairman, I yield 15 minutes additional time to the gentleman from Illinois.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kansas?

Mr. MANN. I do.

Mr. CAMPBELL. Mr. Chairman, I am informed, in fact I have noted in the hearings of the committee of which the gentleman from Illinois is chairman, this notation "Chairman so and so, and other members of the committee and Mrs. Grey, present."

Mr. GRAHAM. And a number of others.

Mr. CAMPBELL. Well, she is included among the official list of those present.

Mr. GRAHAM. No; those who were present generally were noted.

Mr. CAMPBELL. The hearings do not purport to give the name of every stranger who happens to be in the room or witnesses who happen to be there.

Mr. GRAHAM. Nor has——

Mr. CAMPBELL. This is the official list that is published of every hearing of those who were present.

Mr. GRAHAM. The gentleman is wrong. He is in error. The clerk of the committee in the earlier sittings of it did make notation of nearly everybody who attended—the name of nearly every person who was present for a time. The clerk, under the direction of the chairman, has discontinued that practice.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Kansas?

Mr. MANN. I think they do not desire any more time.

Mr. Chairman, Mrs. Grey was present at the hearing before this committee on June 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 19, and 29, and at various hearings in July.

Mr. GRAHAM. Might I inquire what the matter under consideration then was?

Mr. MANN. I think it was an investigation of the Pima matters in Arizona.

Mr. GRAHAM. I think at that time there were other matters under consideration with which she had no more to do than any other citizen.

Mr. MANN. Subsequently she was present on various occasions while the White Earth matters were under investigation. On November 20 last this letter was sent:

Hon. WALTER L. FISHER,
Secretary of the Interior, Washington, D. C.

MY DEAR MR. FISHER: Mrs. Helen P. Grey wishes to look through some records in the Land Office, and also in the office of the Reclamation Service for our committee. Will you kindly see that she is given the necessary permission?

Very sincerely, yours, JAMES M. GRAHAM,
Chairman, etc.

Mr. HARDY. Will the gentleman permit a question?

Mr. MANN. I will.

Mr. HARDY. I want to know if the gentleman thinks it is wrong for the chairman of a committee or subcommittee to ask any favor in behalf of anybody who appears before his committee, either in favor of or against any legislation? I have done that with reference to men who came here employed to forward certain legislation before my committee and those who came employed to oppose that same legislation.

Mr. MANN. In February last Mrs. Grey wrote this letter, addressed to the Commissioner of Indian Affairs:

WASHINGTON, D. C., *February 3, 1912.*

Hon. R. G. VALENTINE,
Commissioner of Indian Affairs, Washington, D. C.

SIR: Under Mr. GRAHAM'S request of November 24, 1911, will you kindly furnish me with Senate Document No. 445, Sixtieth Congress, first session, parts 1 and 2, Crow Reservation, being hearings on Crow affairs, and oblige?

Yours, very truly, HELEN PIERCE GREY.

To which this response was made to Mrs. Grey, as follows:

FEBRUARY 3, 1912.

Mrs. HELEN P. GREY, *Washington, D. C.*

DEAR MADAM: In response to your request of this date I take pleasure in handing you the volume you ask for, being Senate Document No. 445, Sixtieth Congress, first session, parts 1 and 2, Crow Reservation, being hearings on Crow affairs.

As this appears to be the only volume left in our library, and the volume is one which the office may have frequent occasion to refer to, will you kindly return it to us at your earliest convenience?

Respectfully,

R. G. VALENTINE, *Commissioner.*

In September last, this telegram was received by the Commissioner of Indian Affairs in Washington, dated September 13, 1911:

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.:

Mrs. H. P. Grey visited agency yesterday, stating intentions of returning. Claims to represent Graham committee, and authorized by you to investigate irrigation project. No credentials shown; wire information.

RUSSELL,
Principal in Charge.

To which this reply was sent:

RUSSELL, *Principal in Charge:*

Your telegram 13th. Extend Mrs. Grey every official courtesy. Records of your office should be available for her information.

R. G. VALENTINE.

It should be remembered that Mrs. Grey, speaking and claiming to represent the Crow Indians at Casa Grande, while there denounced numerous persons connected with the Indian Service and Indian Affairs, particularly Mr. Brosious, and connected with the Indian Rights Association, boasted of her authority, and presumed to represent the Committee on Expenditures in the Indian Department.

In October last Mrs. Grey visited the Crow Agency in Montana. The superintendent wired the Indian Office that she was upon the reservation, and on October 23 the Commissioner of Indian Affairs, Valentine, sent the superintendent the following telegram:

Show Mrs. Helen P. Grey every official courtesy, offering her full opportunity to see office records and to study conditions on the reservation.

In a letter to the Secretary dated in December——

Mr. GRAHAM. Will the gentleman yield for a question there?

Mr. MANN. In just a moment. In a letter to the Secretary dated December 18, 1911, Mrs. Grey wrote at considerable length to the Secretary of the Interior protesting against the employment of Kappler and Merillat as attorneys for the Crow Indians in Montana, opening her letter with the following statement:

For and on behalf of the Crow Indians in the State of Montana, whose duly authorized and acting representative I am,

And so forth.

The letter is signed by Mrs. Grey as "Representative of the Crow Indians of Montana."

It will be noticed that the Crow Indians of Montana whom she claimed to represent were the Indians at the agency where she claimed to represent the committee and had received authority from the superintendent in charge by direction of the Commissioner of Indian Affairs to inspect everything there.

Now, I yield to my colleague.

Mr. GRAHAM. Mr. Chairman, the gentleman seems to have a complete copy of all the correspondence.

Mr. MANN. Not here; I have not.

Mr. GRAHAM. Has he among his files a telegram from the Indian Bureau to myself at Springfield, Ill., notifying me that Mrs. Grey intended to visit the Crow Agency, and asking me if she was a representative of the Committee on Expenditures in the Interior Department, and my reply to it?

Mr. MANN. I have.

Mr. GRAHAM. I think it is hardly candid not to read that also.

Mr. MANN. If the gentleman had not interrupted.

Mr. GRAHAM. You have passed the place where it fitted in.

Mr. MANN. I beg the gentleman's pardon.

Mr. GRAHAM. The date will show, if you will just turn back and refer to it. That is not frank of my colleague.

Mr. MANN. I do not ask the gentleman to determine as to my frankness.

Mr. GRAHAM. I have a right to express an opinion about it.

Mr. MANN. He had better express his own frankness about somebody in his employ obtaining pay while representing somebody else than the Government of the United States.

Mr. GRAHAM. I ask the gentleman to read the correspondence.

Mr. MANN. I propose to read it.

Mr. GRAHAM. You could not very well get out of it now.

Mr. MANN. I could get out of it if I wanted to. I would not have to do it here if I did not want to read it.

Mr. GRAHAM. The date will show whether the gentleman intended to read it now.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] yield to his colleague [Mr. GRAHAM]?

Mr. MANN. I do not yield for gratuitous nonsense like that. On October 16, 1911——

Mr. GRAHAM. May I interrupt the gentleman there to ask him if he had not passed on to December?

Mr. MANN. Not at this point, because I wished to connect Mrs. Grey as a representative of the Crow Indians, which I have done, by her own letter, stating that she was the representative of the Crow Indians at the very time—I do not know whether my colleague knew it or not; he ought to have known it—that she was, through his influence, receiving special favors.

OCTOBER 16, 1911.

Hon. JAMES M. GRAHAM,
Springfield, Ill.:

Helen Pierce Grey has notified office that she intends to visit Crow Reservation Wednesday, 18th instant, but omitted to state whether representative of your committee. Please advise office whether she is

representing Committee on Expenditures for the Interior Department on this visit, in order that office may wire proper instructions to reservation superintendent.

F. H. ABBOTT, *Assistant Commissioner.*

To which this answer was sent——

Mr. GRAHAM. The date, please?

Mr. MANN. I presume it is the same date. The date is not on here:

F. H. ABBOT,
Assistant Commissioner, Washington, D. C.:

Our committee has not authorized any one as its representative to Crow Reservation, but if Mrs. Grey has any relevant information I feel sure that the committee will be glad to have it.

That is very much like another telegram which my colleague sent. When Mrs. Grey was in Arizona somebody wired to my colleague—I think it was the editor of one of the papers there—asking whether Mrs. Grey was authorized to speak for the committee. My colleague replied:

SAMUEL W. SMALL,
Editor Sun, Phoenix, Ariz.:

Mrs. Grey has no authority to speak regarding the committee's intentions. Only a majority of the members can do that.

That was signed by my colleague. No disavowal of the authority of Mrs. Grey as representing the committee, but a statement of "only the majority of the members of the committee can speak regarding the committee's intentions."

Mr. RAKER. May I ask the gentleman a question right there?

Mr. MANN. It did not need a telegram to inform anybody in the country that an employee of the committee can not speak for the committee; that an individual member of the committee can not speak for the committee; that the chairman of the committee can not speak for the committee without the authority of a majority of the members of the committee.

Mr. GARNER. Mr. Chairman, may I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. GARNER. I wish to call the attention of the gentleman to his use of the term "employee of the committee," whereas his colleague, the chairman of the committee, states most positively that she has not been an employee of the committee; and it does seem to me that there is a very acute issue there as between the gentleman from Illinois [Mr. MANN] and the gentleman from Illinois [Mr. GRAHAM].

Mr. MANN. It may be that my colleague has stated that Mrs. Grey was not an employee of the committee, but if he has it has escaped my attention.

Mr. GARNER. I understood a few moments ago, when the gentleman from Illinois [Mr. MANN] asked him the question, whether or not she was employed by the committee, the gentleman from Illinois [Mr. GRAHAM] answered most positively that she was not, and he made that statement twice yesterday.

Mr. MANN. I did not so understand him yesterday to state that Mrs. Grey had not been employed by the committee. I understood him to say that Mrs. Grey had not been paid out of public funds.

Mr. GARNER. I fail to understand how a person is an employee of the committee when the committee is conducting an investigation and the expense of the conduct of that investigation and examination is paid out of public funds.

Mr. MANN. Whether or not they will be paid out of the public funds I do not know. I know that several people have claimed to have been employed by that committee—one who received $200 and claimed that he should have received $1,000. I asked if the man was employed by the committee. I received the impression—I will not say that the statement was made, but I received the impression from the statement that was made—that the man was not employed by the committee, but subsequently I learned that he had presented a bill for $1,000 and had received $200 on account.

Mr. RAKER. Mr. Chairman——

Mr. GRAHAM. Mr. Chairman, I want to state——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. MANN. I yield to the gentleman from California, who has interrupted me several times, and then I will yield to my colleague.

Mr. RAKER. If the gentleman from Illinois [Mr. GRAHAM] wants to ask a question, I will withdraw.

Mr. MANN. Then I shall not yield to the gentleman later. I can not afford to fritter away my time. I yield to my colleague now.

Mr. RAKER. All right.

Mr. GRAHAM. Mr. Chairman, I want to state that the statement of my colleague [Mr. MANN] as to his information that a certain gentleman received $200 and presented a bill for $1,000 is not correct. The committee, as I stated yesterday, has paid out no public money to anyone claiming to be an employee and no such bill was ever presented to any member of the committee by anybody.

Mr. MANN. Did not this attorney down here claim that he was to be paid $1,000?

Mr. GRAHAM. I do not know what he claimed.

Mr. MANN. I have heard the statement that he did claim that he was to be paid $1,000.

Mr. GRAHAM. He made no such claim to me.

Mr. BURKE of South Dakota. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from South Dakota?

Mr. MANN. Yes.

Mr. BURKE of South Dakota. I do not know to whom the gentleman refers. I presume he is referring to a gentleman by the name of Fennell.

Mr. MANN. That is the gentleman, and it was in connection with that celebrated Controller Bay investigation.

Mr. BURKE of South Dakota. If you will take the printed hearings you will find in the record, made under the supervision, I presume, of the chairman of the committee, that in addition to those who were in attendance at the hearings constituting the committee, Mr. Fennell appeared as attorney or counsel for the committee.

Mr. MANN. I remember that. The printed record attracted my attention, because at that time the committee had been given no authority to employ an attorney or anybody else. After reading the hearings that came from the committee, showing that Mr. Fennell was there as the attorney for the committee, I asked for information on the subject.

Mr. GRAHAM. Just as Mr. Easby-Smith will appear in the hearings now going on as the attorney, but without compensation from the committee.

Mr. MANN. Has not Mr. Fennell been paid any compensation?

Mr. GRAHAM. He has not received a dollar of the people's money.

Mr. MANN. Has he not been paid $200?

Mr. GRAHAM. He has not received any of the people's money.

Mr. MANN. All I can say is that I was informed by a member of the Committee on Accounts that he had received $200 through the Committee on Accounts.

Mr. GRAHAM. There is no way in which the committee can pay out money except on proper vouchers.

Mr. MANN. Who is paying these men? That is what I want to know. Who is paying Mrs. Grey? Nobody seems willing to give that information. Who paid the attorney who appeared on the record as the attorney for the committee? Who is paying the attorney now who appears in the record as the attorney for the committee? Is it the people who are being investigated? That is what I want to know.

Mr. GRAHAM. If public-spirited citizens offer him compensation, it is nobody else's affair.

Mr. MANN. Oh, it is the affair of Congress. We are quite able and willing to pay the necessary expenses of these investigations. We have already paid nearly $100,000 and within the last two days have authorized the expenditure of nearly $75,000 more; and yet the gentleman assumes that we are too poor to pay an attorney for the committee. Who does pay the attorney?

Mr. GRAHAM. Will my colleague yield for a question?

Mr. MANN. Yes.

Mr. GRAHAM. In the case of the senatorial investigation from our State were there not attorneys employed on both sides, some of whom represented the public and some of whom represented private persons?

Mr. MANN. There were attorneys employed by the committee and paid out of the public funds to represent the committee. People who were under contest had their attorneys employed, as people have the right to have attorneys represent them before the gentleman's committee, but in that contest the attorneys for the committee are paid out of the contingent fund of the Senate, and no man could justify a private individual in paying the fees of the attorneys for the committee. [Applause.]

Mr. Chairman, on August 14 last Mrs. Grey wrote a letter to an Indian, William Obern, of Odanah, Wis., stating that in the papers given her by one Denomie she finds an application of his for competency, and in her letter to this Indian she said:

I am at present employed by the committee of the House that is investigating the Indian Bureau, having on now an investigation of the Apaches of Arizona and also the White Earths of Minnesota. Both of these investigations were brought to the committee by me and I am working with one of the attorneys of the Department of Justice who has charge of the prosecution of the White Earth Reservation in Minnesota.

She offered this Indian to look after his application, to have his restrictions removed, on the condition that he agree to pay her $150, and sent him an agreement to that effect and requested

him to execute it. In the same letter she solicited employment to represent the tribe as a whole, asking for $10 a day and her expenses. Let my colleague disavow that Mrs. Grey has been employed by the committee. In November last she met one of the messengers of the Bureau of Indian Affairs and asked him to find a certain Indian that was in the office by the name of Standing Bear, who had an application for a patent in fee pending before the office, and solicited employment by the Indian. She had the case of the brother of this Indian and received money from him, and, as I am informed, stated to one of them that she was employed by the committee investigating the Indian business.

Mr. CAMPBELL. Will the gentleman state where this took place?

Mr. MANN. This last took place in the Indian Office, where Mrs. Grey was occupying a desk under the supposition that by the letter of the chairman of that committee she was employed, representing in some capacity the committee.

Mr. GRAHAM. May I ask the gentleman if that is the letter that my colleague has read?

Mr. MANN. Yes.

Mr. GRAHAM. Can my colleague see in that letter any such authority or any foundation for his statement?

Mr. MANN. I can say that if the gentleman had given me a letter of that sort and I had presented it and informed the people to whom I presented it that I was employed by the committee, that printed records of the daily proceedings of the committee giving attention to the fact that I was in attendance on the committee and rendering service to the committee, I would expect that they would assume that I was employed by the committee.

Was Mrs. Grey employed by the committee? Who has paid her? If the gentleman does not know we ought to have an investigation to find out. If he does know, he ought to state it frankly to the House. [Applause on the Republican side.]

Mr. WEEKS. Mr. Chairman, I now yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, during my absence from the Chamber yesterday a resolution authorizing the Committee on Expenditures in the Interior Department to make certain investigations and expenditures in connection therewith was considered, and during the debate the gentleman from Illinois [Mr. MANN] made this statement:

When this committee went to make the investigation called the White Earth investigation I did not think that the chairman of that committee treated the minority fairly. There are three minority members upon the committee, and the chairman of the committee was notified that the gentleman from Wyoming [Mr. MONDELL] could not attend on the trip which the committee made to the Northwest, because his duties required him, in his opinion, to remain in the House, an opinion in which I concurred. I do not believe it is fair for the chairman of a committee appointing a subcommittee to purposely appoint as a minority member of that committee one who has notified him he can not attend.

The gentleman from Illinois [Mr. GRAHAM] a little later, in reply to his colleague, said:

Mr. Speaker, I want first to answer my colleague's statement with reference to the personnel of the subcommittee which went to Minnesota. The gentleman's statement with reference to the manner of the selection of the gentleman from Wyoming, Mr. MONDELL, as a member of that committee has certainly been made under a misapprehension and does not conform to the facts. Mr. MONDELL was ranking member of the minority upon our committee. As ranking member the chairman of the committee understood that it was the custom and that it was the right of Mr. MONDELL to be named as the minority member of the subcommittee. He was so named. At the time his name was informally mentioned as the minority member of the committee Mr. MONDELL said that he did not see how he could go, but he did not positively decline to go. He did later write a letter, not declining to serve, but tendering his resignation.

That letter reached me in Minneapolis, and I at once answered, regretting his determination not to act with us, and stating that I did not think I had any power individually to act upon that resignation, and that it would be presented to the full committee at the earliest practical moment. That was done, the resignation was withdrawn, and Mr. MONDELL is still a member of that subcommittee because he did not press his resignation.

Now, Mr. Chairman, I feel confident that no one desires to make a misstatement in regard to this matter, but possibly there are some who need to have their memories refreshed in regard to it. In the first place, I call attention to the fact that the resolution authorizing the White Earth investigation, which is the one referred to, was before the House on January 9, and in discussing that resolution I said:

Mr. Speaker, as a member of the committee authorized to go forth and conduct investigations under this resolution, I want to protest against that portion of the resolution which proposes that the committee carry on its investigations in distant regions during the sessions of the House. As a Member of this House I have found that my duties here are quite sufficient to keep me occupied at all times while Congress is in session. I have no time as a member of that committee to wander afield to Minnesota and to the far confines of the Sacaton Reservation while Congress is in session. I conceive it to be my duty to be here, guarding and caring for the interests of my constituency.

That, I thought, was a clear statement of my position.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MANN. That was before the subcommittee had been appointed.

Mr. MONDELL. That was before the subcommittee had been appointed.

Mr. MANN. When the matter was up for consideration in the House, and my colleague from Illinois [Mr. GRAHAM] was present, in reference to his own resolution?

Mr. MONDELL. Yes. Later; a few days later; possibly the next day—I do not recall the exact date—the matter of the appointment of a subcommittee was taken up before the full committee, and the gentleman from Illinois [Mr. GRAHAM] suggested that he had it in his mind to appoint me a member of the subcommittee. I reminded him of the statement that I had made on the floor of the House, and then at some length, desiring to be entirely courteous, to have him fully understand that I would be glad to serve if it were possible for me to do so, I explained to him and to the full committee the character of the duties that I conceived required my presence here. I said that it would, under those circumstances, be impossible for me to serve. At that time the gentleman from South Dakota [Mr. BURKE], a member of the committee, suggested that if the matter was left to the minority members of the committee we would select a Member to serve upon that subcommittee, or words to that effect. The chairman of the committee, the gentleman from Illinois [Mr. GRAHAM], said that he did not understand that the rule which prevailed in the House under which the minority selected its membership on committees applied to such a case, leaving us to infer that he expected to make the appointment.

There was a subsequent meeting of the committee, either the day following or two or three days later, when the matter of the appointment of the subcommittee was again taken up. I again explained at some length, and I thought my friend from Illinois was somewhat irritated at the length of time I took to explain that while I had no desire to evade any duty as a member of the committee my duties were such that I felt I could not leave the city. In order to be certain that I was not refusing a duty that I should perform under the ordinary usages of the House, I asked the gentleman from Illinois [Mr. MANN] whether in his opinion, under the circumstances, there was any obligation on my part to serve. He said in substance, as I recollect, that if my duties were such that in my opinion I could not leave without neglecting them, I was under no obligation to go, that some one else could and should under those circumstances be appointed. When, for the second time, in the committee I explained why I could not go, I stated to the chairman that the gentleman from South Dakota [Mr. BURKE] was much more familiar with the matters that were to be investigated than I was; that he had been chairman of the Committee on Indian Affairs, and knew all about these White Earth Indian matters; that I knew nothing of them; that the gentleman from North Dakota [Mr. HANNA], a member of the committee, was also familiar with these matters; and that either of these gentlemen could serve very much more acceptably than I could on the committee; and that one or the other of them would go, I was confident.

Mr. MADDEN. Mr. Chairman, does the gentleman from Wyoming know anything about the employment of Mrs. Grey by the committee?

Mr. MONDELL. Mr. Chairman, for the present, I prefer not to touch upon that.

Mr. GRAHAM. Mr. Chairman, we are unable to hear the gentleman from Illinois, and I would like to know what his question was.

Mr. MADDEN. Mr. Chairman, I simply asked the gentleman from Wyoming whether he as a member of the Committee on Expenditures in the Interior Department knew anything about the employment of Mrs. Grey by the committee?

Mr. MONDELL. Mr. Chairman, I may refer to that, if I have time, but for the present I desire to continue the discussion of the matter in hand.

As emphatically as I felt I could—and I believe I can be emphatic on occasions and still be courteous and decent in my language—I assured the chairman and the members of the committee that it would be impossible for me to serve upon this subcommittee. I heard nothing more in regard to the matter until—I think it was the 18th of January. On the 18th of January, the discussion of the resolution having been on the 9th, I

received a letter from the chairman of the committee announcing my appointment as a member of the subcommittee. I immediately, within the hour, dictated an answer. I am not absolutely certain that that answer was mailed that day. It was written that day, but I recall that I made one or two changes in the letter, and it is barely possible that it was not mailed until the next morning, but it was dated the 18th.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEEKS. Mr. Chairman, I yield 10 minutes more to the gentleman.

Mr. MONDELL. Mr. Chairman, my answer, which I shall put in the RECORD, was written and dated the same day that I received the letter from the gentleman from Illinois [Mr. GRAHAM], and in that answer I reviewed briefly what I had said at the time the matter was under consideration, what I had said in the committee, and expressed my surprise that under the circumstances I should have been appointed. I am not sure whether that letter was mailed or sent to the room of the chairman, but at any rate it left my office in less than 24 hours, and I think in less than 6 hours of the time I received the first notice, and the only notice that I ever had that I had actually been appointed on the subcommittee.

I discussed that matter with the gentleman from Illinois [Mr. MANN] at the time, because I was not certain as to which was the proper procedure—to decline to serve or to resign; and I think on the advice of the gentleman from Illinois I wrote my letter as a resignation from the subcommittee. In reply to that I received the next day a letter from the gentleman from Illinois [Mr. GRAHAM] stating that he was sorry I could not serve, but that it was too late to change the arrangements. In the statement that the gentleman made yesterday he said my resignation was withdrawn and I was still a member of the subcommittee because I did not press my resignation. All that has ever been said in regard to the matter, as he will recall, is that after he and the other member of the subcommittee who served returned from Minnesota the chairman one day referred to my letter of resignation and the fact that it had not been accepted. My recollection is that he said that in view of the fact that the investigation was practically over he supposed that it was not necessary to take any action in the matter. To that I made no reply whatever that I can now recall except perhaps to remark I presumed that was so. I did not feel that anything was to be gained by further discussing the matter and did not care to do so. I have never attended a meeting of that subcommittee except——

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

Mr. MONDELL. Except that one day I passed the room in which the subcommittee was in session and saw in the room a gentleman whom I desired to talk to for a moment, and I went into the committee room and sat perhaps for five minutes during the hearings; but I have never served on that subcommittee; I have never considered myself a member of it.

Mr. GRAHAM. Is not the gentleman mistaken as to the length of time he stayed with the committee on the occasion to which he referred?

Mr. MONDELL. Well, it may have been more than five minutes. I wanted to talk with the Commissioner of Indian Affairs in regard to a matter and had intended to go to his office and see him, and I happened to pass by the room and saw he was in there, or learned he was. I went in and waited some little time—I think during the time that he was being examined—and then left the committee room. I sat there merely as a spectator for certainly not to exceed 10 minutes, and I imagine not that long.

Mr. GRAHAM. Did not the gentleman ask some questions while there?

Mr. MONDELL. I do not recall; as a spectator I may have, but I do not recall. I think not.

Mr. GRAHAM. I mean as a member of the committee and not as a spectator.

Mr. MONDELL. Oh, I certainly did not, because the gentleman himself knows that in conversation he said that, as a matter of fact, there would be no object in my sitting with the committee, even if I desired to do so, in view of the fact that the investigation was practically over; and the gentleman knows, and everybody else knows who knows anything about it, that I resigned from that committee and I have not served on it a minute. I now recall that on the occasion referred to former Commissioner Leupp was interrogating Commissioner Valentine. I am quite sure I did not say a word.

Mr. GRAHAM. In the first place, the gentleman declines to assent to the statement just made and his recollection is different from that of the gentleman from Wyoming, that the chairman of the committee did not make the statement just now used that it was not necessary for the gentleman to sit with the committee, that its labors were nearly concluded, but, on the contrary, requested the gentleman from Wyoming to stay with the committee and serve with it.

Mr. MONDELL. It is entirely immaterial whether that be the gentleman's recollection or not. I do not propose to be placed in the attitude of passing back and forth contradictions as to just what was said. The fact remains——

Mr. GRAHAM rose.

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I do not yield—that, in the first place, I repeatedly declared that I could not serve on the subcommittee. I and other members of the committee asked the chairman to allow us to select, or asked that he should select, some other minority member to serve on that subcommittee. He declined to do so, though he never told me positively that he would, absolutely against my will and wish, appoint me, and I never knew that I was appointed until I received that letter of January 18, that I will print in the RECORD, which was immediately answered. I have never served on the subcommittee and have never been near the subcommittee except on that occasion, when I went into the committee room for the purpose of speaking to a gentleman who was there, and did not remain to exceed 10 minutes.

Mr. BURKE of South Dakota. Will the gentleman yield? I would like to ask the gentleman if it is not a fact before the subcommittee went to Minnesota and during the special session of Congress last summer there were a number of hearings on the White Earth matters. There had been as a matter of fact several hearings on White Earth matters.

Mr. MONDELL. Well, there had been many hearings, and they were varied.

Mr. BURKE of South Dakota. Well, on the White Earth matter, and the gentleman was in Wyoming during most of that time.

Mr. MONDELL. Well, I do not now recall I was present, although I may have been at a White Earth hearing.

Mr. BURKE of South Dakota. I think the gentleman was present at one White Earth hearing. There had been, as I recall, 9 or 10 after I went upon the committee, and I had attended every meeting of the committee during that investigation.

Mr. MONDELL. I remember very clearly now, since the gentleman refreshes my memory, that I attended a lengthy hearing in regard to the White Earth matter, at which Mr. Burch was present and at which a number of Indian children testified, including one or two Indian girls.

The letters referred to are as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT,
Washington, D. C., January 18, 1912.

Hon. FRANK MONDELL,
House of Representatives, Washington, D. C.

MY DEAR MR. MONDELL: The subcommittee of the Committee on Expenditures in the Interior Department, for the purpose of taking testimony in the White Earth Indian Reservation matter, of which subcommittee you are a member, will begin its sessions on next Tuesday, January 23, 1912, at the court room in the Federal Building in Minneapolis, Minn., at 10 o'clock a. m. Please be on hand.

Very truly, yours,

JAMES M. GRAHAM,
Chairman Subcommittee.

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT,
Washington, D. C., January 18, 1912.

Hon. JAMES M. GRAHAM,
Chairman Committee on Expenditures,
Interior Department, Washington, D. C.

MY DEAR MR. GRAHAM: I have the honor to acknowledge receipt of your letter of January 18, in which you state that I am a member of the subcommittee to take testimony in the White Earth Indian Reservation matter; this being the first indication that I have had that you had selected me as a member of the subcommittee. I note that you also state that the subcommittee will begin its sessions on Tuesday, January 23, 1912, at the court room in the Federal Building in Minneapolis, Minn., and request that I be on hand.

You will recall that when the resolution authorizing the Committee on Expenditures in the Interior Department, or subcommittees thereof, to hold sessions outside of Washington during the sitting of Congress and at other times, I offered an amendment, which, if adopted, would have left the committee without authority to sit outside of Washington during the sessions of Congress. I stated, in support of my amendment, that it seemed to me unwise to authorize prolonged absence of Members of Congress from Washington during the sessions of Congress, unless there was some particularly urgent important public business which demanded it, and I expressed the opinion that the investigation which was proposed was not of such an urgent or important character; that as a matter of fact no public interest could be served by such an investigation in the field which could not be equally as well or better served by investigations and inquiries here in Washington.

I further stated that, so far as I was personally concerned, I could not spare the time for such prolonged absence from Washington as was contemplated without neglect of my public duties as a Member of the

House of Representatives and of the service which I owed my constituents.

At a meeting of our committee, held last Monday, I reiterated my position and stated at length the reasons why I could not leave Washington for the length of time contemplated without neglecting my duties here; that as the only Member from the State which I have the honor to represent it is peculiarly incumbent upon me to be at the seat of Government during the sessions of Congress.

I further suggested that Mr. BURKE, of the committee, was more familiar with the legislation, the effect of which it was proposed to investigate, than I, he having been for many years a member and quite recently chairman of the Committee on Indian Affairs. That Mr. HANNA, of the committee, as a resident of the adjoining State, was in all probability more familiar with affairs on the White Earth Reservation than I, and that therefore either of these gentlemen was quite as well or perhaps better qualified than I for the service proposed.

In view of these facts I had hoped you would see your way clear to appoint one of the other Members of the minority on this subcommittee; and to be entirely frank, I was much surprised to find that you had selected me for the place. I very sincerely regret that I do not find myself justified in accepting the appointment. After careful consideration of the matter from all standpoints I am more strongly convinced than ever that I would not be doing my duty as a Representative of the people of Wyoming and a Member of the House were I to accept the appointment.

Very respectfully, ———.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT,
Washington, January 19, 1912.

Hon. F. W. MONDELL,
House of Representatives, Local.

MY DEAR MR. MONDELL: Yours of the 18th instant is just received. I am surprised at the statement in it that my letter of January 18 to you is the first indication you had that I had selected you as a member of the subcommittee, as you were present at the committee meeting on Monday, the 15th instant, when I stated that I would name Mr. GEORGE, you, and myself as the members of the subcommittee, giving as my reason that you were the ranking minority member, and it was admitted by the members of the committee that that order was generally followed in the naming of subcommittees.

It is true, as you state, you opposed the resolution authorizing the appointment of a subcommittee; but as the resolution was adopted and the House thus indorsed our effort to carry on the investigation at the least expense by going to Minnesota instead of bringing a very large number of witnesses to Washington, it becomes necessary to comply with the action of the House and send a subcommittee there.

As it is quite probable that we will send other committees to other parts of the country later on under the House resolution, the other minority members will be called on to serve in their turn, so that all will in the end be treated alike.

I do not blame you for not wishing to go. In that respect I think every member of the committee feels as you do. I would be greatly pleased if I did not have to go to Minnesota at this season of the year, and I am sure Mr. GEORGE would be, too, but it seems to me it is our duty to go, however much we dislike it.

In any event it is now too late to change the arrangement. I hope you will see your way to join the other members of the subcommittee at Minneapolis next week.

Very truly, yours,

JAMES M. GRAHAM,
Chairman Committee on Expenditures in the Interior Department.

Mr. GRAHAM. I will ask the gentleman from Tennessee [Mr. MOON] if I can have five minutes. I will not ask for an extension.

Mr. MOON of Tennessee. I suppose I will have to yield the gentleman five minutes.

Mr. MADDEN. I hope he will get five minutes in which to answer my question, Mr. Chairman.

Mr. GRAHAM. I agree with my colleague from South Dakota [Mr. BURKE] that many of those matters are not worth discussing. He said yesterday it was proposed that the chairmen of the committees would make their own selection. He states now, as I recall it, that I refused to do it. I did not decide that question at that time. I declined at that time to decide it, and I made clear that I would take time to consider it, and I said yesterday the question never came up again, which was true. Just now my colleague on the committee from South Dakota refreshes the recollection of my colleague from Wyoming [Mr. MONDELL] and said to him there were 9 or 10 meetings of the committee on the White Earth matter before going to Minnesota.

Now, in these matters of recollection we are all liable to be a little wrong. My friend from South Dakota [Mr. BURKE] is only about two-thirds right in that statement. There were six hearings of the committee on the White Earth matter prior to going away, and the seventh session was really not a session because it was simply the receipt of a statement by Judge Burch, of the Judiciary Department, which was printed as "No. 7," as the gentleman will clearly recall, showing that prior to it there were six hearings, and only six, in which testimony was taken. We are all liable to be wrong on matters of recollection.

But I am not going to dwell on that. Mr. Chairman, is not this a most singular condition? These matters seem to be trifling. To anyone not on the inside they would be very much tempted to inquire what all this row was about. Is it a tempest in a teapot, gentlemen, you whose corns are being hurt? Why are you making so much fuss about this matter? Is the investigation liable to get somewhere in the near future? Are things to be developed which you will not like? Let me say to you, the investigation will go on just the same. [Applause on the Democratic side.] You can not defeat the purpose of the committee to go on and find out what facts they can, and if those facts interfere with you, if they hurt you, if they make you squirm, you will have to bear with them and do the squirming. We will not try to get any information that is not correct, but we do not care where it comes from or who brings it to us; if after investigation the committee believes it ought to be followed they will follow it wherever it leads, and they will let this House and the country know what that information is.

And I say to my colleagues on this side of the House that what has occurred here yesterday and to-day is the best proof in the world that this committee is doing some good and is likely to do more good.

I yield back the balance of my time.

Mr. HUMPHREY of Washington. Will the gentleman from Illinois yield for a question before he takes his seat?

Mr. GRAHAM. I think the incident is closed now.

Mr. WEEKS. Mr. Chairman, in order to allow the gentleman from Wyoming to answer the question which was asked him before he took his seat, I will yield to him three minutes' additional time.

Mr. MONDELL. Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] asked what I knew as a member of the committee as to the employment of Mrs. Helen Grey. I know nothing in regard to it. Mrs. Helen Grey has been present at most of the meetings of the committee that I have attended from the beginning. Mrs. Grey has told me that she was employed by the committee, but I have been unable to secure from the majority of the committee any information whatever on that subject. We are entirely in the dark as to the relations Mrs. Grey sustains toward the committee, except that at times she has interrogated witnesses.

Mr. GRAHAM. Mr. Chairman, may I interrupt at that point? I challenge the gentleman to produce any record where Mrs. Grey has interrogated any witness.

Mr. MONDELL. Well, it is barely possible that the gentleman from Illinois is technically accurate.

Mr. GRAHAM. Absolutely accurate.

Mr. MONDELL. Mrs. Grey, if she has not actually asked questions, has injected remarks into the record, and she has suggested questions on a number of occasions.

Mr. GRAHAM. I also challenge the gentleman to produce that record.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Still we do not know who pays her.

Mr. MOON of Tennessee. Mr. Chairman, I yield 40 minutes to the gentleman from Maryland [Mr. LEWIS].

Mr. LEWIS. Mr. Chairman and gentlemen of the committee, I very much regret the absence of the larger part of the membership of this House on the occasion of the session last night, when the gentleman from Mississippi [Mr. WITHERSPOON] made his address on the subject of the parcel post, or the transport of the small shipments. Had the House heard the first half of his address, that much time in the way of attention would have been rendered unnecessary on your part this afternoon. As it is, I shall feel it necessary to go over some of the portions of the subject as treated by him, in a much less philosophical and interesting way, but still suggestively as necessary to an understanding of my views on this subject.

What is the problem before Congress? Stated briefly, it is this: The economical transportation of the small shipment. That is the problem involved in the parcel-post question. That is the problem, too, involved in the express question. That, also, I think you will find, is the identical problem in the high-cost-of-living question, especially with reference to the vital necessaries of life.

Now, what do we mean by the small shipment? We mean, generally, the shipment which falls below the minimum weight limit fixed by the railways in fixing their rates. We mean the unit of 100 pounds, which the railways have universally established as the minimum weight at which they will regard a shipment. But, in a more concrete sense, we mean the retail shipment—the shipment in sizes to suit—the ultimate unit of purchase; the shipment in forms adapted to the needs of the consumer—the ultimate purchaser.

How serious the condition is in this matter of the transportation of the small shipment I shall take only a moment to suggest. The Agricultural Department reports that farm products, produced in retail form mainly, for which the farmer received some $6,000,000,000, cost the consumers of the United States some $13,000,000,000.

Last year's agricultural products were worth $9,000,000,000 to the farmers. The Government used farm values in getting figures for this total. Assuming that the farmers kept one-third of the products for their own use, the consumers paid more than $13,000,000,000 for what the producers received $6,000,000,000. The cost of getting the year's products from producers to consumers amounted to the enormous sum of $7,000,000,000. The real problem to deal with is not high cost of living. It is high cost of selling. (B. F. Yoakum, chairman St. Louis & San Francisco R. R.)

The report of the Secretary of Agriculture for 1910 gives the following as the percentages of the prices paid by the consumer which the farmer received for the foodstuffs named:

	Per cent.
Poultry	55.1
Eggs, by the dozen	69.0
Celery, by the bunch	60.0
Strawberries, by quart	48.9
Oranges, by dozen	20.3
Melons, by pound	50.0
Potatoes, by bushel	59.3
Watermelons, singly	33.5
Turkeys	63.4
Cabbage, by the head	48.1
Apples, by bushel	55.6
Apples, by barrel	66.0
Onions, by peck	27.8
Green peas, by quart	60.0
Parsnips, by bunch	60.0
Turnips, by bunch	60.0

Now, the reason that great disparity of price exists appears to be this: There does not exist in the United States to-day any system of transportation that acts as a direct conduit from the farm to the kitchen.

The result is that the eggs, the butter, the chickens, the ham, and the 50 other things that you think of as necessary on the table, although produced in retail forms, ready for the consumer's daily or weekly demands, wanting this conduit from the farm to the kitchen, take the roundabout processes of commerce, fall into the hands of a buying collector, who converts them into wholesale lots, who hands them over to the wholesale trade, which in turn hands them over in wholesale units to the retail trade, when the retail trade reconverts them into retail forms and turns them over to the consumer at a price usually double.

Nevertheless, the transportation does take place; otherwise the article could not move from the farm at all. But it takes place in a broken fashion. The conduit is broken into three or four pieces, and at the end of each piece a commercial process takes place which at length doubles the final price.

Again, I say, our problem is the economical transportation of the small shipment, which involves the parcel post, which involves our express conditions, and which involves, too, the high cost of living.

When we think of transportation, we naturally think of the railways of our country. Let me make this suggestion to the Members. It may not have occurred to them. I am frank to say it had not occurred to me in many years of reading on the subject until after special investigation of this subject. The railways of our country are engaged in a wholesale business, not in a retail business at all. The minimum shipment that they will regard in the matter of rates is 100 pounds. They decline to regard it as less, and even in those instances where the rate on 100 pounds may be less than a quarter, they charge the minimum of a quarter, and in those other instances where you take 20 or 30 pounds to the depot they will charge you for 100 pounds.

It is very rare, if indeed it ever happens, that this ultimate unit of purchase goes to a freight depot. His needs are not such as to call for a 100-pound package. He certainly does not require 100 pounds of beans, or eggs, or butter, and so forth. He must have his supplies in retail form, and the railway, engaged in the wholesale business, fails to handle it in such retail forms.

Mr. CAMPBELL. Mr. Chairman, in the general scheme of transportation, what objection would there be to the railway company doing this wholesale freight business with its freight trains, and doing what the gentleman from Maryland calls a retail freight business on its passenger trains, as it now does the express business—the railroad company doing the business itself, without the intervention of the express company? What objection would there be to that?

Mr. LEWIS. If the gentleman will indulge me until I reach that subject in the orderly progress of my remarks, I will thank him.

Now, we say the railway is drawing an arbitrary line with its 100-pound minimum, is acting unreasonably in exacting a minimum price of 25 cents, whatever the service; but when you come to examine railway practices you find that there are 22 acts that the railway must perform with regard to a shipment, small or great, journey long or short. On the larger shipments—these 22 acts being mainly acts of accounting attention—the larger shipment can bear them without ill consequence to itself. But on the smaller shipments, this retail shipment, the collective effect and burden of this transportation accounting is such as to penalize it out of the transportation of the railways of the country. Let me say at this point, gentlemen, that one of the most interesting features of the whole subject is the circumstance that of the 22 acts of transportation attention given by the railway to a shipment 15 are at this moment replaced by the postage stamp in the carriage of the small shipment by our postal system. I am convinced that the railway will not be able to handle this small shipment on terms sufficiently economical.

We think of the express company in connection with the small shipment.

Mr. CAMPBELL. Now, will the gentleman yield? If the express company can carry the package, why not the railway company, which in fact does carry the package?

Mr. LEWIS. I can understand the gentleman's impatience, but he will find I can tell him what I know on this subject in a much clearer way if he exercises even further patience. [Applause.]

Now, there are two troubles with the express company in handling this small shipment. First, mutatis mutandis, it carries the same system of transportation practices that the railway does, and goes through with regard to the small shipment, journey long or short, weight light or heavy, the same acts of attention that the railway does—some 22 acts, 15 of which are replaced by the postal system to-day in handling the package through the postage stamp.

But there is another difficulty in the express company relations to this subject, and a difficulty that requires some patience to understand.

The express company is not a normal transportation agency. It is a parasite—and I use that expression not as an epithet, but as a term of description. In none of its relations to this subject can you deal with it on a priori reasoning, because the facts are so peculiar and so unusual that your reasoning will fail. For example, now, let us put an express rate maker at work making a rate. He is making a rate from here to Baltimore for a 5-pound package. He puts down, let us say, 6 cents to pay overhead charges, all of which might be eliminated by postal administration. He puts down 5 cents to pay the cost of collection and delivery, a sound and useful item, of course. He puts down also 2 cents as the profit for the express company. Here are 13 cents on the express side. But the railway has not yet been paid. How shall it be paid? According to some service standard? Not at all, but according to the contract between the express company and the railway, which on an average provides that the railway shall receive 47½ per cent of the rates finally imposed and paid by the shipper. Thus the express rate maker must add 12 cents to the 13 cents for railway pay on the 5-pound package, making a charge of a quarter of a dollar. This 12 cents amounts to $1.42 a ton-mile, while at the same time, on the same car, receiving the same attention from the railway and express companies, there is the 100-pound express package moving and paying the railway only 14 cents a ton-mile, or one-tenth of the railway charge imposed on the 5-pound package.

If it were not for this contract between the railway and the express company, compelling a contractual rate making instead of natural rate making, the package would have to bear less than 2 cents, its natural share, for railway pay, and the charge would be 15 cents instead of a quarter.

Now, take the other horn. The same rate maker is making a rate on the 100-pound shipment from New York to San Francisco. Obviously in that case the important thing is to pay the railway for its service, which is nearly the whole service, and he puts down $6.41 as the pay of the railway. But the railway can not get this $6.41 unless $7.09 is added to it as the share of the express company, because the railway only gets 47½ per cent of the final rate imposed, and you have the situation of the express company getting, on coast-to-coast rates, about $7 a hundred pounds as its share, about 10 times the value of its service.

Mr. BERGER. Mr. Chairman, I would like to ask the gentleman one question.

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Wisconsin?

Mr. LEWIS. Yes.

Mr. BERGER. Is it not a fact that the railway companies own most of the stock of the express companies?

Mr. LEWIS. I would rather not go into that matter at this time, as I have matters more essential to the discussion.

Mr. BERGER. It would be valuable to know it at this time.

Mr. LEWIS. I do not think they do, but I am not thoroughly informed about that.

Mr. BERGER. Well, they do.

Mr. SAMUEL W. SMITH. Will the gentleman yield?

Mr. LEWIS. Yes.

Mr. SAMUEL W. SMITH. Does the gentleman know where we can find the contracts, or see the contracts, that are made between the express companies and the railroads?

Mr. LEWIS. They are on file with the Interstate Commerce Commission; they are summarized in a report by it, which is available.

We know the feeling exists in this country, and has always existed, that the express rates are extortionate, but feeling is not enough to support prudent legislative action. I have engaged in an investigation to determine to what extent that feeling is sustained. I found this state of affairs: That the average charge of carrying a ton of freight in this country by railway was $1.90; the average charge of carrying a ton of express bundles was $31.20. There was a ratio of about 16½ to 1. I will later file the tables.

Now, you go to other countries, and what do you find? In all other countries that report express statistics, as distinguishable from freight statistics, you find the ratio of express charge to the freight charge as about 5¼ to 1, and not 16 to 1, as in this country.

We should expect express charges to be higher per ton here than abroad—as much higher as our freight-per-ton charges—but no necessary economic cause is known which justifies a substantially higher proportion or ratio of the express to the freight charges here as compared with other countries. The average express charge per ton here is shown to be $31.20, while the average freight charge is $1.90 per ton, giving a ratio of the express charge to the freight charge of 16 (16.42) to 1. This express charge includes the cost of such collect-and-delivery service as is rendered, covering, it is thought, about 90 per cent of the traffic. In the table now inserted the element of the expense of the express companies for collecting and delivering, amounting to 11.50 per cent, is excluded, because many of the countries do not include this factor of cost. The table embraces 10 countries, while the specific data upon which the ratios are based are set forth in Appendix B. All countries have been included where the express data is clearly distinguishable from general freight statistics.

Ratios of average express charges to average freight charges in 11 countries.

Countries.	Average express charge per ton.	Average freight charge per ton.	Ratios of average express to freight charges.
Argentina	$6.51	$1.95	3.2 to 1
Austria	3.77	.74	5.0 to 1
Belgium	[1]4.92	.53	[1]9.3 to 1
Denmark	5.49	.87	6.3 to 1
France	6.88	.95	7.2 to 1
Germany	3.80	.76	5.0 to 1
Hungary	3.63	.93	3.9 to 1
Netherlands	2.43	.67	3.6 to 1
Norway	1.90	.49	3.8 to 1
Prussia	4.32	.86	5.0 to 1
Average for 10 countries			5.23 to 1
United States	27.61	1.90	14.53 to 1

[1] Belgium delivers parcels.

Ratio express tonnage, 10 countries, to freight tonnage	1.060
Ratio express tonnage in United States to freight tonnage	0.517
Ratio express receipts, 10 countries, to freight receipts	5.890
Ratio express receipts in United States to freight receipts	7.776
Normal revenue ratio for United States as per express receipts above	2.460
Excess of American express receipts (216 per cent)	5.316

From this table it appears that while Argentina charges three times, Austria five times, Belgium nine times, Denmark six times, France seven times, Germany (including Prussia) five times, Hungary, the Netherlands, and Norway about four times as much for carrying a ton of express as of freight, the express companies of the United States charge nearly fifteen times as much, excluding the cost of their collection and delivery.

No further statement need be made to show that the charges of American express companies are prohibitively excessive and such as to disqualify this service as a transportation agency. The instances given represent matter carried by passenger trains in all instances.

But there is one marked difference between the express service in those countries and our own, and that marked diffrence is the absence of the private express companies.

Mr. HAMILTON of Michigan. Will the gentleman yield right there for a question?

Mr. LEWIS. Yes.

Mr. HAMILTON of Michigan. I have frequently gone to the gentleman from Maryland for information on this question, and I want to ask for a little more. In the investigation of this question has the gentleman been able to ascertain whether these contracts made by the express companies with the railroads involve an exorbitant charge or exorbitant pay to the railroads for performing this function, or is it reasonable?

Mr. LEWIS. I will only say, briefly, no; not in terms, but the effect of the express rate making involves that result.

Mr. HAMILTON of Michigan. If the gentleman left off "the effect and result"——

Mr. LEWIS. Then the contract provision for railway pay would not be unreasonable. Now we have the ratio of the express charge to the freight—in the United States—16 to 1 as compared to 5½ to 1 in other countries. That our rates are prohibitive, and that the reasoning from the ratios may justly be taken, is found in another circumstance.

For 100 tons of freight in these other countries there is carried a ton of express matter; for 100 tons of freight in the United States there is only one-half a ton of express matter, a circumstance testifying to the natural diminishing effect of a prohibitive rate upon the traffic.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. LEWIS. Certainly.

Mr. MURDOCK. Will the gentleman elucidate that point a little bit further? Does he mean this, that where the ratio is 16½ to 1, as in this country, as between freight and express charges, it tends to make the load in shipment always larger and to diminish the number of small parcels sent? Is that the idea?

Mr. LEWIS. It tends to destroy the potential traffic. The traffic that you move on a rate of $18 a ton, on the average, will tend to fall to about half on a rate of $36 a ton, whatever the size of the shipment.

Mr. MURDOCK. Would it follow that if we had the ratio of 5½ to 1 as between freight and express charges that our shipments would then become in units smaller?

Mr. LEWIS. I do not think that would follow, but the total quantity of the traffic would probably leap up four or five times.

Mr. ALEXANDER. The express traffic?

Mr. LEWIS. Yes. It is not exactly the same, but it is analogous to the excursion train and excursion rates and their effect upon the passenger traffic, which is an illustration familiar to us all.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS. Yes.

Mr. FOWLER. Is that not verified where the rate of passenger traffic is lowered from 3 cents to 2 cents per mile, wherein it shows the amount received by the same railroad on a 2-cent basis is greater than that which was received on a 3-cent basis?

Mr. LEWIS. It involves the same general principle, I may say.

Prudent people would say, If express rates are three times as high as they should be, let us go to the regulator. And here I wish to again call attention to the parasitic character of the express company. Ordinarily, with a normal transportation agency, if rates are too high, if profits especially are greater than they should be, the rate regulator will have a profit margin of the rate sufficiently large upon which to work. For example, on the average, about one dollar out of every three that we pay the railways of this country is profit; so that you can say, in a broad way, that one-third of their rates is profit; and if their rates are extortionate, if their dividends, especially, are too high, the rate regulator has one-third of that rate to play on before he touches the deficit line, which renders the theory of regulation applicable to such a subject. But how about this margin with express companies? Because of the parasitic character of an express company it needs very little capital to engage in a business now swelling up to $170,000,000 a year—only about $10,000,000 of capital, for horses and wagons and safes and equipment. On that $10,000,000 they have been making something over 100 per cent in profits each year; but that 100 per cent of profits on the capital devoted to the express service last year amounted to a margin of less than 7 per cent on the rate, and if the regulator were to approach such a rate to reduce it he would have only a 7 per cent margin to play on for that purpose. He really could not safely play upon it at

all, because the reduction might be followed by a perturbation of the traffic that would bring the express company a deficit and not a profit at the end of the year.

If, for example, in further elucidation of that thought, the regulator were to say that the express company was entitled to 10 per cent profit on the capital utilized, that would amount to only one-half of 1 cent of the rate, 50 cents on each $100 paid to it. Of course prudent men know that business can not be conducted on a margin as small as that, because one could not be certain whether the month's business would bring a profit or a deficit.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. LEWIS. Certainly.

Mr. MARTIN of South Dakota. Mr. Chairman, I have had the pleasure of hearing the gentleman's views upon this question, both in his former speech in the House and in his appearance before the Committee on Interstate and Foreign Commerce. I would like to ask the gentleman whether the logic of those facts would not be that if we were to dispense altogether with the parasite, and have the express companies perform this service as they do in foreign countries, we could adjust our rates to a basis of 5¼ to 1 instead of 16 to 1, as they do in other countries.

Mr. LEWIS. I will come to that question directly, and I am coming now also to the question propounded by the gentleman from Michigan. Let it be remembered that the express company is a parasite. The railroad, of course, is a normal transportation agency, and one would say that it ought to perform this work.

Now, at this point I first want to suggest that neither the railway nor the express company can articulate with the farm. They can not couple up with the rural delivery structure because they belong to different proprietary controls. The relief required requires this coordination; but I will now come to the point about which the gentleman is evidently thinking. When we come to the number of things that the express company and the railroad company have to do in regard to the shipment we find that there were 22. That is true of the express companies when there were 14 of them in number only, and that transportation accounting consumes from two-fifths to two-thirds of the express expenses proper. Now, then, there are some 1,100 independent operating railways. If the railways are compelled to perform this express function you will have then, not 13 express companies but 1,100 express companies, and the condition of "transportation accounting" will be multiplied and the evil aggravated instead of remedied.

Mr. MARTIN of South Dakota. May I ask the gentleman as to how that problem is met in the foreign countries to which the gentleman referred as carrying on an express business at a low rate?

Mr. LEWIS. The problem, sir, I may say, is never presented in foreign countries. There is no foreign country in which they have 1,100 operating railways. Germany and most of the countries of Europe are under a régime of government ownership of railways. In England, where they have private railways, there are very few more operating companies than our express companies; and, as a matter of fact, the situation being so different, they do handle express matter somewhat better in England.

Mr. MARTIN of South Dakota. May I ask the gentleman—that is, if you have half a dozen railway companies doing business across the country and the situation is successful, that the problem loses its force as soon as you get more railway companies to do the business?

Mr. LEWIS. Except as to its small shipments. If I may make the position clear. The problem we have is not the physical movement as much as it is the acts of care and attention necessary, and if you can reduce the carrier status to one caretaker for this diminutive shipment from the consignor to the consignee, you have cut down its multiplied intercorporate relations, and with them all those acts of attention so costly, which have hitherto helped to penalize these small shipments out of business. With regard to the large shipment, I may say to the gentleman from South Dakota that that situation does not exist.

Mr. MURDOCK. Now, on that point, will the gentleman answer one inquiry? The expense of accounting for this diminutive package of which the gentleman speaks is the expense incident to the short-haul package.

Mr. LEWIS. I do not understand how that affects the problem, sir.

Mr. MURDOCK. Does not the small parcel business of this country constitute a large part of the express business—the bulk of it—about 40 per cent? Is not practically the express business the small-parcel business? Is not that, as a rule, the short-haul business, and is not this vision the gentleman builds in regard to the enormous expense that would come from the repetition of accounting met by that very circumstance that the small parcel is usually the short haul?

Mr. LEWIS. I do not think so; and it is against the best railway thought, I will say. I will quote a statement from the president of a large railway on that point in which he does not take that view. The express haul is said to be about 200 miles; the freight haul is 253 miles:

> The probable result of such a change is, perhaps, not overstated in the following extract from the letter of the president of one of our largest railway systems. He says:
>
> "It is gravely to be doubted if the railways, as a rule, could transact the (express) business so as to net as much out of it as the express company pays them.
>
> "Assume that the roads radiating from Chicago should cancel their contracts with the express companies and organize to handle small packages. The first result would be an enormous economic waste in the duplication, triplication, and quadruplication of terminal expenses. At present the collection and delivery for a dozen roads is in the hands of one agency. Multiply this by the hundreds of cities and towns where the same conditions would prevail and it is easy to see that the $11,000,000 of profit the express companies secure might readily fall short of what the railroads would lose should they discard the agency."
>
> The problem is to get the package rate somewhere as diminutive as the package. In order to do this the simplification and not the multiplication of processes and agencies is the great essential. And we have seen also, in the treatment of "transportation accountings," that a small package is now penalized to comparative extinction by the complexity of processes and agencies unavoidable in intercorporate relations and which only a unification of the agencies and simplification of the agencies and simplification of the process can remove.

Mr. MICHAEL E. DRISCOLL. While the gentleman is answering the question of the gentleman from South Dakota, what he calls a logical question, I also would like to ask him a question of logic. If the Government should adopt the gentleman's theory and engage in the express business, by either buying up and paying for all the express companies or by building up a comprehensive general express business of its own, would not that logically lead to the ownership of all the railroad companies and all the steamboat companies? Would it not lead logically to that? Can not the gentleman give us an answer to that?

Mr. LEWIS. I do not hope to convince my friend by my answer, though I am thoroughly——

Mr. MICHAEL E. DRISCOLL. Since the gentleman has been talking before the committee, he could give some of his time to an answer on this question.

Mr. LEWIS. My time now is limited and is of some value to me. I say that I do not hope to convince the gentleman in regard to that matter, although I am convinced myself that the absence of proper transportation for the small shipment is the strongest argument against the present order of railway management.

No one could have heard the gentleman from Mississippi [Mr. WITHERSPOON] last night without realizing that the strongest argument anyone could have for Government ownership of railroads in this country is the neglect and nonattention on the part of transportation agencies to the small shipment, and if the proper service be not secured in that respect the argument for Government ownership will be very much strengthened.

Mr. MICHAEL E. DRISCOLL. Evidently in the gentleman's mind the ownership of railroads could naturally and logically, and almost necessarily, follow the other.

Mr. LEWIS. No; except in the way I have suggested. I will say to the gentleman that if it is otherwise impossible to secure for these small retail shipments—affecting, as they do, the high cost of living in this country—proper transportation I would be in favor of putting the flag over the railroads in order to accomplish it. [Applause on the Democratic side.] Now, I hope the gentleman has understood me, whether I have convinced him or not.

Mr. MICHAEL E. DRISCOLL. The gentleman has convinced me as to what his idea is.

Mr. LEWIS. The gentleman thinks that if a little bit of cake is good you ought to eat a whole barrelful. That is not as logical as the child first thinks. [Laughter.]

Regulation being out of the question, the next thing suggested is the so-called parcel post. What is the purpose of a parcel post? Obviously to bring us some relief from the extortionate express charges. They are getting about three times what they ought to get in this country for the service, and performing only one-half of the service as compared with other countries.

Now, what is that express charge? It is shown to be about $32 for the average ton of packages. The so-called Sulzer bill proposes a rate of 8 cents a pound, or $160 a ton, as a method of relief from a charge of $32 a ton. Of course, this merely means that measures of that sort have received no thought at

all. They are simply snow men that the child erects when the snow falls, but which will melt away when the sunshine of knowledge and reason throws its rays upon them.

The next remedial suggestion is one I want to treat in a more extensive way. It is the so-called riders to the appropriation bill before us. The chairman of the committee has said they are not intended as parcel-post bills, and they surely are not. With regard to the rural-route rider, there I believe the committee does make some claims for agreeable reception upon the part of this House. First, I want to suggest to the committee as to these rates on the rural parcel post this circumstance: That all the data obtainable as to the cost of collection and delivery and as to postal railway pay indicate that the rates they have taken for the collection and delivery of parcels on rural routes are high enough, not only to pay for that service, but for a service extending 250 miles on the railway besides. In short, starting with the 5-cent rate for the first pound they might have added only 1 cent a pound for the next 10, and have provided amply for paying the cost of the service. But there is another difficulty with these parcel-post propositions. They are essentially unfair and unjust, unjust because they fail to comprehend the small-shipment problem or meet its real necessities. The problem we have seen is to take the shipment at the point where the railroad leaves it, at 100 pounds and below, and look after it in the interest of all citizens. The parcel-post schemes proposed are 11-pound affairs, just large enough, as it seems to the suspecting merchant, to give his trade to his rival, the distant mail house, by a flat rate; and just small enough to exclude the local merchants from their supposed benefits.

Another difficulty with any parcel-post scheme per se, I suggest, is this: When you come to a longer-journey shipment in this country, nearly the whole rate, the loading for the whole parcel rate, must of necessity consist of the pay to the railways for their service. In 1909, the only year reported, the express companies paid for carrying their matter over the railways, excluding equipment, 7 cents a ton-mile to the railways. The Post Office, in 1908, excluding equipment, paid 13 cents a ton-mile. In short, any parcel put on the postal car, because it is on the postal car, paid nearly twice as much to the railway for transporting it as if it had been put on the express car, because it is the express car. [Applause.]

Mr. LOBECK. That is not very good management, is it?

Mr. LEWIS. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has four minutes left.

Mr. SAMUEL W. SMITH. Is not the gentleman going to have more time? I hope he will be given more time.

Mr. LEWIS. I would like to have half an hour, if possible.

Mr. MOON of Tennessee. Mr. Chairman, I will give the gentleman 15 minutes.

Mr. ALEXANDER. Mr. Chairman, I suggest that here we have a gentleman who does understand these questions, and we would like to hear him fully.

Mr. MOON of Tennessee. I yield 15 minutes to the gentleman this time.

The CHAIRMAN. The gentleman from Maryland [Mr. LEWIS] is recognized for 15 minutes more.

Mr. LEWIS. Now, it is very easy to suggest——

Mr. WEEKS. Mr. Chairman, if the gentleman will yield, I would like to state that if the gentleman from Maryland finds he needs additional time, I will yield him 15 minutes. [Applause.]

Mr. SAMUEL W. SMITH. I want to suggest to the gentleman also that inasmuch as the gentleman from Massachusetts has yielded to me 10 minutes, I will yield some of that time, if the gentleman needs it, in order to ask the gentleman some questions afterwards.

The CHAIRMAN. The time of the gentleman is now extended to 30 minutes.

Mr. LEWIS. But the most serious factor in this subject, after all, is one that I will have to describe with some misgivings, because it consists of a rather intrepid charge upon the natural conceits of the Members of this House.

Mr. HAMILTON of Michigan. Mr. Chairman, may I now ask the gentleman a question that I intended to ask him before?

The CHAIRMAN. Does the gentleman yield?

Mr. LEWIS. Yes.

Mr. HAMILTON of Michigan. I would like to ask this question: What does the gentleman think of the proposition, as an abstract proposition, of the Government owning its own mail cars and its own express cars?

Mr. LEWIS. In my judgment, unquestionably that ought to be ultimately done.

Mr. HAMILTON of Michigan. And the gentleman's idea of the condemnation of express companies' property at the present time is that it is a method of approaching that ultimate result?

Mr. LEWIS. Yes; that ultimate result.

I said I was going to have difficulty with this point, because it attacks the conceits of every man in this House. That proposition simply stated is this: Every parcel-post suggestion that is made here comes in with a schedule of rates attached to it. I wish to say to Members of this House that, even if they are competent Representatives of the people and have that knowledge of general principles that they ought to have in order properly to discharge their duties, they are absolutely incapable of making transportation rates.

I say that the Members of this House, sitting as Members of the House, are as incapable of making rates that would enable the traffic to move as they would be of making astronomical calculations to determine the time of day, and the simple experience of the world over has been just that. Great Britain made the mistake of treating the rates as a legislative matter in relation to her parcel post. She established it in 1883, and Parliament thought that it could get up a schedule of rates, and tacked it on the bill. Nothing ever moved under that schedule of rates; but, fortunately, there was a provision in the bill which enabled the treasury department to reform the rates and regulations, and some years later the treasury department took up the matter as an administrative problem—which it is—and now the English parcel-post system is working with relative success.

Mr. MURDOCK. Mr. Chairman, in that connection, the gentleman does not think, does he, for a moment that we will send any 11-pound packages in this country for $1.32?

Mr. LEWIS. Of course I do not think so.

Mr. MURDOCK. The gentleman does not think that any packages of 11 pounds will move?

Mr. LEWIS. I do not think that any packages under the so-called postal rider—above a pound, or possibly 2 pounds—will move anywhere under any circumstances, because the express rates are actually lower than the postal rates fixed in the bill.

Mr. FOWLER. Does the gentleman think the express companies will lower their rates if the rates are lowered by the parcel post?

Mr. LEWIS. I have no doubt they will. They have done so up to date.

Mr. BERGER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Wisconsin?

Mr. LEWIS. Yes, sir.

Mr. BERGER. Now, Mr. Chairman, suppose we buy out all the express companies or expropriate them. Suppose the Government could get hold of the express business. I should like to have the gentleman from Maryland explain: Would it not be a fact that we would still be in the hands of the railroad companies anyway? Would we not have to make a contract with the railroad companies and be in their hands anyway?

Mr. LEWIS. No.

Mr. BERGER. Kindly explain why not.

Mr. LEWIS. The Government would be one of the parties and the railway company another of the parties in the effort to secure fair railway pay. It is not to be assumed that the Government would wrong the railways, and it is not to be assumed that the wiser heads among the railways would wish to act unjustly in so important a matter. I prefer not to speculate upon those features of the subject just now. We should first meet the express problem and solve it. Just now that is problem enough for me, at least.

Mr. MARTIN of South Dakota. The gentleman has already said that as between the management of this business by the express company and the management of our postal business by the Government, the express company is getting its material hauled at 7 cents per ton-mile, whereas the Government is paying 13 cents per ton-mile at the present time. Does not the gentleman believe that the effect of the Government becoming a parasite, as the gentleman has termed the express company, instead of the express company, if we do not insist on the railroads doing the whole of this business at a proper rate, will be that the people will get no relief from that sort of thing?

Mr. LEWIS. Oh, no. First, the railway company can not perform that business. It has no rural-delivery system by which it can reach the farm. Second, to secure the needed economies for the small shipment you would have to reform the whole list of railway practices, which would take 10 years to introduce into the railway service, even were it at all possible, which I fear it is not. The railways can not adopt the same system of practices that enable the postal system to carry a letter for 700 or 800 miles at an average cost of about one cent and a half apiece. If railway or express practices were applied to a letter, and the same accounting methods were applied to a letter that are applied to a package by the express company and that must be

applied to it by a railway, our letter to-day would cost us not 2 cents but nearer to 10 cents apiece.

Mr. MURDOCK. Which is the cost of a registered letter.

Mr. MARTIN of South Dakota. Mr. Chairman, we are all seeking light on this question, I have no doubt, but I am struck with this situation: The gentleman has illustrated and compared the express rates of this country with those of foreign countries, and has shown that our rates are 16 to 1 as against the freight, whereas abroad the express rates are only 5½ to 1 as compared with freight.

Mr. LEWIS. Yes.

Mr. MARTIN of South Dakota. The gentleman has already made it clear that abroad they do not have the express companies as a parasite; and when the gentleman has undertaken to show that the express companies could not reduce the rate, he has given us the items that enter into it. Now, I should like to inquire, if we are still to have the Government undertake the function that the express company is now undertaking, and are still to be dependent on the railway company to do the work of hauling, as express companies are dependent on the railway company, would not the Government in that way become a parasite instead of the express company, and could it conduct that branch of the business any cheaper or at lower rates than the express companies conduct it?

Mr. LEWIS. I think perhaps I had better read what the express company has to do with a small package, in order to bring the matter out more clearly.

Mr. FOWLER. From what do you read?

Mr. LEWIS. I am reading from a document on the subject:

1. The railway company employee first unloads the articles from the consignor's vehicles.
2. Loads the articles into the car.
3. Ascertains the rate to be paid. There are 220,000,000,000 express rates, counting all the rates between all the different stations, and one of these in each case is the right rate and all the others are wrong.
4. Makes out bill of lading.
5. Makes out waybill and sends copy to auditor and the train conductor.
6. Sends copy to auditor.
7. Sends copy to train conductor.
8. Receiving agent, destination, receipts to conductor—
   9. Sends notice to consignee.
   10. Unloads package from car.
   11. Takes receipt of consignee.
   12. Loads it on consignee's wagon.
13. Agent gets money for shipment—
   14. Copies bill of lading into record of freight forwarded.
   15. Copies bill of lading into record of freight received.
   16. Sends statement of freight "sent" to auditor.
   17. Sends statement of freight "received" to auditor.
18. Auditor checks bill of lading against records of sending agent—
   19. Checks bill of lading against record of receiving agent.
   20. Advises treasurer of money due by each agent.
   21. Makes statistical report from bill of lading.
   22. Calculates, per bill of lading, amount payable the different railways.

It is these practices which now penalize the small package, and there is but one agency in this country that can eliminate them. It is the postal system; it is doing so now.

Mr. MARTIN of South Dakota. What percentage of the express rate is represented by this elaborate and apparently useless system?

Mr. LEWIS. So far as one can say, about two-fifths or two-thirds of the express expense proper.

Mr. MARTIN of South Dakota. Early in the gentleman's remarks the gentleman stated that 47½ per cent of the express rate is paid to the railway company.

Mr. LEWIS. Yes.

Mr. MARTIN of South Dakota. Of course that has nothing to do with this question?

Mr. LEWIS. No.

Mr. MARTIN of South Dakota. Then the gentleman gave 2 per cent as the profit of the express company?

Mr. LEWIS. Yes. Two cents in that particular rate.

Mr. MARTIN of South Dakota. And 7 per cent for some other item. What percentage was the accounting which the gentleman now refers to?

Mr. LEWIS. Of the 13 cents in the particular case referred to the accounting would consume at least 6 cents, and probably more.

Mr. MARTIN of South Dakota. Which the gentleman thinks, if the Government performs that function, would be eliminated?

Mr. LEWIS. Utterly eliminated. It is now eliminated with reference to the small shipment when it is put in its hands.

Mr. MURDOCK. I want to call the attention of the gentleman to the fact that he started on a proposition a few moments ago, but did not finish it, that Members of Congress were not able to make rates. Who can make the rates?

Mr. LEWIS. That is a most interesting feature of the discussion. What is the object of a rate? The object of a transportation rate is to move the package to its natural market with a profit to the producer, for if it be not moved at a profit to the producer the production will cease. That is the first object. The second object is to produce enough revenue to pay the cost of the service, plus that profit to the capital employed necessary to insure adequate capital.

But, unfortunately, all subjects of transportation can not bear the same rate. You can not simply ascertain the average cost of carrying a ton of freight in the United States for a certain distance and then apply that rate to freight traffic of the country. If you did you probably would destroy one-half of the coal traffic and one-half of the grain traffic.

Look into a freight car when you are passing and you will find half a dozen shipments there, say 100 pounds each, all going from the same point to the same point, one paying 6 cents, another 12 cents, another 15 cents, and all the way up to 30 cents, apparently receiving the same sort of attention and service from the railway.

Why a discrimination like that? It is a discrimination necessary to move the maximum of traffic, for if you were to fix a merely average rate everything in the car moving now at a rate below it would fail to move. In other words, disagreeable as the statement may be to our first impulse, there is no such thing as a scientific rate; there is no such thing as a service rate. Transportation rates are taxes—possess the incidence and ethics of taxation—for in order to move the traffic you must adjust the burden of the rate to the capacity of the article to bear it and move.

If you subjected all shipments to the same rate, it would be much the same as ascertaining an average size and weight of each human being and having all their suits of clothing made in the same way. You would have a suit of clothes that did not fit a single human being. [Laughter.]

Now, we want to have rate makers whose business it is to stay with the rate to see it work out, not men who make a rate to-day, as we might make it in Congress, and go home and forget all about it and perhaps not be returned to remember it again; and I think that is what will happen to most of us if we go into parcel-post rate making, as now proposed. You know the people of the country, who have not had time to investigate, who are not $7,500 men as we are, many of them think that a parcel post is like a Corliss engine or an Ingersoll watch—something sui generis, something definite, that you can order $1 or $1,000, and get what you expect.

Mr. HAMILTON of Michigan. And have it go after you get it.

Mr. LEWIS. Yes; but a parcel-post watch would not move. In order to do that you want to have a working rate and a rate-making tribunal. Congress realized that when it had the bill before it regulating railway rates. Did it pretend to make freight rates for the railways of the country? Certainly not; it turned the rate making over to the Interstate Commerce Commission as its function, to work on from day to day. Now, a mistake in rate making may be made in two ways: The rate may be made so low as to wreck the Treasury, or the rate may be so high as to prevent traffic. You need the nicest adjustments in practical rate making, and a rate maker who can apply himself from day to day in order to bring the fiscal and mobility circumstances of the rates into sufficient reciprocal operation is necessary to produce the desired result. The proposition of the Goeke bill, taking over the express companies, is that the Interstate Commerce Commission shall make these rates upon tentative proposals of the Postmaster General.

Mr. MURDOCK. Then the proposition of the gentleman is that the Interstate Commerce Commission shall make these rates from time to time upon the suggestions of the Postmaster General. Is that the idea?

Mr. LEWIS. Yes. Now, I come to my friend from South Dakota. He wanted to know in what way the rates are to be reduced. We can eliminate the transportation account and that saves so much.

Mr. MARTIN of South Dakota. How are you going to eliminate the transportation account?

Mr. LEWIS. By substituting the postage stamp.

Mr. MARTIN of South Dakota. The gentleman has stated that they are now getting the hauling done at half of what the Government gets it for.

Mr. LEWIS. The proposition is to take over the express contracts and secure this relatively low rate of railway pay.

Mr. MARTIN of South Dakota. But if we take over the express contracts we will have to pay 47½ per cent.

Mr. LEWIS. No; that does not follow. I am not blaming the gentleman for his suggestion; but that does not follow. That is a remediable condition.

Mr. MARTIN of South Dakota. Subject to explanation?

Mr. LEWIS. Yes; this question raises a subject for explanation. When you come to rate making, where you have a monopoly in transportation matters, the amount of traffic you can move depends largely upon the rate you make. In the case of the small shipment we need the public motive. Let me illustrate: You go to an express company and you say, "Last year you moved 5,000,000 tons of parcels, and if you cut your rates in two this year you will move 10,000,000 tons; you will double the traffic." The express company, acting upon the private motive, which is perfectly justifiable in that case, would say, "How about the profit?" You would reply, "Well, your profits will not be any more than they were last year, and maybe a little less, but, then, they ought to be a little less, on the whole."

What will the express company do? It will do what the rest of us would do—act on the private motive, reject the increased traffic, the double public service, and retain the profits to which it has been accustomed. However, you go to the postal organization of this country, that is acting upon public motives, and make the same proposal. You find there that a public functionary, acting under a public motive, would say, "If I can double the public service by cutting this rate in two, I will take the chances on the profits. If I lose 1 per cent in this pocket as a profit, I will gain 100 per cent in the other as public, since the people and the postal system are identical terms." A private agent might not be approached with that argument. We have no such claim upon it, but when you have to have a monopoly, where the character of the motive determines how much traffic you are going to have, you have a situation like that of the English railway some 60 years ago. It was just beginning and there were no formulas by which it could determine what passenger rates to charge. It wanted to know how high to make the passenger rate to secure the best dividends, the natural human motive; and very much as a man in an opera house adjusts his pair of glasses to get the line of closest vision, its rate makers started with rates at 3 pence a mile and went down to rates as low as a half penny a mile. They found that as the rate was a cent a mile or 6 cents a mile the difference in the profits did not amount to 2 per cent, but that the rate at 3 cents a mile happened to produce them about 5 per cent, when the others produced about 4 per cent. So they rejected the rate that would have given three times the public service in favor of a rate that gave them the desired larger dividend, as private investors.

We now come to rate making for the purpose of moving the maximum of desirable traffic in these articles. Ought all articles to pay the same rate? Of course, if we are going to make the rate, they will all pay the same, or, rather, perhaps they will not travel—will not pay—at all, because our rates—flat rates—will not be adapted to move them under any circumstances; but since the economy of transportation requires the fullest load, you can secure the lowest rates; or, in other words, since a full wagon enables you to carry the cheapest traffic, you want rates that will fill that wagon, and you may find it necessary that the rates should be such as will fill that wagon—rates which might be higher on butter and eggs than on potatoes or apples.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS. Certainly.

Mr. SHERLEY. Does the gentleman carry his idea not only to a different rate for commodities, but to a different rate for localities in order to bring about the competition that the railroads have found necessary in their zones on rate making?

Mr. LEWIS. No, I do not, if I understand the gentleman's question. I believe that under our institutional system we should give local equality, and that that would carry like rates for like localities.

Mr. SHERLEY. If the gentleman takes the position of equality as to locality, does he not then bring himself up against the same sort of objections that he is urging against equality as to commodity?

Mr. LEWIS. In a measure, yes; but I think in only a negligible way. Of course, you want to have the same rates for rural routes all over the country, although some rural routes may have very good roads, may be short, and other rural routes may be muddy and mountainous. We would not, under our institutions, want to have the rates differentiated to the conditions of the different rural routes.

Mr. SHERLEY. But, if the gentleman will permit, it is possible to move wheat from the far West to the East only by making a certain rate for the long haul, and the competitive zone that that wheat can go into is determined by the rate that is fixed, as the gentleman well understands.

Now, express charges are no different from railroad charges, except we call one freight and the other express and one is supposed to be quicker than the other. If it has been necessary in order to move the freight in railroad rates to have this zone arrangement, why is it not equally necessary when you get to the movement of express matter?

Mr. LEWIS. There may be instances where the commodity rates referred to by the gentleman would be necessary. Now, I have but a few minutes more, and I have already claimed the patience of the committee long enough. I have two other points I wish to bring briefly to your attention, and then I will close.

Mr. LAFFERTY. Before the gentleman leaves that point, I would like to ask him one question. What is the position of the gentleman on the question of the flat rate discussed last night by the gentleman from Mississippi [Mr. WITHERSPOON]?

Mr. LEWIS. I have already declared that the freight rate would not move the traffic, and I do not wish to enter into a controversy about the flat rate. I do not favor it——

Mr. CANNON. Will the gentleman yield?

Mr. LEWIS. Yes, sir.

Mr. CANNON. I have not had the pleasure of listening to the gentleman; I regret it, and I am listening now. It may be that he has discussed it; if so, I will ask him to discuss it again. Now, the pound package or the 10-pound package may be of a value of $1,000 or $10,000, or may be of the value of 50 cents. Do I understand the gentleman is in favor of taking over the express service?

Mr. LEWIS. Yes, sir. It belongs of right to the postal system.

Mr. CANNON. And the gentleman would leave it to some commission to be created to take all these questions into consideration, length of haul, value of packages, and so on?

Mr. LEWIS. Yes, sir. The Postmaster General should initiate regulations and rates, subject to the Interstate Commerce Commission. That is the plan of the Goeke bill now under consideration by the Committee on Interstate and Foreign Commerce, I will say.

Mr. CANNON. Does the gentleman contemplate, in the event the express companies are taken over, to place a limit on the weight or does he intend to carry without limit as express companies do now carry?

Mr. LEWIS. A limit of 100 pounds is now proposed, giving one year to the railways to get ready to handle the larger shipments.

Mr. CANNON. Does the gentleman believe, if the bill should go into operation—and I have not had the pleasure of reading it, but I will if it has been introduced; I am not very industrious; I have so much to do—or has the gentleman considered the question as to whether if you limit it to 100 pounds and have that adjusted, the limit would not increase to 1,000 pounds, and whether if that step is taken it does not lead inside of a decade to Government ownership?

Mr. LEWIS. I must decline to again go into the speculative question presented by the gentleman. I have discussed it, and there are other important features that I desire to present. Now, there are two objective points——

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. MOON of Tennessee. Mr. Chairman, I yield 15 minutes additional to the gentleman. [Applause.]

Mr. LEWIS. I thank the gentleman. And those two objective points are these. As the gentleman from Mississippi [Mr. WITHERSPOON] very clearly brought out last night, the transportation of the small shipment has been the subject of most utter and ruinous neglect in this country. Especially is that so in reference to its unorganized transportation from the farm to the town and the city. Let me suggest to the House the picture of a condition which occurs to my mind under a reorganized system of transportation, a coordination of the rural delivery structure with the express plant and the railways. I see a coal miner, 60 years of age, unable longer to breathe the vitiated air of the mine, and yet an athlete in spirit and in strength. To-day he can not go into small suburban gardening. Why? Because, in addition to buying the 2 or 3 acres of land and the cottage necessary to protect himself and his wife, he would have to buy a complete transportation system in order to get the few small by-products of his garden from his place to the town and the city, and he would have all that transportation system to maintain—the horse, the barn, the wagon—throughout the entire year, when, perhaps, for but a week or two would he need them to perform service. This condition is now prohibitive to him. Connect the rural delivery structure with the express plants and the railways and you have a postal van before his

place every day, every other day, twice a week, or once a week, and his transportation needs would be attended to with the utmost economy to the country and convenience to him. A new line of industry would open up for the discarded workman of the city, who at 50 or 60 years is now thrown on the scrap heap for some younger man.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield for a question?

Mr. LEWIS. I will.

Mr. MICHAEL E. DRISCOLL. Has the gentleman thought out, for instance, how the small farmer or gardener, who is sending his products in small packages by the Government postal agent to the city and selling it there will collect the pay for those parcels?

Mr. LEWIS. Well, I will say the postal-express regulations will provide for collecting the price of the articles when sent to the consumer C. O. D., just as the express company now does. In taking over these express plants you would adopt all those practices that are good and useful. You would eliminate the wasteful processes only, but retain the really valuable points in the structures of existing express plants.

Now, then, another suggestion in that connection. But a few months ago a half dozen articles, table necessaries, sold at a farm in Montgomery County at $2.85, the price the farmer received. They were produced in retail form and could have gone direct to the consumer, but a single transportation conduit, coupling up the transportation agencies that now exist being absent, they could get direct from the farmer to the consumer, and so it had to go by the roundabout process of commerce, and cost the consumer $5.55. I insert a table giving the facts.

RELIEVING THE HIGH COST OF LIVING.

As the President has stated, the high cost of living is unquestionably bound up in this legislation. The vital necessaries are not too high at the farm, nor yet when the mere cost of transportation is added. But our processes of transportation, where they exist, exclude the consumer from direct contact with the farmer; they are 100 pounds and 20 tons processes, not practical for the consumer. The individual farmer is helpless to correct the uneconomic rural transportation. The individual railway or express company is equally helpless to correct theirs. The people's transportation system, so far as allowed, can correct the deficiencies of both, and only awaits the license of Congress to perform its function, enable the railway to carry the shipments in quantities to suit the consumers' needs, and provide a direct conduit through which may flow the vital necessaries on the farms direct to the mouths that eat them in the towns and cities.

The following table, giving the prices of six of the prime, vital necessaries, as sold by the farmer, by the wholesaler, and the prices finally paid by the consumers, is based on the quotations of the Washington market for a single day. The third and eighth columns give the prices paid that day by the consumers, and the seventh, ninth, and tenth columns the prices to the consumers under a system of transportation such as is here urged, carrying the article directly from the farmer to the consumer in the quantities set forth as "units of shipment"; that is, in quantities to suit the needs of an average family.

Table showing effect on high cost of living and prices of the vital necessaries of a system of transportation direct from the producer on the farm to the consumer in the towns and the cities.

Article sold and amount of shipment.	Present system of costs to consumer.			System of costs to consumer under postal express.		
	Sold to consumer at—	Wholesale price.	Sold by producer at—	Direct price plus postal rural transportation.	Direct price plus 36 miles railway haul.	Direct price plus 100 miles railway haul.
Eggs (2 dozen)	$0.66	$0.52	$0.44	$0.49	$0.51	$0.52
Dressed fowl (3½ pounds)	.70	.42	.35	.40	.42	.43
Butter (3 pounds)	1.05	.84	.72	.77	.79	.80
Country sausage (3 pounds)	.54	.33	.24	.29	.31	.32
Country-cured hams (10 pounds)	1.80	1.10	.80	.89	.94	.97
Apples (half bushel)	.80-1.00	.50	.30	.40	.52	.55
Total	5.55-5.75	3.71	2.85	3.24	3.49	3.59
Reduction in transportation cost if all ordered together				.24	.33	.33

NOTE.—The last three columns represent the price of the shipment with the estimated cost of transportation added to the price at which the article sold in the country, as stated in the fourth column above.

It appears that the cost of these indispensable necessaries may be reduced about two-fifths, or from $5.55 to $3.24, in price to the consumer by the simple expedient of a direct from-farmer-to-consumer method of transportation. In instances where the farmer and consumer were unknown to each other a small charge of from 3 to 5 cents would have to be added to pay the cost of collecting the price and remitting it to the farmer. But where established custom obtained even this charge would not be necessary, as periodic settlements would take the place of the C. O. D. practice. A line in the local paper would inform the consumer as to prices and the producer; and a postal card or a phone call would inform the producer of the consumer's wants. The postal transportation conduit would then pass the articles from producer to consumer and collect and remit the farmer the price, if required. The latter would not, as an intelligent constituent writes me, have to leave his farm to market a small allotment, when, as he explains:

> It sometimes happens that on the day that I must go to market a field is in ideal condition to be prepared for planting a crop, or to cultivate a growing crop, or a field of hay or grain is ready to be put in the mow; but I must go to town to dispose of my produce.

Mr. MADDEN. Is the gentleman in favor of sending perishable property by parcel post? If he is, does he think the Government ought to be responsible for any property that is destroyed as the result of its failure to make delivery promptly?

Mr. LEWIS. Yes; the Government ought to perform all the obligations that are now imposed on the express company, supplemented by insurance which would quickly indemnify losses in such cases.

Mr. MARTIN of South Dakota. Upon that subject I would like to ask the gentleman this: I supposed that considerable of what the gentleman has called the accounting of the express companies was for keeping close track of packages in order to enable the company to answer to damages in case of loss. But I understand the gentleman to say now that he would have the Government guarantee the safe carriage of all packages under his system?

Mr. LEWIS. Yes, sir.

Mr. MARTIN of South Dakota. And if a thousand-dollar package was lost the Government would have to be responsible.

Mr. LEWIS. For special cases like that it would have to make special provisions. It has now special provisions for these valuable packages.

Mr. MARTIN of South Dakota. Does the gentleman think the Government could keep any cheaper account of this valuable class of business than the express companies keep in their own interests?

Mr. LEWIS. They are doing it now. There should be proper discrimination. There is practically no discrimination now in the express companies. Besides there is a marked difference of spirit between the postal system and express companies, I will say to the gentleman from South Dakota. The express company seems to adopt the presumption, which, I think, is unjustified, that every one of its employees might be a thief. Its whole accounting system and practices are based on that fear.

It pays this accounting bill partly in order to prevent thievery. The Government, on the other hand, in the postal system says, rather than penalize every package to prevent an occasional theft, I will take chances on an occasional theft and find out and punish the thief later. The Government has the most economical and wisest policy.

Mr. MADDEN. What becomes of the law? The Government does not hold itself responsible for the loss created.

Mr. LEWIS. That is only a provisional matter. It can and will do so. If the express business is taken over under the Goeke bill, it will do so. In all cases where other governments have undertaken this service they not only give such assurance as is given by private transportation companies, but add insurance besides, so that early indemnification may follow.

Just another word or two. I thank you for your exceeding indulgence and patience.

Mr. SAMUEL W. SMITH. I understand that I have been granted 10 minutes, and out of that time I would like to ask the gentleman a question now, if the gentleman has no objection.

Mr. LEWIS. All right.

Mr. SAMUEL W. SMITH. Of course I know you were here last night and listened to the interesting and able address of the gentleman from Mississippi [Mr. WITHERSPOON]. I want to know if you take the same position that he does—that these parcels should be as large as 100 pounds?

Mr. LEWIS. I do.

Mr. SAMUEL W. SMITH. You take that position?

Mr. LEWIS Yes.

Mr. SAMUEL W. SMITH. Then I would like to ask you, secondly, if this proposed legislation is passed that is in the

Post Office appropriation bill now by Congress, do you think the Government would be in a position to take care of a general parcel post by July 1 of this year?

Mr. LEWIS. Are you speaking now of some artificial structure that this House is to erect, without taking over the express plants at all?

Mr. SAMUEL W. SMITH. I am talking of this matter substantially as it is in the Post Office appropriation bill. Suppose Congress should pass it and we adjourn, in 90 days afterwards would the Government then be able to take care of a proposition like that?

Mr. LEWIS. I regret as to matters of that kind I have not given them such thought. I have thought of the express method, the practicable method, more especially.

Mr. SAMUEL W. SMITH. One other question: Would you give us any idea of the cost of the parcel post at this time?

Mr. LEWIS. The cost of acquiring the express companies?

Mr. SAMUEL W. SMITH. I do not know whether you think we ought to own the express companies or not.

Mr. LEWIS. The express companies would cost us less than thirty millions. I would not be able to go into speculations about the cost of parcel-post structures. They would cost in increased railway pay thirty millions every year—and perhaps much more in expense of unnecessary experimentation—when we might take the worked-out modus operandi of the express companies.

Mr. SAMUEL W. SMITH. Now, one other question: I did not hear the gentleman when he made his formal speech some time ago. The gentleman has not touched to-day upon the question as to how a general parcel post would, in his judgment, affect the local merchants.

Mr. LEWIS. Just a moment as to that. I think it is a great mistake for anybody to think that anybody is going to suffer by improved transportation—that is, fair transportation; and I think it is even a bigger error for anybody to think that poor transportation or no transportation is an advantage to him. [Applause.]

The trouble with your parcel-post schemes, as proposed, has been that they are unfair on their face to the local merchants. The flat rate, giving his distant rival, the mail-order house, unnaturally but equal rates, particularly, is not fair, while the limitation of the privilege of shipment to 11 pounds seems to be designed to be just big enough to take his patron away from him, but too small to give the merchant the supposed advantages of this Government service.

We ought to be fair. We ought to give our constituents and the country that treatment which the rule of the court gives—equality of treatment—and we ought to take up the shipment where the railroad leaves it, 100 pounds and less, and face the actual problem itself, in the interest of all classes of our citizens, merchants as well as others.

Mr. SAMUEL W. SMITH. I thank the gentleman from Maryland, and I now yield back to the gentleman from Massachusetts [Mr. WEEKS] such time as I have not consumed.

Mr. HAMILTON of Michigan. Does the Goeke bill express the gentleman's ideas in a general way?

Mr. LEWIS. Fully.

Mr. HAMILTON of Michigan. I suppose the gentleman thinks it might be changed in some way, but the general purposes express what the gentleman wishes to accomplish?

Mr. LEWIS. Yes, sir; it does.

Now, I owe to the Members of the House a sincere apology for the time I have taken. But this is not a little subject. It is a most important subject. In my judgment it is charged with matter of the gravest national moment to our country. When we have reached a condition where workmen, working at full time and at full pay on wages larger, perhaps, than they have ever received before, and are yet unable to make both ends meet because of the high cost of living, I say you are fronting a situation that may be charged with peril to this country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEWIS. Just a sentence more, Mr. Chairman.

Mr. MOON of Tennessee. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. LEWIS. I am not one of those who think that any one line of treatment or any one remedy is going to cure even all the remediable ills of society. I do not say that this, even if carried out in its most perfect conception, would cure all the ills of society, or even cure the whole aggravated situation associated with the high cost of living. But I do say this, gentlemen, that the Goeke bill comes closer to cutting in two the prices of the vital necessaries of life on the workman's table than any measure that has yet come to my notice.

It has been said that never in the history of this country has a great crisis arisen when American statesmanship and patriotism were not there to meet it in an adequate way. I pray God that before the stability of this country has been put in jeopardy, as now threatents within 10 years, that statesmanship and that patriotic spirit may not fail us on this subject. [Prolonged applause.]

Mr. MOON of Tennessee. I yield 15 minutes to the gentleman from Alabama [Mr. BLACKMON].

Mr. BLACKMON. Mr. Chairman, the bill under consideration carries an appropriation aggregating over $264,000,000. In addition to this there are a number of subjects which we have dealt with. By the provisions of this bill we seek to establish a parcel post. We have reduced the cost for transportation of fourth-class mail matter from 16 cents to 12 cents per pound and have increased the number of pounds of this class mail matter from 4 to 11 pounds, and thereby place the American citizen on an equal footing with the foreigner in the matter of transportation of fourth-class mail matter. We have provided that on and after July, following the passage of this bill, letter carriers in the City Delivery Service and clerks in the first and second class post offices shall be required to work not more than 8 hours per day, and that the service shall not extend over a longer period than 10 consecutive hours, and the schedule of duty of the employees to be regulated accordingly. We have provided for the grading and classification of railway postal clerks—a much needed reform. The committee has also provided by this bill for an increase in the salary of the rural carrier. Section 10 of the bill deals with the question of the establishment of free delivery of mail from towns and villages having post offices of the second and third class, which are not now by law entitled to this service. Section 11 carries an appropriation of $400,000 for the establishment, maintenance, and extension of postal savings depositories within the United States. Your committee has also placed a provision in this bill that, becoming a law, will prevent the President and Postmaster General from attempting to suspend the Constitution of the United States by an Executive order with reference to the right of certain employees who are citizens of the United States from petitioning or memorializing Congress when, in their judgment, they have a grievance that they think should be called to the attention of Congress.

I should like to call the attention of the committee to some of the new provisions incorporated in this bill.

The Post Office Committee has attempted to meet the needs of a great department—and I refer to the Post Office Department. They have undertaken, I believe, honestly and fairly to meet the needs of this department and at the same time remain within reasonable bounds of economy.

FREE DELIVERY IN SMALL TOWNS.

The provision with reference to free delivery from second and third class post offices is a deeply important matter. Consider the large number of localities that are without free delivery service—localities which are adding largely to the revenues of the Government. They are entitled to relief. It is the purpose of your committee seriously to experiment, in a certain line, with this great subject, and they are not unmindful that it is an undertaking of magnitude; but we have provided that this system shall be inaugurated and have limited the cost for delivery of mail in such towns and villages to $1,800 per annum. It has been left within the discretion of the Postmaster General as to how this provision shall be inaugurated. It may be, and it is likely, that he will determine to begin with two carriers, and should he do so, in most towns and villages having post offices within the designated class, two carriers would no doubt be able to give the much-needed relief to a large class of our citizens who are now entirely without a free-delivery service.

RAILWAY MAIL CLERKS.

The provision of the bill dealing with the grading and classification of railway mail clerks is a subject which has been much discussed. It has been charged, whether correctly so or not I am not prepared to say, that there has been discrimination against a certain class in the Railway Mail Service. It has been charged from all parts of the country that if a railway mail clerk is in the favor of his superior promotions are granted, and that in many instances it was done without regard to merit or efficiency. Without affirming that injustice has or has not been done with respect to this, it is our purpose to provide that absolute justice shall prevail at all times and that promotions shall be made on merit, to the end that each individual shall be fairly treated and that the service at the same time may be improved.

We have endeavored to meet the conditions, so far as they relate to that vast number of employees engaged in the hazardous business of serving in the Railway Mail Service. Many

railway mail clerks have lost their lives, and it is claimed that in many instances this could have been prevented had the cars in which they were working been constructed of steel or of some other equally indestructible material. We provide that on and after July, 1917, the Postmaster General shall approve no contracts with the railroad companies for carrying the mails unless the equipment is constructed of steel, steel underframes, or other equally indestructible material.

EIGHT HOURS FOR CLERKS AND CARRIERS.

It is the fixed policy of this Government that 8 hours shall constitute a day's work for all Government employees. Congress has provided that those taking Government contracts should not work employees over 8 hours per day. We find upon investigation that clerks in first and second class post offices and city-delivery carriers have been and are required to work many hours in excess of eight hours per day; and where the 8-hour idea has been in force or attempted to be put in force the 8 hours in many instances have been extended over a period from 11 to 12 hours, and in many instances in excess of this. Therefore your committee has provided that after July 1 following the passage of this bill letter carriers in the city delivery and clerks in first and second class post offices shall be required to work not more than 8 hours per day and that the service shall not extend through a period longer than 10 consecutive hours. I deem this a most wholesome provision, and when put into operation its ultimate result will eventually improve the service and at the same time do justice to this class of Government employees.

RURAL FREE DELIVERY.

Mr. Chairman, I for one am in favor of maintaining our rural free-delivery system and am in favor of extending it as rapidly as possible. I know of no agency that has worked more good to a large class of our citizens than has the rural-delivery service. It has been a source of great disappointment to me in not being able so far to secure the establishment of a number of rural routes in my own district, to which I think we are entitled. I do not mean to be selfish about this, as I feel sure a similar condition exists perhaps throughout the country. I am not one who believes that all things can be done in a day, and I realize that in many instances many difficult problems confront the department in the matter of a more rapid extension of this service, and it is and shall be my purpose to aid in every way within my power to facilitate this great work. One of the hindering causes in the early reports on petitions for establishment of rural routes is due perhaps to the inability to secure prompt reports and inspections owing to the large amount of work which the inspectors have had to encounter in the great fraud cases that the department has been dealing with; and in view of this and in order to facilitate the establishment of rural routes the committee has provided that for the purpose of inspecting and investigating rural routes and proposed rural routes a number of inspectors, not in excess of 30, shall be placed, subject to the orders of the Fourth Assistant Postmaster General whenever and for such period as in his judgment they may be needed for such purpose. There are from 1,600 to 2,000 petitions now pending for the establishment of rural routes throughout the United States, and action on these petitions has not been had for the lack of inspection. I confidently believe, with this number of inspectors at the disposal of the Fourth Assistant Postmaster General, within the next 12 or 18 months that all petitions will be passed upon and the service extended in many instances and to places where this service is now so much needed.

INCREASED SALARY FOR RURAL FREE-DELIVERY CARRIERS.

We have also attempted to improve the efficiency of the rural free-delivery carriers by an increase of the salaries approximating $6 per month for all rural carriers. The inevitable result of this will be, I believe, to increase the efficiency of the service. I want to say to you that there are to-day, in my judgment, no class of Government employees so poorly paid as are our rural carriers in the United States, considering the service they perform. The high cost of living applies to the rural carrier as it applies to all other citizens. His cost of equipment has increased; the price of food, both for himself and his horses, has increased. I do not believe that the many hardships which the rural letter carrier encounters is fully appreciated by the people or by Congress. I have been over a number of rural routes and I have seen something of the conditions which exist with reference to the service performed by rural carriers. He must make his trips under all conditions, and, failing to do so, deductions are made from his salary. It is true that, on application made to the department, through the postmaster, if a showing is made that the reason for his failure to make his route or his schedule was unavoidable, dedeductions made will be refunded to him; but there are instances where the postmaster may not be friendly to him, and his application for a refund may be indefinitely delayed, when he needs the small pittance he receives to pay for feed for his horse, to repair his vehicle, and to support himself and family.

Mr. SAMUEL W. SMITH. I am glad the gentleman has referred to this question of rural free-delivery carriers. What, in the gentleman's judgment, ought they to receive as a fair compensation?

Mr. BLACKMON. I think they ought to receive, on a standard route, undoubtedly not less than $100 per month.

Mr. SAMUEL W. SMITH. In other words, they ought to receive as much as the city carriers.

Mr. BLACKMON. I think they ought. I think when you take into consideration the fact that the rural carrier must keep up his equipment, that he must keep two or three horses, whatever the necessity may be, and must keep up his other equipment, undoubtedly he is entitled to the same compensation as the city carrier.

Mr. MICHAEL E. DRISCOLL. Is it not a fact that when this service was started 12 or 14 years ago the salary was only $500 a year?

Mr. BLACKMON. I am not prepared to say, but I think that it was very inadequate then, and it is inadequate now.

Mr. MICHAEL E. DRISCOLL. Has not the Government been pretty liberal in doubling the salary in 10 or 12 years?

Mr. BLACKMON. I shall have to ask the gentleman what he considers liberal?

Mr. MICHAEL E. DRISCOLL. They have doubled the salary.

Mr. BLACKMON. But as a matter of fact the Government has not done so.

Mr. MICHAEL E. DRISCOLL. Is it not $1,000 a year now?

Mr. BLACKMON. No; not in all cases.

Mr. MICHAEL E. DRISCOLL. How much is it?

Mr. BLACKMON. It is less than a thousand dollars in some cases.

Mr. MICHAEL E. DRISCOLL. How much less?

Mr. BLACKMON. I have not the exact figures before me.

Mr. DENT. It is $1,000 on standard routes.

Mr. BLACKMON. A rural carrier gets $83.33 a month for a standard route, but as I say I do not know what the gentleman considers liberal. If it is not worth $100 a month to the Government of the United States to employ a man who carries out a system that is doing more to educate the people of the country than any other influence to-day, I do not think it is very liberal.

Mr. MICHAEL E. DRISCOLL. I did not mean to say that it was not worth $100 a month, but I meant to suggest that it seems to me that the Government had been fairly liberal in increasing the salary from $500 to practically $1,000 within 12 or 14 years.

Mr. BLACKMON. I imagine that the rural carrier has received that with thanks, but it does not destroy the force of the argument that the compensation is not yet sufficient. Now, Mr. Chairman, in dealing with this question I think every member of the committee on this and all other questions has sought to improve the service.

PARCEL POST.

Mr. Chairman, we have given much thought and study to the subject of a parcel post. The bill now presented on this subject provides that the rate on fourth-class mail matter shall hereafter be 12 cents per pound and the number of pounds which may be sent through the mail increased from 4 pounds to 11 pounds. On rural routes fourth-class mail matter may be sent through the mails at a rate of 5 cents for the first pound and 2 cents for each additional pound up to 11 pounds, the packages to originate at the starting or some intermediate point of the route and end with the route. A person living on a route can send to the starting point or to anyone living at an intermediate point on the route or from the starting point of the route at the same rate.

The gentleman who preceded me [Mr. LEWIS], who has evidently given great thought and care to this subject, is opposed to this kind of a parcel post. He says that the people do not want a parcel post. If he is correct about that I am very much at a loss to know what the people mean when they write asking us to vote for a parcel post.

Mr. SAMUEL W. SMITH. Will the gentleman yield?

Mr. BLACKMON. Certainly.

Mr. SAMUEL W. SMITH. Does the gentleman understand the gentleman from Maryland [Mr. LEWIS] to take the position that he was not in favor of a parcel post?

Mr. BACKMON. Yes; he says that he is not in favor of the kind that we have discussed—that it is impracticable. His position is that a parcel post, without taking over the express companies, will be a failure.

Now, Mr. Chairman, I want to put this one proposition to the thoughtful Members of this House—those who say that they are in favor of doing something—and they all admit, as I understand it, that the people are entitled to some relief along these lines. I want to put this proposition to you: Are you in favor of passing this bill as presented to you by the committee or do you prefer to turn this down and wait for a time to come when you shall acquire the express companies and get that ideal situation that some Members seem to think we ought to have?

Mr. MURDOCK. Will the gentleman yield?

Mr. BLACKMON. Certainly.

Mr. MURDOCK. Now, that question would be easier answered if we could understand exactly what this provision in the bill means. The gentleman is on the committee as I am, but I think I see something new about this bill every time I read it, and I have read it scores of times. I want to read from the provision in relation to parcel post, page 35 of the pending bill. This has just been called to my attention, and I want to see what is the gentleman's opinion about it, because I must confess that I was surprised to-day at this reading. The gentleman will note on page 35 the first two sections:

SEC. 8. That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, *except as herein provided.*

That no article, package, or parcel shall be mailable as matter of the fourth class which exceeds 11 pounds in weight, *except as herein provided.*

Now, the exception referred to in one instance is the rate provided for the delivery of packages on rural routes farther down in the same section. This has just been pointed out to me: It is contended by several gentlemen here that if the gentleman from Alabama should attempt to send me a package and I lived on a rural route, say, route No. 2, Wichita, Kans., the gentleman would not be permitted to send me a pound package for 12 cents; that the rate under this provision of 12 cents a pound does not apply on a package shipped from one point off a rural route to a point on a rural route. Did the gentleman understand that was the idea of the provision when we considered it in committee?

Mr. BLACKMON. No; I did not.

Mr. MURDOCK. And I want to say that I did not, and yet from the language of the bill as shown in the two exceptions there in the first two paragraphs it seems to be the case, so far as this provision is concerned.

Mr. BLACKMON. I do not agree with the suggestion. I think that if I lived in Anniston, Ala., I could send to the gentleman in Kansas, on a rural route, a 1-pound package for 12 cents.

Mr. MURDOCK. That is just the point. You live in Anniston and I live outside Wichita on rural route No. 2. The gentleman could not mail me a pound package for 12 cents.

Mr. BLACKMON. I think so.

Mr. MURDOCK. That is the contention that I find gentlemen are making.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. MURDOCK. The time on the other side is in my charge, and I will yield the gentleman 10 minutes more.

Mr. BORLAND. If the gentleman will yield to me, I think I can clear that matter up in the two minutes.

Mr. BLACKMON. Mr. Chairman, I would like to have the gentleman to do it, but in his own time.

Mr. BORLAND. I have not asked for any time.

Mr. MURDOCK. Mr. Chairman, I yield 10 minutes to the gentleman, and he can ask his question.

Mr. BORLAND. Mr. Chairman, the gentleman from Kansas [Mr. MURDOCK] raised the question that under this bill, this provision of the post-office bill, it would be impossible to send a package from rural route No. 2 out of Wichita, Kans., to some point not on rural route No. 2, under the 12-cent rate, but that that kind of a package would have to pay the rate under existing law.

Mr. MURDOCK. Mr. Chairman, will the gentleman take the reverse of that, that you can not send from a town to a point on a rural route out of another town a pound package for 12 cents. Does the gentleman so understand the law?

Mr. BORLAND. I so understand the law, but I understand that was put in there intentionally, with the idea of restricting the package to the rural route. I have always contended that the rural-route free-delivery parcel post was an adjunct to the express-company business, and enlarged its business, and did not compete with it, and never was intended to compete with it, and never will compete with it. If the gentleman will look at the bill, H. R. 12810, regulating charges for transportation of parcels by express companies engaged in interstate commerce, reported from the Committee on Interstate Commerce, he will find——

Mr. MURDOCK. That is the Adamson bill?

Mr. BORLAND. Yes. The first section of that bill provides certain rates that may be charged by express companies based on 2,000 miles, 12 cents a pound; on less than 2,000 miles, 10 cents a pound; on packages not exceeding 11 pounds in weight, and so on down, all of which rates are higher than those companies are now charging. The second section of that bill provides that the express company when tendered a package may charge the consignor the express rate therein named, and also the postage at the special low rate for the rural free-delivery routes, and thus accept a package for delivery upon the rural route which their express company does not reach. When the package gets to the nearest express town, then the company may put it into the rural free delivery, pay the United States postage on that, and send it out to the farmer. Also, that the farmer can do exactly the same thing. He can take an 11-pound package, compel the rural free-delivery carrier to take it at the postage provided by this postal bill, pay also the express charges, according to this other bill, and when the rural carrier gets to the nearest express town, being the end of his rural route, he must deliver it to the express company and send it on. It never was intended in this Post Office bill to limit in any way the business of the express companies.

Mr. MURDOCK. As I understand the gentleman's reading of this bill, the gentleman in Kansas City, Mo., can send to the gentleman at Anniston, Ala., a pound package for 12 cents. Is that true?

Mr. BORLAND. Oh, no.

Mr. MURDOCK. Oh, absolutely. Under the reading of the Post Office bill you can send a pound package from city to city for 12 cents.

Mr. BORLAND. Sixteen cents a pound.

Mr. MURDOCK. But this bill provides, in terms, that hereafter the postage shall be paid on matter of the fourth class at the rate of 12 cents a pound. Is it not a fact that the gentleman at Kansas City, Mo., can send a package from his residence, weighing 1 pound, to the gentleman at Anniston, Ala., for 12 cents?

Mr. BORLAND. Yes; if the gentleman is correctly reading the bill.

Mr. MURDOCK. And is it not also true that a farmer outside of Kansas City, Mo., can not send from his residence on a rural route to the gentleman at Anniston, Ala., a package weighing 1 pound for 12 cents?

Mr. BORLAND. I understand that is true.

Mr. MURDOCK. Then, why the discrimination against the farmer?

Mr. BORLAND. That is the difficulty, but the farmer has the beautiful privilege of patronizing the express company for the entire haul that the express company can give. The farmer can use the rural route only to deliver and receive from the express company. Thus the rural carrier becomes the receiving and distributing agent of the express companies to increase their business by giving them the advantage of territory that they do not now reach. This is why the express companies are now opposing Postmaster General Hitchcock's plan for a rural parcel post.

Mr. MURDOCK. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. BLACKMON].

Mr. MOSS of Indiana. Mr. Chairman, before the gentleman from Alabama begins, I understand that a farmer living on a rural route would not have the benefit of a general parcel rate. Would it not be true that the farmer on the rural route has the choice of two rates, and can either take the general rate or the local rate as he may choose?

Mr. BLACKMON. Mr. Chairman, I have evidently misunderstood the gentleman from Kansas. I have no doubt but that he could send to me a pound of fourth-class mail matter to Anniston, Ala., from route 2, Wichita, Kans., for 12 cents, and there is no discrimination against the farmer in this bill.

Mr. Chairman, I believe in crossing the river when we get to it. The Adamson bill is not up and this bill is. Under the provisions of this bill a man living on a rural route can send to any point on that rural route 11 pounds for 25 cents, 5 cents for the first pound and 2 cents for each additional pound. A man living on the rural route can send back to the person from the point where the route starts a similar package at the same rate. From Washington I can send a 1-pound package to a man living on a rural route at any point in the United States for 12 cents under the provisions of this bill——

Mr. HAMILTON of Michigan. Will the gentleman yield for a question?

Mr. BLACKMON. Yes; but I would like for gentlemen to put their questions one at a time.

Mr. HAMILTON of Michigan. I want to know as a matter of logic what the reasons were which animated your committee in limiting the sending of a parcel from point to point on a single route? Why did not you give to the farmer the privilege of sending his parcels from a point on one route to another point on another route leading out of the same post office?

Mr. BLACKMON. There are 21 members of the committee and I could not answer the gentleman.

Mr. HAMILTON of Michigan. What was the guiding motive?

Mr. BLACKMON. Well, I am not prepared to answer that.

Mr. HAMILTON of Michigan. Did not the committee have any motive?

Mr. BLACKMON. For myself I can answer.

Mr. MOON of Tennessee. May I interrupt the gentleman from Alabama a moment?

The CHAIRMAN. Does the gentleman from Alabama yield; if so, to whom?

Mr. BLACKMON. I yield to the gentleman from Tennessee, chairman of the committee.

Mr. MOON of Tennessee. I want to suggest this: The first section of section 8 provides:

> That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

It is but an amendment of the statute that now is in existence, or rather it is a permission for the people of the United States to use an agreement that the United States carries out with foreign countries in regard to the use of its mails. It gives 12 cents for the flat pound rate. That does not limit the transportation to rural routes or from city to city. It is a general law in its application, the same as the law that is now in force by international agreement, and the package may under that be sent to any other point in the United States whether it is on a rural route or not.

Mr. BLACKMON. I have just stated that.

Mr. MOON of Tennessee. The other section in the bill giving the lower rate for fourth-class matter means simply where the matter is delivered on a route for transportation on that route by a carrier, or to the initial office, the low rate applies to the rural route for matter beginning and ending on it. The 12 cents a pound rate is a general rate that covers the United States.

Mr. BLACKMON. I have said that.

Mr. WILLIS. Will the gentleman yield?

Mr. BLACKMON. If the gentleman will yield more time; there is another subject I wish to discuss.

Mr. WILLIS. We will get you more time. Why did the committee limit the sending of packages to the one rural route? I understand, under the provisions of the bill, if business were to originate at one rural route it could not be sent to the addressee on another rural route. Now, I want to know the reason for that.

Mr. MOON of Tennessee. Simply because the committee was not establishing a general parcel post over the rural routes or for the country generally. It is providing for a commission, and it is a proposition to make an experiment on rural routes, and in making the experiment it was thought desirable to limit the service to each route.

Mr. WILLIS. Does the gentleman think it would increase the expense materially, and would the gentleman object to an amendment extending that service to all rural routes?

Mr. MOON of Tennessee. The purpose of the act was to confine it to rural routes so that we could ascertain the exact facts. We did not propose to complicate it by extending it over two or three rural routes, but we desired to make the one exact experiment.

Mr. BURNETT. May I ask the gentleman if this applies to what is called a loop route?

Mr. MOON of Tennessee. A loop route would be a part of the original route.

Mr. BURNETT. That is what I want to know if, under the construction of the chairman, that would be included.

Mr. MOON of Tennessee. I think it would cover it; yes.

Mr. MOSS of Indiana. Will the gentleman yield for a question?

Mr. BLACKMON. I will.

Mr. MOSS of Indiana. I live on a rural route. I would like to ask the gentleman from Alabama, if the provisions of this bill should become a law, if I could not post a parcel at 12 cents a pound in the box in front of my door and have it carried anywhere in the United States?

Mr. BLACKMON. You could by paying 12 cents a pound up to 11 pounds.

Now, Mr. Chairman, the proposition here presented has a fair prospect of becoming the law. Now, if it is an advantage to obtain a cheaper rate for transportation by the mail facilities, I say that we have here a proposition that gives to the American citizen a reduction in his fourth-class mail matter of 4 cents per pound. In other words, we reduce it from 16 cents per pound to 12 cents a pound and raise the weight limit from 4 to 11 pounds.

I contend that a man who claims to be working in the interest of the people and wants a cheaper rate, but opposes this bill on the idea of taking over the express companies, with a prospect of getting this reduction for the people, is not in favor of any kind or character of a parcel post. It means simply delay.

I have introduced a bill requiring the railroad companies to handle packages up to 50 pounds, commonly known as express, and to handle it by the trains that now handle express, and charge a reasonable rate for the service performed, the fixing of rates being placed in the hands of the Interstate Commerce Commission. The same bill provides that when the consignor delivers the package to the carrier at the office of the carrier and the consignee receives the package at its destination at the office of the carrier a cheaper rate shall be charged for the service performed than if the carrier had collected and delivered the package by wagon or otherwise. I believe that that will ultimately, if it becomes a law, be a great and valuable saving to the people throughout the country who are now using the express companies. But I am not going to wait to get that bill out of the committee. I will support this bill, because it is up now, is a good bill, and we can pass it. I am not going to oppose this provision and wait to see if that bill or some other bill can be gotten out and placed before this House.

I am not an expert on the subject, and do not profess to be, but I say to you gentlemen who are interested in extending your rural routes, you gentlemen who are interested in keeping the routes that you have, when you vote for a law now to take effect on July 1 this year or July 1 next year, with our present facilities, that will allow 100-pound packages to go in the mail, consisting of poultry, eggs, butter, and live pigs, as my friend from Mississippi [Mr. WITHERSPOON] seems to think can be done, you will destroy your rural routes throughout the country.

Mr. DICKSON of Mississippi. May I interrupt the gentleman for a moment?

Mr. BLACKMON. Yes, sir.

Mr. DICKSON of Mississippi. Could you not pass this parcel-post provision that is now in the appropriation bill and substitute the Goeke idea now, just as well as you could substitute and inaugurate the Goeke bill by defeating this bill and putting the Goeke measure in place of the present law?

Mr. BLACKMON. I can only answer for myself. It might or might not be done. I imagine when we take over by law the express companies, if we ever do, it will be perhaps from 10 to 15 years from now, and I may never live to see it.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. BLACKMON] has expired.

Mr. MURDOCK. Mr. Chairman, I yield 15 minutes to the gentleman.

Mr. J. M. C. SMITH. In answer to the gentleman, a moment ago you stated that a person on a rural route could send a package over the rural route and by express to a city——

Mr. BLACKMON. I said by mail.

Mr. J. M. C. SMITH. I mean by parcel post. Suppose I am a country merchant, with a store on a rural route, and I wish to send to Detroit or some other city for 10 pounds of tea, and I tell them to send it by parcel post. What would be the charge to deliver that to the country merchant upon the rural route?

Mr. BLACKMON. Twelve cents a pound.

Mr. J. M. C. SMITH. One dollar and twenty cents for a 10-pound package?

Mr. BLACKMON. Yes.

Mr. J. M. C. SMITH. That would be a benefit.

Mr. BLACKMON. Mr. Chairman, I am in favor absolutely at all times of giving to the people the cheapest transportation rate either by post or express or by freight that can be fairly and legally given them. I am committed to that proposition, and so long as I remain in Congress I propose to vote to give the cheapest rate that can be fairly and legally given to the people by all modes of transportation.

Mr. MICHAEL E. DRISCOLL. Would not the gentleman want the rates to pay the expenses, so as not to impose a burden on the Post Office Department of the Government?

Mr. BLACKMON. I said, my friend, "a legal rate."

Mr. MICHAEL E. DRISCOLL. A rate may be legal and yet result in a great deficit to the Government.

Mr. BLACKMON. I perhaps have not read the same decisions that the gentleman has, but I understand under the law that a legal rate must be a rate that will bring a fair return on the amount invested.

Mr. MICHAEL E. DRISCOLL. There is no investment on the part of the Government.

Mr. BLACKMON. Would a legal rate be a fair rate that took money unjustly from the Government?

Mr. MICHAEL E. DRISCOLL. The Government is losing millions of dollars a year on second-class mail. It has been going on from year to year, and yet it is not illegal.

Mr. BLACKMON. I said "fair and legal."

Mr. MICHAEL E. DRISCOLL. The gentleman would have a rate either by the zone system or in some other way, that would save the department from a deficit, from the loss of that class of goods?

Mr. BLACKMON. I would be in favor of a fair and legal rate.

Mr. MICHAEL E. DRISCOLL. Does the gentleman mean a rate that would save the Government from loss on that class of goods? Does he?

Mr. BLACKMON. I think the Post Office Department, when we pass this law and with the information that we have obtained and the information which Congress and its committees will hereafter obtain, will not put in force a rate that will create any great deficit. That is my position.

Mr. KINKAID of Nebraska. Mr. Chairman, will the gentleman yield for just one question?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Nebraska?

Mr. BLACKMON. Yes.

Mr. KINKAID of Nebraska. Would the gentleman please state, for my information, just specifically how those who favor a general parcel-post system would profit by the enactment of this provision?

Mr. BLACKMON. That is a question on which opinion is so much divided that I would prefer not to give my views on it.

Mr. KINKAID of Nebraska. Is it the gentleman's opinion that the people will derive any particular benefit or relief from the standpoint of those seeking a general parcel post and believing that it will be of benefit?

Mr. BLACKMON. It is my opinion that they think so, and it is my opinion that Congress ought to give to the American citizen the same right that we are giving to foreigners, and for that reason I am in favor of this bill. [Applause.]

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman permit me an inquiry?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Michigan?

Mr. BLACKMON. I yield.

Mr. HAMILTON of Michigan. I just wanted to know whether any other motive influenced the committee in fixing the limit of weight at 11 pounds than the international postal arrangement.

Mr. BLACKMON. I can only speak for myself. I do not know what influenced the committee.

Mr. HAMILTON of Michigan. Was there any other motive than that, if the gentleman knows?

Mr. BLACKMON. I am not prepared to say what influenced the members of the committee.

Mr. HAMILTON of Michigan. The gentleman has not spoken for himself in answer to that question.

Mr. BLACKMON. If the gentleman wants my personal views on that, I can give them.

I can give these personal views as formed by me after a careful consideration of this question in all its aspects. I have been anxious to know and to do what is right. Mr. Chairman, a great many gentlemen are suggesting that a general parcel post be created and that the number of pounds of fourth-class mail matter which they say should be authorized ranges from 11 to 100 pounds, and I have been unable to see any plan presented by these gentlemen that is susceptible of being successfully carried out. It is an easy matter indeed, and it may be good policy in certain localities to say that you favor a general parcel post, but when a man says this and fails to present a feasible plan I am strongly inclined to believe that he has either not given the matter the study to which the question is entitled or is talking to please his audience. Gentlemen argue that the Government should buy the express companies and carry packages not exceeding in weight 100 pounds. It is apparent, it seems to me, that if this plan is feasible it will take many years to put it into operation, and then it will not reach that class of people who are now without express facilities and those we are undertaking now to benefit. Others argue with equal earnestness that the weight of parcel-post packages through the mail should be extended to 100 pounds, and that our rural mail facilities are now prepared to handle such packages. I do not believe that there is a rural route in the United States to-day where the equipment is sufficient for such purpose. A rural carrier starts out on his route; suppose he has several hundred pounds of mail to deliver on his route. He gets to a box 10 miles from the starting point and there he finds 10 pounds of butter, at the next box he finds 20 pounds of chickens, at the next box he finds two packages weighing 25 pounds each, all of which is there properly stamped or tagged for mailing. It is his duty, of course, to take all these packages. Suppose this state of affairs should continue on his entire route; what would be the situation? He returns to the starting point of his route. How many post offices are now equipped to receive and care for this character of mail? I say to you gentlemen who are interested in working this question out so as to give relief in the matter of transportation facilities must necessarily consider this from a practical standpoint and make the necessary preparations to carry out the scheme or it will be a dismal failure. The people of this country are intelligent people and they do not expect the unreasonable. I believe that the present bill will give much needed relief, and, as I have said, we now have an opportunity to get this, and to my mind a "bird in the hand is worth two in the bush." Those who argue that this bill will give no relief to the farmers I am constrained to believe are ill advised on this subject. If a farmer under the present law desired to send to his market a package through the mail, he could only send a 4-pound package, which under the present law would cost him 64 cents. Under the law now proposed he could send 11 pounds of the same class and character of mail at a cost of 25 cents. In other words, 11 pounds under the proposed law would cost him 39 cents less than a 4-pound package under the present law. If he desired to get from his market a similar number of pounds, without stopping his plow to go to town for the package, under the proposed law he could get the 11 pounds for 25 cents, whereas under the present law it would cost him $1.76 if he were allowed to mail 11 pounds, whereas he can only mail packages up to 4 pounds. It will be observed from the proposed bill that there is nothing in the bill to prevent a merchant from sending to his customer in the country, living on a rural route, two 11-pound packages, or three packages if the facilities of the carriers are sufficient for him to handle same, totaling 33 pounds, in three different packages, for the sum of 75 cents for the three packages; whereas under the present postal rates 33 pounds in 4-pound packages, at 16 cents per pound, would cost him $5.28. I was reared on a farm, and I have seen the time in the busy crop season when a day's plowing was worth from five to ten dollars to me, and I have seen the time when I have had to stop work to go to town for articles which, under the provisions of this bill, could have been sent out through the mail had this law been in force; and I am therefore at a loss to know how the gentlemen can contend that this bill is not a benefit to the farmers.

"GAG RULE."

Mr. Chairman, there is one other phase which I think ought to commend this bill to every Member of Congress. This bill proposes to abolish the objectionable gag law, and I have no doubt that there is not a single Member of Congress—at least I hope there is not a single Member of Congress—that is in favor of the Executive order known as the "gag rule" that has prevailed since President Roosevelt issued that famous order. I do not believe that a single Member of this body believes that any President of any party, at any time, under any conditions, should have the right by an Executive order to suspend the Constitution of the United States of America. [Applause.]

This bill seeks to correct that, and we do correct it, and we provide that those men, in whatever employment they may be, may appeal to Congress, as the Constitution provides they may do, by a petition, through their Member of Congress or to Congress, and lay before their Congressman their grievances without being subjected to dismissal from the service because they do so. To my mind, I say, this is one of the strong provisions in this bill that ought to appeal to every Member of this body, and I imagine it does.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from New York?

Mr. BLACKMON. Yes.

Mr. MICHAEL E. DRISCOLL. Does the gentleman know of any instance where any employee of the Post Office Department

either lost his position or was reduced in it in any possible way by consulting with his Member of Congress or appealing to him for any sort of aid that he thought he ought to have?

Mr. BLACKMON. A great many of them think so, and whether they have or have not, I say that Congress stultifies itself when it allows an Executive order to suspend the Constitution of the United States, whether it has cost a man his job or not. Some of them say it has cost them their jobs.

Mr. MICHAEL E. DRISCOLL. I stated last summer in the presence of the convention of the railway mail clerks at Syracuse, N. Y., that——

Mr. BLACKMON. I do not want to appear discourteous to the gentleman, but I object to the gentleman making his statement in my time.

Mr. MICHAEL E. DRISCOLL. I just wanted to say——

The CHAIRMAN. The gentleman declines to yield.

Mr. BLACKMON. Mr. Chairman, if no man has lost his position by reason of this gag rule, I am glad to know it, and I am in favor of fixing it so that he can not do so.

Mr. MICHAEL E. DRISCOLL. I have never heard of a man being criticized for it.

Mr. BURNETT. Is it not true that President Taft has just now, pending the coming election, modified that to some extent?

Mr. BLACKMON. Yes. It was not my intention to go into the political phase of it, but I think when President Taft heard the rumblings throughout this country and found all honest men decrying this position taken by his predecessor, Mr. Roosevelt, and enforced by himself, he changed this order, I will not say from political motives, but it was changed in the last few days. After the Democratic committee had reported this bill, and it was being considered on the floor of this House, it was then that the President saw fit to modify the order. [Applause.]

This modification made by the President, to my mind, does not relieve the objectionable feature of the order, but the bill completely does so. I regard it as extremely dangerous, at any time or under any condition, to allow the President or anyone else, by any act or order to suspend the Constitution of the United States, that document that has for these many years proven the great bulwark of American liberties.

DEMOCRACY FAITHFUL TO THE PEOPLE.

Mr. Chairman, let me say in conclusion, since coming into control of the House less than two years ago, the Democrats have kept faith with the people by redeeming the pledges made by our party. They have passed through the House bills carrying reforms which the Democratic Party has been championing for many years. We have reduced the running expenses of the House alone, approximately, $200,000 per annum, found to be unnecessary and extravagant expenditures. This will serve to show what could be expected if the Democratic Party were in control of both branches of Congress and the executive branch of the Government. We have admitted to statehood Arizona and New Mexico, which has so long been delayed, notwithstanding each of these Territories possessed all the requisites for statehood. It has been said, and undoubtedly truthfully so, that improper means have been used to secure the election of some Members to the House and Senate, and in order that the people might know what sum of money or what other influences have been brought to bear to secure the election of such Senators and Representatives, we have passed a bill, known as the publicity bill, requiring Senators and Congressmen to file a sworn statement of their account, showing all moneys spent by them or by any other person, firm, or corporation to secure the election of such Member. This statement must be filed 15 days prior to the primary or nominating convention in which the Member is seeking nomination or election; and also to file after the election a complete statement of all money expended, either by himself or any other person in his behalf. It would now seem that it would have been the part of wisdom to extend this provision to presidential candidates.

We have passed a large number of tariff bills, which, if enacted into law, would give, it is estimated by experts, relief in immense sums and which the people demand. The bills are as follows:

Title of bill and amount of saving to consumers.

Free list	$390,000,000
Wool	52,000,000
Cotton	88,000,000
Metals	81,000,000
Chemicals	17,000,000
Sugar	115,000,000
Total	743,000,000

The items which were included in the free-list bill consist of the following:

Agricultural implements	$7,655,000
Bagging for cotton, sacks, burlaps, etc	4,029,000
Cotton ties—hoops or band iron	1,197,000
Leather, boots, shoes, harness, saddles, saddlery	184,500,000
Barbed and other fence wire, wire rods, strands, ropes, etc	$16,203,000
Fresh and preserved meats	66,759,000
Flour and grist, cereals and bread	75,677,000
Lumber, laths, and shingles	29,995,000
Sewing machines and parts of	1,500,000
Salt	2,500,000
Total	390,015,000

Mr. Chairman, it may be left to the people to say whether or not the Republican Party have been dealing fairly with them in not giving to them this needed relief during the past 30 years, in which time they have had almost continuous control of all branches of the Government. I appeal to all fair-minded, thinking men to say whether the President has dealt fairly with the people in not approving the measures passed by this Democratic House, effecting a saving of millions of dollars per year to the American people. Can the people longer trust the Republican Party to deal with these great questions, involving the happiness and prosperity of our Nation, when they have demonstrated that they do not favor a reduction in the tariff for the betterment of the toiling masses because such reductions are opposed by the great trusts which are daily increasing the burdens of the American people? The Republican Party went before the country with a solemn promise that the tariff on the necessaries of life should be reduced, and the people, trusting them, elected a Republican President, a Republican Senate, and a Republican House. Have they kept their promise? It is well known by all men that no sooner had they been installed into office than they passed what is known as the Payne-Aldrich tariff bill, which law, instead of reducing the tariff on the necessaries of life, raised the duty on almost every commodity that the American people are compelled to use; and the President, believing that the people could be further deceived, stated in his Winona speech, shortly after Congress had adjourned and after he had approved the Payne-Aldrich tariff bill, that it was the best tariff law that had ever been enacted. But our people were not to be fooled. They saw the prices of foodstuffs and manufactured articles going up day by day, with no increase in the wages of the workingmen of the country, and they knew that the Republican Party had further protected the manufacturer but had failed to give relief to the long-suffering public. The country, being convinced that they could no longer hope for redress through the Republican Party, rose en masse in November, 1910, and turned out a large number of those Republicans who had failed to keep faith with the people and elected Democrats in their stead.

It is a source of congratulation, I say, that as fast as an opportunity has presented itself since the betrayal of the people by the Republican Party that in all parts of the country where elections have since occurred that the Republicans have been defeated and Democrats elected. Even in the rock-ribbed Republican State of Kansas, while the necessity for the special elections is a source of regret to us all, in the two special elections held in this State for the election of two Congressmen the Republicans were overwhelmingly defeated and Democrats elected. Mr. Chairman, when we consider the legislation enacted by the Democratic House in the short time we have been in control, is not the Nation to be congratulated upon having elected a Democratic House, which is watchful and mindful of the needs of our people, and who are undoing, as fast as they can, the injurious legislation enacted by the Republican Party during the past 30 years and attempting to place on the statute books reforms for which our people have so long been clamoring.

We may hope to see before this Congress adjourns legislation enacted preventing unlawful gambling in farm products, and a bureau of markets established which will give to the producer and the consumer exact and reliable information concerning the amount of production and the amount of consumption of the necessaries of life, the bureau to be under the direction and supervision of the Department of Commerce and Labor or the Department of Agriculture.

I believe, too, that we will enact at this session of Congress a bill which will be the beginning of Federal aid in the construction and maintenance of public highways throughout the country.

I believe also that we will pass a bill the effect of which will keep out of our fair land that undesirable class of immigrants which all American citizens, whether native or foreign born, agree should not be allowed to invade this country and press on us all sorts of grave and perplexing problems.

Mr. Chairman, when you hear the splendid work of this Democratic House being criticized, their efforts condemned and censured for not having acted with more dispatch, you may know that such individuals are not the real friends of good government, and that they are merely seeking to return to power in this House a Republican majority, with a hope that they will

in the future, as they have in the past, legislate in the interests of the privileged class and against the welfare of the masses of our people.

I do not know how long I shall remain in this the greatest lawmaking body in the world, but so long as I do I expect to work and vote for laws that will mete out equal, absolute, and complete justice to the whole people; and when my service is finished here I shall feel my reward in that conscientiousness of having been faithful at all times to the interests of my constituents and the great masses of the American people.

Mr. WEEKS. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GILLETT] such time as he desires.

[Mr. GILLETT addressed the committee. See Appendix.]

Mr. WEEKS. I yield such time as he may need to the gentleman from Illinois [Mr. MANN].

[Mr. MANN addressed the committee. See Appendix.]

Mr. WEEKS. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. AKIN of New York. I object.

[Mr. MURDOCK addressed the committee. See Appendix.]

[Mr. DICKINSON addressed the committee. See Appendix.]

Mr. MOON of Tennessee. I yield such time as he desires to the gentleman from Illinois [Mr. STONE].

[Mr. STONE addressed the committee. See Appendix.]

Mr. WEEKS. I yield to the gentleman from Kentucky [Mr. POWERS].

[Mr. POWERS addressed the committee. See Appendix.]

Mr. WEEKS. I yield to my colleague from Massachusetts [Mr. GREENE].

[Mr. GREENE of Massachusetts addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SLAYDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 18956. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 19212. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913.

The message also announced that Mr. CHAMBERLAIN was excused, on his own request, from further service as a conferee on the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads, and Mr. NEWLANDS was appointed in his place.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. WEEKS. I yield to the gentleman from Nebraska [Mr. KINKAID].

[Mr. KINKAID of Nebraska addressed the committee. See Appendix.]

The CHAIRMAN. Does the gentleman from Tennessee [Mr. MOON] desire to yield any more time? If no further time is desired, the Clerk will read the bill.

Mr. REILLY. Mr. Chairman, I desire recognition.

The CHAIRMAN. Gentlemen must get time from those controlling the time. The Chair can not recognize them.

Mr. MOON of Tennessee. I yield to the gentleman from Connecticut [Mr. REILLY].

Mr. REILLY. Mr. Chairman, the public mandate given us on our election to Congress was "to cut down the cost of living," and the tens of thousands of letters and petitions that have been coming to us, demanding an extended parcel post now seem to be conclusive evidence that we can not satisfy this mandate by any inadequate substitute. Our constituents know, if we do not, that the cost of our living and our opportunities for getting a living are chiefly a question of transport tariffs, and they are requesting us by these letters and petitions to cut down our transport tariffs by the extension of the service of the post office, our mutual transportation company. This is my interpretation of the letters and petitions that are coming to me, and believing, as I do, that the only practical way to settle our transport-tariff problem is by the extension of the post office over the whole business of public transportation, I have introduced a bill (H. R. 8083) providing for the establishment of a freight, passenger, and intelligence post, and in behalf of this bill, which might be substituted for the various public service valuation bills and small parcel-post bills now before Congress, I therefore present the following argument, prepared by James L. Cowles, secretary treasurer of the Postal Progress League, for your consideration:

A FREIGHT, PASSENGER, AND INTELLIGENCE POST THE PUBLIC NEED.

In his article "Ethics of corporate management," in the North American Review of January 18, 1907, President Hadley, of Yale University, said that the demands of the various railway commissions for increased power in order to enable them to cope with the difficulties of the railroad problem reminded him of the minister in the country church who said, "O Lord, we pray for power; O Lord, we pray for power," until an old deacon, unable to contain himself, interrupted, "Tain't power you lack, my young man, its idees."

Far back in 1837 Rowland Hill, of England, discovered to the world the "idee" that within the limits of a public transport service the cost of its use is regardless the distance traversed by any unit of traffic upon the moving machinery, and upon this "idee" Mr. Hill based the English penny-letter post of 1839.

To-day this "idee" is the recognized law not only of the modern postal service of the world, it is the law of our city trolley services and of the through freight services of our railways. * * *

THE POST OFFICE—OUR MUTUAL TRANSPORTATION COMPANY.

The post office is our mutual transportation company. Its management, the terms and conditions of its use are subject to our will. Its only physical limitation is the capacity of the machinery of transportation. It is the only public transportation agency that covers the whole country.

Its underlying principles are: Rates regardless of distance, regardless of the character or the volume of the matter transported; rates determined by the representatives of the ratepayers in Congress assembled, and on the cost of the service rendered. Within its limits all persons, places, and things are on a plane of the most perfect commercial equality. Up to its limits the humblest citizen on the most out-of-the way rural route is on a par with the richest corporation in our greatest metropolis.

In his speech in favor of a uniform 2-cent-letter rate, delivered in Congress February 21, 1839, Congressman Palfrey, of Massachusetts, spoke of the postal system of uniform rates as follows:

"The idea of charging higher postage on a letter on account of the greater distance it travels is an absurdity. The long routes are all made up of a series of short ones. Whether the letter or the 10,000 letters mailed at Boston shall stop at Worcester or go on to Galena will not make $1 difference in the contract." Says Rowland Hill: "It is not a matter of inference, but a matter of fact, that the expense of the post office is practically the same whether a letter is going from London to a village 11 miles distant or to Edinburgh, 397 miles. The difference is not expressible in the smallest coin we have. The average cost of the transportation of each letter, taking all the mails in the Kingdom, is estimated at one-ninth of a farthing." At this rate the average cost of the transportation of a half-ounce American letter is about one-half a mill, a rate which it is idle to think of graduating by distance.

At 10 cents a mile for transportation of a mail bag it may cost the department a dollar to carry a single letter 10 miles, while 10,000 letters of another bag are carried at the same rate 100 miles, each costing for ten times the distance only one-thousandth part as much.

In 1862 Postmaster General Montgomery Blair suggested the application of this principle to a world postal service. In 1863, under the leadership of Abraham Lincoln, it was made the basis of the modern United States post office. In 1874 it became the basic principle of the new-born World Postal Union, under which books are now posted anywhere throughout the world at a common rate of 1 cent each 2 ounces, 8 cents a pound, and in this same year the United States Congress established a general merchandise post, limited to 4-pound parcels, at the common world book rate for all distances within our territory. The Congress of 1885 gave to magazines and newspapers—registered second-class matter—a uniform cent-a-pound rate, and thus provided the American people with the greatest public school on earth.

American express companies apply this principle of uniform rates in their transportation of books, seeds, bulbs, etc., for planting—third-class mail matter—throughout their respective jurisdictions—New York to California—in parcels 10 pounds and over, at a rate just under that of the post office, with insurance up to $10. On magazines and newspapers—registered second-class mail matter—their uniform rates are: Parcels, up to 10 pounds, 10 cents; larger parcels, 1 cent a pound, collect and deliver within distances covered by their merchandise rate of $4.50 a hundred pounds or within zones of 1,500 miles, east or west of the Ohio-Pennsylvania State line.

This principle of uniform rates is applied in the trolley service of every American city, and to it more than to anything else they owe their wonderful growth and prosperity. In 1888 Judge Cooley, of the Interstate Commerce Commission, said of the then existing uniform railway milk rates to New York, distances up to 220 miles: "It has served the people well. It tends to promote consumption and to stimulate production. It is not apparent how any other system could be devised that would present results equally useful or more just."

RAILROADS DEFEND UNIFORM MILK RATES.

In 1895 this uniform milk rate, which then covered distances up to 330 miles, was attacked by the Orange County milkmen on the issue that it deprived them of their natural monopoly of the New York milk market. The Hon. Joseph H. Choate, of New York, represented the milkmen. Messrs. Rogers, Locke & Milburn represented the railroads. At that time the uniform rates from points west of the Hudson to the railroad terminals opposite New York City were as follows:

On cream in 40-quart cans, 100-pound packets, 50 cents per packet, one-half cent a pound; in crates of 12-quart bottles, 70-pound packets, 15 cents per packet, a trifle less than one-fourth cent a pound; on milk, 32 cents per packet, less than one-third cent a pound in cans; 9.6 cents per packet, one-seventh cent a pound in crated bottles. The empty packets weighed, cans, about 20 pounds; crated bottles, 30 to 35 pounds. The weight of the filled-bottle packets was partly due to the ice in which they were packed, and the above rates paid not only for two handlings of these filled packages and their transportation to the Hudson, opposite New York, they also covered the icing of the milk in summer, the heating of the cars in winter, and the return of the empty packets to their stations of origin.

UNIFORM RATES TOO HIGH.

With all this service the business was exceedingly remunerative to all engaged in the traffic, their rates, according to Mr. Choate, being from two to three times the cost of the service rendered. In the case of the Delaware, Lackawanna & Western Railroad the business was so profitable that the railroad managers actually paid their milk contractor, Westcott, $50,000 a year as his share of the plunder. In the case of the Delaware, Lackawanna & Western Railroad, which then transported about one-fourth of the milk brought by rail to New York, the president of the road determined the rates, and accepted as the share of his associate stockholders 80 per cent of the receipts, giving 20 per cent to Westcott. In other words, the actual milk pay received by the Delaware, Lackawanna & Western Railroad was 25.6 cents per 40-quart milk can, weighing filled 100 pounds, empty 20 pounds, and about the dimensions of a half barrel; and on bottled crates, weighing filled 75 pounds, empty 30 to 35 pounds, and of dimensions 12 by 12 by 24 inches (1½ bushels), 7.68 cents; 83 per cent of the entire business originated beyond Binghamton, N. Y., 206 miles from Hoboken, and on this part of the business every car and crate was hauled a round trip of at least 412 miles, each single trip involving a haul of heavy grades over the Catskill Mountains on special trains made up of refrigerator cars costing about $2,500 each, iced in summer and heated in winter. The Lackawanna milk trains averaged 8 cars, and ran on a schedule time of 40 to 45 miles an hour. The average load of the cars was 160 cans, weighing filled on their way to New York 8 tons and on the return trip 1⅝ tons. In this business, according to Mr. Choate, the milk cars of the Erie Railroad earned twenty-six times as much as the average freight car and nearly 80 per cent more than their average passenger car.

This old New York milk traffic compares well with the mail service rendered the Government by the railroads and exceedingly well with their traffic in second-class mail sacks. The transport of the mail sacks is, indeed, less costly to the roads and less injurious to their cars than that of either milk cans or milk crates. Rates that proved so wonderfully profitable to the railroads in the milk traffic can be made equally profitable in mail service. Congress has but to provide for the Government ownership of its mail cars (its wooden mail bags), paying the railways a certain definite rate per mile for their transportation, full or empty, and with a low uniform rate on merchandise postal cars will always run well filled at little, if any more, cost to the Government than it is now paying for cars occupied to hardly a fifth of their capacity, and postal deficits will disappear.

RAILROADS DEMAND UNIFORM CONTINENTAL RATES.

In December, 1895, Commissioner George R. Blanchard, of the Joint Traffic Association, testifying in behalf of the uniform rate on milk to New York before the Interstate Commerce Commission, declared that there was no reason why it should not be extended to a thousand miles, and Messrs. Rogers, Locke & Milburn, counsel of the Delaware, Lackawanna & Western Railroad, said:

"The distance within which the rate on milk should be uniform need only be limited by the time required to make it with the train and meet the wants of the New York market with milk not affected by its transportation.

"The cost of train operation is not appreciably more whether there be 200 cans in a car or 160 cans in a car or 10 cans in a car. The same crew, the same messengers and organization, and the same terminal service have to be maintained whether the car be carried from Binghamton or not or from Sussex County or not, and the cost of the delivery of the can at the Hoboken terminal is in no real sense dependent upon the length of its haul."

In his great work, The Economic Theory of Railway Location, Arthur M. Wellington says: "As a matter of purely public policy—that is to say, if the interests of the railways were identical with the interests of the community as a whole—railway rates should be the same for all distances."

Note also this testimony as to the uniform rates of the railways in their through traffic, set forth before the railway-rate committee of the United States Senate of 1905 at Washington:

IOWA'S PROSPERITY DUE TO APPLICATION OF THE POSTAL PRINCIPLE IN THROUGH RAILWAY TRAFFIC.

Hon. L. S. Coffin, late railroad commissioner of Iowa: "Some 40 years ago the agricultural papers announced the fact that a shipment of butter from Davenport, Iowa, and a shipment of butter from central New York and a similar shipment from St. Albans, Vt., were brought to Boston in the same car and the freight rate on the butter from St. Albans and from central New York was the same as that from Davenport." And Mr. Coffin went on to say that the position of Iowa as the foremost of the States in agriculture was due to the fact that this system of uniform rates on dairy products had put her on a level as to the cost of transportation with localities 500 or 1,000 miles nearer the great marts of trade. To this custom was due the fact that his farm, which is a thousand miles farther from the great markets of New York and Boston, was worth as much for dairy purposes as farms in New York or Vermont. It was this application of the postal principle to railway traffic that had brought to him his prosperity and had enabled him to so educate his children that they could be as intelligent as the children of farmers living near those great markets. "We want this same thing to go on; we want the farmers a thousand miles away from a great market to be as prosperous and his children to have the same and as good facilities for intelligence as the children of farmers only a hundred miles away," and, finally, he concluded: "There should be no wholesale rates as against retail rates; no more so than in buying postage stamps.

GROUPED RATES IN THROUGH TRAFFIC DEVELOP AGRICULTURE IN THE WEST, MANUFACTURES IN THE EAST.

Prof. Hugo R. Meyer, late of Chicago University: "The one thing which has done more than all others for the development of this country is the common custom of the railways to group large districts of territory with a uniform rate, regardless of distance. Except for this system of grouped rates we never should have seen the years when we built 10,000 and 12,000 miles of railway, for there would have been no farmers west of the Mississippi River who could have used the land opened up by those railways. Except for these grouped rates we could not have in New England a great boot and shoe industry or a great cotton-milling industry; we could not have spread throughout New York and Pennsylvania and Ohio manufacturing industries of the most diversified kinds, because those industries would have had no market among the farmers west of the Mississippi River."

THE EXISTENCE OF NEW ENGLAND INDUSTRIES DEPENDENT ON THROUGH UNIFORM RATES.

President Tuttle, of the Boston & Maine Railroad: "The boot and shoe industry of New England flourishes," says Mr. Tuttle, "because of the common rate—1½ cents per pair on shoes carried 20 to 1,400 miles. The barbed-wire industry of Worcester, Mass., continues to employ 5,000 hands because of the common rate which Worcester enjoys with Pittsburgh to all the West. The textile industries of Massachusetts flourish because of their grouped rates over a great part of the United States."

THROUGH UNIFORM RATES CREATE NEW ENGLAND INDUSTRY.

But this system of low uniform rates not only keeps industries flourishing; it creates industries. "In the northern part of Maine," says Mr. Tuttle, "there are hundreds of thousands of acres of spruce lands. Up to within 10 years ago in certain parts of Maine there were no inhabitants. At a certain place there was primeval forest, not containing even a hundred cabins. A railroad was put into that territory—the Bangor & Aroostook. Certain capitalists discussed the establishment of a pulp and paper mill in that region. They selected a place where they could bond a large quantity of timber land with a good water power and where the other conditions for manufacturing were satisfactory and called it Millinocket.

"NEAR-BY MARKETS TOO SMALL FOR MODERN INDUSTRIES.

"In order to establish a profitable industry up there it was necessary to manufacture upon a scale sufficiently large to make the product cheap, and this meant a production very much in excess of what could be used in the nearer markets. So they came to the railroad and said: 'We want to know what rate you will charge to carry our products to Boston, New York, and Chicago, and all about us, and then we can determine whether we can build that mill.' Then the railroad had to bear in mind that Chicago was receiving paper from other mills within 500 miles from Chicago, and if the Maine mill was to compete with these mills it must have the same rate for its 1,400 to 1,500 mile haul as they had for the 500-mile haul. The railroad therefore equalized its rates, so that the company could put their products into the markets of the United States. As a result, we have this place, Millinocket, with its schools, churches, streets, electric lights, and its population of 3,000 or 4,000, who live as comfortably as they do anywhere in the world, a place where 10 years ago it was primeval forest. To illustrate further in regard to this product, paper, we have other mills in different parts of New England producing paper which is sent to the same markets. We have to equalize the cost of transport, regardless of distance between all these mills, so that the product shall be sold in the market at the same price."

WHY NOT HAVE UNIFORM RATES IN ALL PUBLIC TRANSPORTATION?

Manifestly a system of transport rates so useful in through traffic could hardly fail to be of equal benefit in local business. Strange as it may appear, however, though our railways ignore distance over continental areas, they carefully mark up the miles in local traffic, and investigation will prove that in many cases the very lowest less-than-carload rate for the very shortest distance is higher than the through rate for very long distances. In the course of the legislative hearings at Boston in 1900, relative to the issue "The State management of the Boston & Albany Railroad v. The New York Central management of this great State highway," President Tuttle, of the Boston & Maine Railroad, gave these as the figures charged for the transportation of flour in carloads from Ogdensburg, 429 miles via the Rutland Railroad and his own road, to Boston:

	Cents.
For transportation, 429 miles	7.2
Terminal charges at Boston for handling and delivering the barrel, guaranteeing its safety, collecting charges, and paying back to the lines from the West their share of the transportation tax	3.0
Total	10.2

The less-than-carload rate on a single barrel of flour over the New York, New Haven & Hartford Railroad, Hartford to Wethersfield, 4 miles, is 25 cents; in quantities of several barrels, 12 cents. Taking the average haul of general produce at 429 miles, it would seem clear that a common 12-cent rate for the railway transport of 200-pound parcels of all kinds of commodities would provide all the revenues needed from all railway freight traffic. The average tax levied by the railways of the United States for the transport of all kinds of freight in 1907 was about $1.06 a ton, or a trifle over 5 cents a hundred. The average passenger tax was about 65 cents per trip, this for trains filled to hardly a sixth of their capacity.

Mr. Childs, general manager of the Erie Railroad, testifying before the Interstate Commerce Commission in the milk case of 1895, already referred to, said that as railway business increases the cost of the service decreases in the ratio of 25 per cent for every 100 per cent increase of traffic. In other words, "if the business be doubled the cost is diminished 25 per cent per unit of persons or produce transported. There is no extra cost in extra speed, because any possible extra expense involved in making fast time is offset by the increased service thus secured from the engine."

"It is a principle of transportation," declared the general freight agent of the Erie, H. B. Chamberlain, "that the constant movement of cars is what makes profit for a road. It's the constantly moving wheel which makes the profit. In the traffic of the roads running into New York these milk cars, which are constantly on the move, although not heavily loaded, carry over four times as much traffic in the course of a year as the ordinary box car."

With public transportation under the complete control of a council composed, say, of the officers of the Post Office Department, of the governors of the different States, and of Army and Navy engineers, we believe that the public transport business of this country might be supported by a system of uniform, cost-of-the-service, station-to-station rates as follows:

All tolls to be prepaid and the rate basis to be determined by the weight and bulk of the produce handled. Differences in value to be met by insurance.

	Cents.
Per haul per barrel, 200 pounds, 4 cubic feet bulk	10
Per haul per ton, 2,000 pounds, 40 cubic feet bulk	50

DOOR-TO-DOOR EXPRESS SERVICE.

(Within limits of mechanical transports, otherwise post office to post office.)

	Cents.
Pound parcels, $\frac{1}{24}$ cubic foot in dimensions	1
Larger parcels, up to 5 pounds, ¼ cubic foot in dimensions	2
Larger parcels, up to 11 pounds, ½ cubic foot in dimensions	5
Larger parcels, up to 30 pounds, 1 cubic foot in dimensions	10

	Cents.
Larger parcels, up to 60 pounds, 1½ cubic feet in dimensions	15
Larger parcels, up to 100 pounds, 2 cubic feet in dimensions	20
Larger parcels, up to 200 pounds, 4 cubic feet in dimensions	25
For each additional 30 pounds or each additional cubic foot bulk	5

PASSENGER FARES, STATION TO STATION, PER TRIP.

Ordinary cars, local trains	$0.05
Ordinary cars, express trains	.25
Parlor cars, express trains	.50
Ordinary cars, limited trains	1.00
Parlor cars, limited trains	2.00

DOOR TO DOOR.

Within the limits of the Government trolley and automobile services, which are to connect the railway stations with the homes of the people, an additional charge of 10 cents—5 cents to the station of departure, 5 cents from the station of destination—will carry the passenger, door to door, anywhere within the perfected system of transportation. Passengers will be insured against injury or loss of life and also against delay.

EVILS OF PRESENT TRANSPORT DISCRIMINATIONS—BIG DEALERS GIVEN LOW UNIFORM RATES OVER CONTINENTAL AREAS—SMALL DEALERS IMPRISONED IN NARROW SLAVE PENS.

Under present conditions the value-of-the-service system of rates, rates according to distance and the value of the service rendered, is quite strictly applied in general passenger traffic and in local freight traffic. In through freight traffic, on the other hand, large dealers and large producers are generally given uniform rates over large areas of territory regardless at once of distance and of the character of their commodities. As to travel, they are usually provided with cheap mileage books, if not with free travel. Almost all west-bound commodities destined to Pacific-coast terminals have a common blanket rate, regardless of distance and regardless of the character of the commodity from all points east of the Missouri River, and on their east-bound traffic from the Pacific-coast terminals to points east of the Missouri River they also enjoy a common blanket rate on their through carloads over zones of many hundreds of miles.

ORDINARY CITIZENS TAXED "ALL THE SUBJECT WILL BEAR."

The ordinary citizen, on the other hand, receives very different treatment. Unable to invest in a thousand-mile mileage book, my tax New York to and from Washington is $11.30. My wealthier friend, occupying the seat beside me and the owner of a mileage book, pays for the same service $9.04, and Congress, whose business it is to secure equality of privileges and rights to all the people, forces the ordinary citizens of the United States to submit to this discriminating taxation. The day laborer is infinitely worse off than I. Even under the best conditions—with fares at but 2 cents a mile—he is taxed 20 cents—10 per cent of his $2 a day earnings—for a round trip to and from a short job, but 5 miles from his home. If his job be 25 miles distant, his round trip costs him $1, or 50 per cent of his earnings. This for a service which, under Government ownership of the railways, could be profitably done at a charge of not over 10 cents a round trip. The Government railways of Belgium furnished even lower rates than this to Belgian workmen as long ago as 1883, and the business was exceedingly profitable.

INDIVIDUAL ENTERPRISE CRUSHED—SMALL DEALERS AND SMALL PRODUCERS DRIVEN OUT OF EXISTENCE—THE BIG TOWN ENRICHED, THE SMALL TOWN IMPOVERISHED.

The small dealer and the small producer suffer the same discriminating taxation as the workman. The rates on their local traffic and their less-than-carload business are sometimes 50 per cent higher than those of their great competitors engaged in carload traffic covering continental areas. The great dealer of the interior unquestionably sends his produce to Europe on occasion at a less tax than that levied on similar produce of the small dealer sent to our seaboard for home consumption. The large towns at railway terminals get far lower rates than are accorded to the smaller towns between the terminals.

THE PRIVATE EXPRESS COMPANY KILLS THE SMALL TOWN.

The private express custom of taxing an additional rate for each line over which a parcel passes makes the establishment of a business requiring express service in small towns an impossibility. Such business must be located, if it would be successful, at great centers where several express lines diverge and where supplies and produce are usually subject to but one expressage.

Boise, Idaho, is controlled by the Pacific Express Co. Buffalo and Cleveland, on the Pacific Express line, enjoy several other express services. The smaller towns near by, subject to a second express charge, pay nearly twice as much as Buffalo and Cleveland on their Pacific Express business; to Boise, Idaho, on 8-pound parcels from Buffalo, N. Y., 2,437 miles, $1.20; Batavia, N. Y., 2,473 miles, $2.20; Cleveland, Ohio, 2,295 miles, $1.20; Euclid, Ohio, 2,306 miles, $2.20. With similar discriminations on all their express business, the fate of these smaller towns is evident.

THE PRIVATE EXPRESS COMPANY KILLS THE SMALL MANUFACTURER, FARMER, AND DEALER.

Rates from New York: Where the express rate on a 100-pound parcel is 40 cents, two 50-pound parcels pay 80 cents; four 25-pound parcels pay $1.40; ten 10-pound parcels pay $3. Where a 100-pound parcel pays $1, two 50-pound parcels pay $1.60; four 25-pound parcels pay $2.20; ten 10-pound parcels pay $4.50.

The smaller the business, the higher the tax; the small business goes to the wall. The late 300 per cent dividend of the Wells-Fargo Express Co. is striking evidence of the express exploitation of the general public.

TAXATION WITHOUT REPRESENTATION.

"Our present system of making railway rates," said Interstate Commerce Commissioner Prouty, January 12, 1903, "is taxation without representation in its most dangerous form." This taxation now amounts to over $2,500,000,000 a year, to over $150 a year for the average American family. In the determination of these taxes the taxpayers have no share. These taxes continue to be levied upon the principle "what the subject will bear." They always discriminate in favor of the big dealer and the big producer as against the small dealer and the small producer and against the little town and in favor of the big town. The result is the rapid concentration of our population in great cities within which laborers are huddled in narrow slave pens, while those who are enriched by this taxation live in palaces in other sections of the same city.

And the railway legislation proposed for the consideration of the Sixty-second Congress offers us a future almost worse than the past. The railway speculators left in control of our public highways are to be deprived of inducements for the improvement and extension of their transport agencies, while transport taxation is to be left in a chaos that can not fail to result in widespread disaster.

PREDICTION OF CARROLL D. WRIGHT, 1894.

The Hon. Carroll D. Wright foretold the present condition of things in his notable address on the Chicago strike of June, 1894:

"The Chicago strike is epochal in its influence," he said, "because it emphasizes the claim that there must be some legislation which shall place railroad employees on a par with railroad employers in conducting the business of transportation, so far as the terms and conditions of employment are concerned; because the events of that strike logically demand that another declaration of law and of the principles of the Federal Government shall be made; a declaration that all wages paid as well as charges for any service rendered in the transportation of property, passengers, etc., shall be reasonable and just. It has emphasized the power of the Federal Government to protect its great interests in the transportation of the mails."

Personally, he added, he was opposed to the Government management of the railroads, but if it came it would come because of a great necessity, and good citizens should have no fear. When it came, moreover, it would be not at the demand of the labor involved in carrying on the work of transportation, but "at the demand and in the interest of the railroads and of the shippers," and the movement would be most seductive.

The demand would be that the Government should take charge of the roads—not purchase them—should take charge of the roads, and out of the proceeds of the transportation business guarantee to the existing stockholders a small but reasonable dividend. And this seductive movement would command the support of the conservative men of the country, of the stockholders themselves.

RAILWAYS—POST ROADS.

This dictum thrown out by ex-President Roosevelt in his speeches at Indianapolis, Ind., and at Lansing, Mich., in the spring of 1907 suggests the seductive movement predicted by Mr. Wright, and the times now seem ripe for its consideration.

A TRANSPORT PROGRAM.

* * * * * * *

President Roosevelt's reference to the railways as post roads suggests the following transport program:

1. Government control and guaranty of fair return on investments.

The National Government, under its constitutional power over post roads, to take control of the entire business of public transportation and to guarantee to the holders of transport securities a return on their investments equal to the average annual return of the past 10 years, a similar return on their cost to be guaranteed on roads recently built. (This will insure absolute safety to the investments of savings banks and similar associations. It will insure more than a square deal to railway speculators.)

2. Maintenance, extension, and operations of post roads.

The maintenance, extension, and operation of the consolidated system to be under the control and management of an extended postal department, including the Engineering Corps of the Army and Navy; all postal employees to be enlisted as men are now enlisted in the Army and Navy. The Government engineers intrusted with the building and maintenance of the Panama Canal may be safely intrusted with the care of all our public highways. To prevent waste, the post-road policy of the National Government should be the same as the highway policy of the different States, viz: Any community, town, county, or State asking for an extension of post roads should pay some share of the cost. Local roads may, perhaps, be left to local control, as local roads are now left to the care of the smaller communities within the different States. But the whole business must be under the general jurisdiction of the National Government.

3. Funds.

As to funds, United States 2 per cent 30-year bonds are worth 101. The new postal savings banks will offer the Government an opportunity to secure funds for the improvement and extension of its post roads at 2 per cent. A large part of the funds needed for this purpose may be secured, indeed, without the payment of any interest by the issue of postal notes—orders for postal services—with blank payable-to-order spaces, to continue in circulation as currency until made payable to particular individuals, and may be redeemed at the various post and railway offices of the country with new currency.

4. Tolls, freight rates.

Make the very lowest less-than-carload rate on merchandise the uniform rate for the station-to-station service, adding thereto the lowest possible rate for collection and delivery, to the end that we may have a universal door-to-door rate within the entire public service.

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The possibilities as to low transport rates under a well-coordinated system of transportation are altogether beyond imagination. It is estimated that a saving of $50,000,000 a year could be made in the transport service of the city of New York alone if the entire business were in the hands of one well-equipped organization, run in the public interest. Vice President Buckland, of the New York, New Haven & Hartford Railroad, is quoted as saying that $15,000,000 a year could be saved to the people within his railroad province under a door-to-door freight-transport service undertaken by the railroad in connection with the trolley lines. The time is near at hand when heat and light and power, derived from coal, transformed into electricity at the mine, and conveyed by cable to the place of use will free the railroad from the transport of coal, and the cars now employed for this purpose will be free for the transport of general merchandise.

5. Hours and wages of labor.

Not over 8 hours per day, not over 48 hours a week, the hours and the wages of labor to be determined by the Representatives of the people in open Congress. (Experience has abundantly proved that long hours of service in this nerve-destroying employment are at once dangerous to the public and deathly to the workman. Insured through his Representatives in Congress a share in determining the hours of his work and his remuneration, the worker upon the post roads will have no occasion to strike.)

6. The extended Post Office Department.

The new department of post offices and post roads to manage the entire service of transportation and transmission may be composed of 1 member of the National Cabinet and 10 or more associates, each of whom shall be at the head of a postal division corresponding to one of the groups into which the railway system of the country has been divided by the Interstate Commerce Commission, and shall be responsible for the postal business within his territory. This department may

be assisted by an advisory council made up of the governors of the different States.

The pending substitution of electricity for steam, resulting, as it surely will, in a very large reduction of transportation expenses, makes the present hour a most appropriate time for the consideration of this program. Uncle Sam, the representative of all of us, may be safely intrusted with the interests of each of us.

"Upon the postal service more than upon anything else does the general economic as well as the social and political development of the country depend." (Postal Commission, 59th Cong., Jan. 28, 1907.)

And what is true of the United States of America is equally true of the world.

SCIENTIFIC POSTAL MANAGEMENT.

"Scientific management," says Louis Brandeis, "would reduce the expenses of our great post roads a million dollars a day." The mere substitution of a system of prepaid cost of the service rates (less-than-carload rates, station to station, 10 cents on a 200-pound parcel, 4 cubic feet space; carload rates, 50 cents a ton, 40 cubic feet space) for the tens of millions of the "what the traffic will bear" collect rates of to-day would reduce railway expenses by many thousands of dollars a day.

Railways are post roads; railway trains are post wagons; railway rates are post-road taxes; they must be determined by the Representatives of the ratepayers in Congress assembled and on the postal principle.

Under a scientifically managed post office, covering the general business of public transportation, post-road trains would run from starting point to destination over lines of the lowest grades, least obstructive curves, and shortest distance. Mechanical power—taking the place of man power in the loading and unloading of parcels—L. C. L.—freight—would cut down the cost of that branch of public transportation, says the efficiency engineer, S. B. Fowler, from 75 cents to 19 cents a ton, and on the basis of the over 600,000,000 tons of that character of freight handled by our railway post roads in 1909 would save over $300,000,000 a year. The mechanical handling of carload freight by the Government, cutting the two days of the present private service down to one day, would double the capacity of our transport equipment.

The railway expert, Harrington Emerson, estimates a possible reduction in the railway fuel bill of $60,000,000 a year and of half the time spent by locomotives in repair shops. The general substitution of electricity for steam will greatly reduce transport costs. The transformation of coal into electricity at the mines and its transmission by cable will leave our coal cars—about one-third of our whole freight-car equipment—open for other uses.

The Railway Age of February 10, 1911, states the present service of the average American freight car as follows:

	New England.	General average.
Average daily trip.....miles..	16.8	24.8
Earnings.....per day..	$2.53	$2.79

The average American freight car handles less than 3 tons of freight per day; its service hardly equals that of the old post coach.

In 1911 the Interstate Commerce Commission reported the average passenger load of the—

Pennsylvania Railroad, at 16 per car, 62 per train.
New York Central, 16 per car, 67 per train.
Illinois Central, 14 per car, 53 per train.
Atlantic Coast Line, 13 per car, 42 per train.
Seaboard Air Line, 12 per car, 39 per train.

These cars might have carried three times as many passengers at no increased cost, and the locomotives might have handled cars enough in a train to have transported five times their trainload with the additional cost of but a few tons of coal per trip.

With low, uniform rates, ordinary cars, limited trains, $1 per trip; express trains, 25 cents per trip; local trains, 5 cents per trip. These trains would be used to somewhere near their full capacity, at once paying their way and opening the country to the use of all our people.

The object of the railway is to eliminate distance, to cut down the cost of transportation, to widen the opportunities for getting a living.

There should be no more money made out of a railway than out of a sidewalk; its only end should be the public convenience, the public security, the public prosperity. The machinery of public transportation and public transmission must be owned by the public and operated by the public authority in the public interest.

We must have a world postal service, by land, sea, and air, binding the whole world together in one common brotherhood.

Our bill (H. R. 8083) entitled "A bill for the extension of the post office over the entire business of public transportation," presents our simple method for bringing our scattered post roads under the post office. Congress, acting under the post-road clause of the Constitution, is to take possession of our existing post roads; to guarantee to the holders of transport securities a return on their investments equal to the average annual return of the past 10 years; to secure to railway workmen fair wages for reasonable hours of service under reasonable conditions; to give the public low, uniform rates determined upon the postal principle—the lowest local rate for each class of service to be adopted as the uniform standard rate for all distances, and with the business placed in the hands of an efficient postal department the work will be done.

Thenceforth every person and every place will be placed on a par with every other as to the cost of transportation. There will be no more transport strikes, for transport employees will be protected in their rights by their representatives in Congress. The holders of public transport securities will be assured of the safety of their investments, as are the depositors in our new postal savings banks.

In the building of new roads the lands through which the new lines are to pass and to which they will give increased value will be assessed for a part of the cost. The different States in which new roads are built will share the expense. The balance will be provided by the General Government, either by the issue of bonds of small denominations open to the subscriptions of the ordinary citizen or by issues of postal orders redeemable in transport services as well as in gold.

Under present conditions the keenest intellects of the country are often engaged in the exploitation of the rest of us. Under the new régime it will be for the interest of all of us to unite in securing for each of us the best possible system of post roads and their most efficient management. And the benefits of the new system will not be confined to our own country or even to North America, they will extend over the whole earth.

In the International Postal Union, projected by the United States Postmaster General, Montgomery Blair, and inaugurated by the great German postmaster general, Dr. Stephan, in 1874, we have a United States of the world, with all mankind joined together by an international postal service soon to include a system of international postal cables and international postal transports and to continue increasing in extent and in efficiency until the time shall quickly come when the weakest hand, the most timid voice, shall reach to the ends of the earth and command its richest treasures.

The CHAIRMAN. The Chair desires to state to the gentleman from Massachusetts [Mr. WEEKS] that the gentleman from New York [Mr. AKIN] objected to his request to extend remarks in the RECORD.

Mr. AKIN of New York. I desire to reserve the right to object.

The CHAIRMAN. The gentleman reserves the right to object.

Mr. AKIN of New York. I should like to ask the gentleman what he intends to say in his remarks?

Mr. WEEKS. Mr. Chairman, I happen to be senior minority member of the committee which has charge of this legislation. I should not, of course, attempt to discuss anything that did not relate to this subject if I was going to speak at all. However, I withdraw the request.

Mr. AKIN of New York. I withdraw the objection.

The CHAIRMAN. The gentleman from New York withdraws his objection. There being no objection, the gentleman from Massachusetts has unanimous consent to extend his remarks.

Mr. WEEKS. I withdraw my request.

Mr. MURDOCK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURDOCK. What happens when a gentleman withdraws his request for unanimous consent to extend his remarks in the RECORD and the other gentleman withdraws his reservation of the right to object?

The CHAIRMAN. It is optional with the gentleman whether he will extend his remarks or not.

Mr. WEEKS. Mr. Chairman, I yield to the gentleman from Michigan [Mr. SAMUEL W. SMITH].

Mr. SAMUEL W. SMITH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an article by Stuart Perry, of Michigan, on the subject of postage. He has given the subject a good deal of attention, and it contains much valuable information.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WEEKS. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Chairman, upon this bill now pending before the House it has just occurred to me that a bill I have introduced, having for its object the classification of the presidential postmasters and taking them out of political control, and, in fact, placing the entire Post Office Department beyond the control of partisan politics, would be very opportune and proper at this time. I do not care to make any extended remarks on the subject or to take up the time of the House at this late hour, but it has occurred to me that I might get consent of the House to extend remarks in the RECORD on the subject of my bill by printing a magazine article that appeared in the Editorial Review for the month of March. I therefore ask unanimous consent to extend my remarks in the RECORD by printing that article.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD.

Mr. MICHAEL E. DRISCOLL. Reserving the right to object, I would like to ask the gentleman who the article is by.

Mr. NORRIS. It is an article of my own. My principal object in trying to get it into the RECORD is to give the gentleman from New York and others an opportunity to read it. It will be good reading for him and for everybody else, and will, I trust, give him some useful and valuable information.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The article referred to is as follows:

WHY NOT TAKE THE POST OFFICE DEPARTMENT OUT OF POLITICS?

(By GEORGE W. NORRIS, of Nebraska.)

"The Post Office Department can be likened to a great corporation. In the proper performance of all the duties pertaining to this great department it reaches into every nook and corner of the country. It comes nearer and closer to the people than any other department of government. Its officials and employees come in contact with every business, with every society, with every organization, with every home. Its financial transactions run into the hundreds of millions of dollars.

Business, commerce, religion, education—all depend upon it to carry out their various functions. It is like the arteries of the human system. It reaches everywhere and assists every citizen, be he great or small, in carrying out his duties and fulfilling his obligations. We are all daily dependent upon it for the success of our business enterprises, for the education of our children, and for the happiness and comfort of all our people. If we should suspend the operation of the Post Office Department for one day, we should all be completely lost in a maze of bewilderment. It does not cease its work and its operation when nightfall empties the counting house, closes up business offices, empties our schools, and drives the busy life from off our crowded streets; but while we are all slumbering in peace, recruiting and renewing our strength for a new day, its employees and faithful servants are toiling during the weary hours in the performance of their various duties, separating on busy pounding railway trains or in countless city post offices the millions of missives, messages, and documents that shall in the coming morn be promptly placed in the waiting hands of millions of citizens.

"In all this great department, from the faithful rural carrier who delivers mail to the farmer upon the far western plains to the Postmaster General who sits in his luxurious office in our Nation's Capital, there is not a single, solitary duty to be performed by any of its countless employees and officials that is either directly or indirectly of a partisan political nature. In addition to the vast number of employees in this department there are thousands of others, working in mills and factories, preparing equipment and equipage that shall be used by these post-office employees in the performance of their official duty. Altogether they constitute a great army, working with ceaseless vigor for the success and happiness of all the people, regardless of creed, religion, or politics. There is nothing like it in all the civilized world. It has been found necessary, in order to make this great department effective and workable, to remove the major portion of the employees from partisan political control. In this great army the privates—the men who do the work—are already under the civil service. The major generals, the colonels, the captains, the lieutenants, the bosses are still subject to removal on account of political affiliation, and are appointed not because of their efficiency or experience in the affairs of the Post Office Department, but because of their influence in politics and their ability to control and manipulate political affairs. What should we think, for instance, of the great Pennsylvania Railroad Co. if, when there was a vacancy in the presidency of that great corporation, the stockholders should select a president who had had no experience in railroad affairs, excepting to occasionally ride in a palace car, and put in control of that great institution a man who was selected entirely on account of his ability to control the votes of his fellow citizens. How long would this company remain out of the hands of a receiver if, in addition to that, the stockholders should announce that hereafter there would be no opportunity or chance for the employees of the company to be promoted on account of efficiency, but that conductors, roadmasters, freight agents, and general managers would be selected not by promotion of men already in the employ of the company, but from men outside of the service, on account of the political influence such persons might possess in the community where they resided?

"There are nearly 8,000 presidential postmasters in the United States. Almost without exception these men have been selected not because of any knowledge they possessed of the duties pertaining to the office or their understanding of the various workings of the Post Office Department, but because of their political influence in their respective communities. I know of an enterprising, beautiful city in the State of Ohio where the assistant postmaster has been in the post-office service for nearly 20 years. He understands every detail of the work. There is not a single, solitary duty connected with the post office in that city that he could not take up and perform with practical perfection. He gets a salary of $1,100 a year. There is no way for him to be promoted, unless he has a political pull. He himself is under the civil service and can not be removed except for cause, but he has reached the limit and under the law can not be advanced or promoted. He possesses knowledge gained from his experience and has the ability properly to take control in a much wider and broader field. He knows all about the post office and the Post Office Department, but he knows nothing about politics, has never had any experience as a politician, and has no liking or ability to control a political machine nor handle men in a political way. In that city there was recently appointed a postmaster who had never had any experience in post-office affairs. I presume he had never looked outward from behind a post-office counter. He was a man of high social standing and respectability. He knew nothing about post-office affairs, but he knew all about political affairs. He was the most prominent politician in the town. He controlled more votes than any other man there. He went into this post office at a salary of $2,400 per annum, the largest-salaried official in that city. The assistant postmaster gives him the necessary instructions as to the performance of his duties. One does the work, the other draws the salary. He will in time become efficient without doubt, but by the time he does become efficient political conditions may have changed. There is even now a bitter fight between two factions in his political party for supremacy and control. If his faction loses he will go out of office, and the faithful assistant postmaster will have a new man to instruct and to break in.

"We have in the city of Washington four Assistant Postmasters General. The Fourth Assistant Postmaster General has control over more than 40,000 rural routes scattered all over the country. He also has the custody of all the supplies for the entire Post Office Department, and has control of the disbursement of the same. His jurisdiction reaches every section of the country. The proper performance of his official duties requires a vast knowledge of the intricacies of the system and the duties of his office can not be fully, properly, and economically performed without long study and experience in the great department which he controls.

"The Second Assistant Postmaster General has control of the Railway Mail Service. He has charge of the transportation of mail by railroads. It is his duty to arrange all the details connected with the transportation of foreign mails. He looks into the way that star-route contractors perform their service. He has charge of matters pertaining to the furnishing of mail bags and other paraphernalia connected with the administration of the Post Office Department.

"So we might go on through the entire list. All of these Postmasters General are political appointees, but their duties are nonpolitical, nonpartisan. They can not properly perform them until they have studied and learned from experience the intricacies connected with the various departments of the service. Men are usually appointed to fill these places either as a reward for political service, or because they are expected to perform through their official places political services for some friend or some political machine. Like the postmasters, they must be instructed in the proper performance of their official duties by men who have been in the service and who have learned from experience what those duties are. Let us take the position of Postmaster General. If we examine the duties prescribed by law for the Postmaster General, we should look in vain for any official duty that is in any way connected with politics. He is the head of what ought to be a great business concern. He is the president of the greatest corporation on earth. In his official capacity he has nothing to do with politics, and yet because of his connection with this great concern he has, through his inferior officials and through all presidential post offices scattered all over the country, the power of the greatest political machine in the country.

"Why should the tenure of office of a postmaster in Kansas or Nebraska depend upon the opinion of the President of the United States as to what kind of a tariff we ought to have? Why should a postmaster be removed and a new, inexperienced man be put in his place simply because one faction in a political party had succeeded in nominating a different man for Congress? In other words, why should the office of postmaster be a political partisan football? Why should we change postmasters simply because we change Congressmen? Why change postmasters all over the country every time there is a change of administration in Washington? Why not conduct this great corporation on a business basis? Why should we not provide by law that where an employee has shown by his ability that he is capable of wider fields of operation he should be promoted or transferred to some better position where the country can get the benefit of his usefulness? When a railroad president finds that an agent in some little town has ability beyond the scope of his particular station, he promotes him and gives him a better position. Men who formerly worked on the section have been promoted until they became presidents of great railway corporations, and it is a historical fact that such men make the best presidents. They know every detail of every position. They have learned from experience how to economize, how to safeguard, and how to increase business.

"Every postmaster knows that he will lose his position just as soon as his party loses control of the National Government, or what is equally uncertain, just as soon as his faction in his political party loses its control. On account of this uncertainty postmasters can not be expected to give their best efforts to the Post Office Department. From the very nature of things they become politicians. Their official lives depend upon it.

On account of this uncertain tenure the postmaster does not give up his business profession or calling. It would be wrong to expect him to do so. He must be prepared for the day which he knows is coming when he will be put out of office and again be dependent upon his own efforts for a livelihood. The Post Office Department ought to receive all his time and all his energy. If he shows exceptional ability and competency, it ought to be possible to promote him in the service. Under present conditions the man who is postmaster has no way, regardless of the ability he may display, for promotion. He has reached his limit. This is not true of any business concern in the civilized world. It ought to be possible for a clerk or postmaster in a country town, without political influence or political pull, but by his own ability, his own industry, to reach the highest position in the service and become the head of the department in Washington. It ought to be possible for the railway-mail clerk to advance, step by step, and eventually, on account of his own competency, reach the position of Second Assistant Postmaster General. If this were possible, we should have new life in the Post Office Department. Every employee would be moved by a laudable and honest ambition to reach the higher positions in the department. Men instead of going into the department for temporary purposes only would enter it as a life profession. Postmasters instead of devoting their time and their attention to looking after and keeping in touch with private affairs would devote all their time, all their energies, to the betterment and upbuilding of the Post Office Department. It would become a profession by itself, where ability and competency would be displayed for the improvement and the economical administration of the department.

"To bring about such a condition would require but a slight change in the law. We ought to provide by law for the appointment of postmasters by promotion from men already in the service, for the transfer of post-office officials, railway-mail clerks, etc., from one place to another. The entire system ought to be managed under rules and regulations provided by the Civil Service Department. The entire department should be absolutely divorced from partisan consideration or control.

"The position of Postmaster General ought to be taken out of politics. His term of office ought to be for a term of at least 10 years, and there ought to be specific provisions of law that he should administer the affairs of this great department along business lines and that no partisan political influence should have anything to do with the appointment or promotion of any of the officials.

"Under present conditions the Post Office Department is and must necessarily be a great political machine. In round numbers, there are 8,000 presidential postmasters in the country. Under Republican administration there are some States where postmasters alone completely dominate the political situation and absolutely control conventions. If we had a Democratic administration, there would be other States in other sections of the country where Democratic appointees would name delegates and control Democratic conventions. In other sections where the party in power was not completely dominated by the bribery of official patronage, this army of political appointees would, nevertheless, have great influence, and in many instances would be able to hold the balance of power in the selection of delegates and in the control of conventions. We do not have to study ancient history to obtain proof of these facts. The demonstration can be observed in any community by any man who will open his eyes and look. And what is going on to-day is only a repetition of what has happened many times in the years that are gone—happened under the administration of both of the great political parties. Practically every post office in the land is an active, living reminder of the existence of this great political machine—a machine that has controlled conventions in every section of the country. In the recent past it has several times nominated candidates for President, and even now, within the protection of its long shadow, are quietly resting its willing delegates to an approaching national convention.

"But it is not the intention of this article to offer any criticism against political parties nor to censure any of our public officials. Much might be said along these lines, but I desire for the present, at least, to eliminate such consideration. As long as the system remains as it is conditions will be the same, no matter what political party is in control. It is perfectly natural that an appointee should be friendly to the party from which he receives his appointment and to the official or the boss who makes the recommendation that brings about his appointment. I am not complaining because postmasters work and contribute funds for the political party or the political faction that puts them in office. They would be guilty of ingratitude if they did not. They are expected to do this under our present system by the people of the community where they live. I am not complaining that Congressmen are anxious to recommend postmasters who are their friends and belong to their faction of their political party. It is perfectly natural that they should do this. I am not finding fault because a President refuses to appoint postmasters who are unfriendly to him or to his administration. Under the law as it now is, it would not be human to expect him to do otherwise. Human nature is the same, regardless of what political party may be in power. It is the system that is wrong, and relief can not come by simply changing the men in control.

"All patriotic citizens who desire to see the Post Office Department taken out of politics and placed on a business basis ought to favor the changes above suggested. In addition to the increased efficiency of the department, it would bring about great economies. If these changes were made, it would be possible to reduce the salaries of most of the postmasters. Postmasters themselves, if placed upon the suggested tenure of office, with the possibilities of promotion and advancement, would be perfectly willing to have material reductions made in their salaries. From a computation which I have made I am satisfied that in this item alone there would be an annual reduction of nearly $1,000,000. There are many other economies and improvements that will suggest themselves to any man who will give the question thought and consideration. It would not be long before many improvements could be put into operation in the department—among which would undoubtedly soon come 1-cent postage.

"This plan will be opposed by every political boss and by every political machine in the country. They will not make an open fight against it, because there is no argument in favor of the present system that will stand a critical analysis in the open light of publicity. The opposition to it will be secret and covered. The special interests that want to dominate the political parties and through them the Government, by the operation of political machines and the coercion of secret caucuses, will do everything possible to oppose this needed reform. The placing of the Post Office Department upon a business basis and taking it out of politics would deprive these forces of more political patronage than any other one step that could be taken. Patronage is the principal asset of the political boss, and without it the political machine can not survive. All honest, patriotic citizens ought to do everything that they can to crystallize public sentiment, which is after all the most powerful factor in legislation, to bring about this change, and place this great department of our National Government upon an economical business basis."

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent to print in the RECORD speeches delivered by Gov. Woodrow Wilson, in Washington, January 8, and in New York, April 13 and January 3, 1912.

The CHAIRMAN. Is there objection?

There was no objection.

The speeches referred to are as follows:

GOV. WOODROW WILSON'S SPEECH AT JACKSON DAY DINNER, WASHINGTON, JANUARY 8, 1912.

"Mr. Toastmaster and fellow Democrats, we are met to celebrate an achievement. It is an interesting circumstance that principles have no anniversaries. Only the men who embody principles are celebrated upon occasions like this and only the events to which their concerted action gave rise excite our enthusiasm. You know that the principles of the Democratic Party are professed by practically the whole population of the United States. The test of a Democrat is whether he lives up to those principles or not. I have no doubt there are some people in the United States who covertly question the doctrines of Democracy, but nobody challenges them openly. It goes without saying, therefore, that we have not come together merely to state the abstract principles of our party. We have come together to take counsel as to how it is possible, by courageous and concerted action, to translate them into policy and law. The Democratic Party has had a long period of disappointment and defeat and I think that we can point out the reason. We do not live in simple times. We live in very conflicting times indeed. No man can be certain that he can say how to weave the threads of Democratic principle throughout all the complicated garment of our civilization, and the reason that the Democratic Party has had this period of successive disturbance is that it has been divided into groups just as it was as to the method of fulfilling the principles.

"We have differed as to measures; it has taken us 16 years and more to come to any comprehension of our community of thought in regard to what we ought to do. What I want to say is that one of the most striking things in recent years is that with all the rise and fall of particular ideas, with all the ebb and flow of particular proposals, there has been one interesting

fixed point in the history of the Democratic Party, and that fixed point has been the character and the devotion and the preachings of William Jennings Bryan.

"I, for my part, never want to forget this: That while we have differed with Mr. Bryan upon this occasion and upon that in regard to the specific things to be done, he has gone serenely on pointing out to a more and more convinced people what it was that was the matter. He has had the steadfast vision all along of what it was that was the matter and he has, not any more than Andrew Jackson did, not based his career upon calculation, but has based it upon principle.

"Now, what has been the matter? The matter has been that the Government of this country was privately controlled and that the business of this country was privately controlled; that we did not have genuine representative government and that the people of this country did not have the control of their own affairs.

"What do we stand for here to-night and what shall we stand for as long as we live? We stand for setting the Government of this country free and the business of this country free. The facts have been disputed by a good many sections of the Democratic Party for the last half generation, but they were not clearly recognized.

"I make the assertion that the Government was privately controlled. I mean to put it specifically that the Government of this country was managed by politicians who gained the contributions which they used by solicitation from particular groups of business interests, on the understanding, explicit or implied, that the first care of the Government was to be for those particular interests. I am not questioning either the integrity or patriotism of the men concerned. I have no right to. In most instances they were of that old belief, cropping up again and again in America, that the people of this country are not capable of perceiving their own interest and of managing their own affairs; that they have not the contact with large affairs; that they have not the variety of experience which qualifies them to take charge of their own affairs. It is the old Hamiltonian doctrine that those who have the biggest asset in the Government should be the trustees for the rest of us; that the men who conduct the biggest business transactions are the only men who should stand upon an elevation sufficient to see the whole range of our affairs, and that if we will but follow their leadership we may share in their prosperity. That is the Republican doctrine, and I am perfectly willing, as a tribute to their honesty though not to their intelligence, to admit that they really believe it; that they really believe it is unsafe to trust such delicate matters as the complicated business of this country to the general judgment of the country. They believe only a very small coterie of gentlemen are to be trusted with the conduct of large affairs. There was a long period in New Jersey, for example, in which no commissioner of insurance was ever chosen without first consulting or getting the consent of the head of the largest insurance company in the State, and I am willing to admit, at any rate for the sake of argument, that it was supposed he, better than anyone else, knew who was qualified for the job. He did know who was qualified for the job and he had the proper point of view in demonstrating that it was mainly for the benefit of the big interests.

"Now, the other thing that has been privately controlled in this country is the business of the country. I do not mean that each man's particular business ought not to be privately controlled, but I mean that the great business transactions of this country are privately controlled by gentlemen whom I can name and whom I will name, if it is desired; men of great dignity of character; men, as I believe, of great purity of purpose, but men who have concentrated, in their own hands, transactions which they are not willing to have the rest of the country interfere with.

"Now, the real difficulty in the United States, gentlemen, it seems to me, is not the existence of great individual combinations—that is dangerous enough in all countries—but the real danger is the combination of the combinations, the real danger is that the same groups of men control chains of banks, systems of railways, whole manufacturing enterprises, great mining projects, great enterprises for the developing of the natural water power of this country, and that threaded together in the personnel of a series of boards of directors is a community of interest more formidable than any conceivable combination in the United States.

"It has been said that you can not 'unscramble eggs,' and I am perfectly willing to admit it, but I can see in all cases before they are scrambled that they are not put in the same basket and intrusted to the same groups of persons.

"What we have got to do—and it is a colossal task—a task not to be undertaken with a light head or without judgment—but what we have got to do is to disentangle this colossal community of interest. No matter how we may purpose dealing with a single combination in restraint of trade, you will agree with me in this that I think no combination is big enough for the United States to be afraid of; and when all the combinations are combined and this combination is not disclosed by any process of incorporation or law, but is merely the identity of personnel, then there is something for the law to pull apart, and gently, but firmly and persistently dissect.

"You know that the chemist distinguishes between a chemical combination and an amalgam. A chemical combination has done something which I can not scientifically describe, but its molecules have become intimate with one another and practically united, whereas an amalgam has a mere physical union created by pressure from without. Now, you can destroy that mere physical contact without hurting the individual elements, and you can break up this community of interest without hurting any one of the single interests combined; not that I am particularly delicate of some of the interests combined—I am not under bonds to be unusually polite, but I am interested in the business of this country, and believe its integrity depends upon this dissection. I do not believe any one group of men has vision enough or genius enough to determine what the development of opportunity and the accomplishments by achievement shall be in this country. You can not establish competition by law, but you can take away the obstacles by law that stand in the way of competition, and while we may despair of setting up competition among individual persons there is good ground for setting up competition between these great combinations, and after we have got them competing with one another they will come to their senses in so many respects that we can afterwards hold conference with them without losing our self-respect.

"Now, that is the job. That is the thing that exists, and the thing that has to be changed, not in any spirit of revolution and not with the thought—for it would be a deeply unjust thought—that the business men of this country have put up any job on the Government of this country. Take even that colossal job known as the Payne-Aldrich tariff. The business men of this country did not put up that job. Some of the business men of this country did, but by no means all of them. Think what that means. Do you mean to say that the commercial men of this country are interested in maintaining the integrity of that bill? Some, and only some, of the manufacturers of this country have put up that job on us, and many of them have been the unwilling beneficiaries of a system which they knew did not minister to the prosperity of their undertakings.

"I am not going to make a tariff speech. It is so easy to knock holes in the present tariff there is no sport in it. I am a humane man. I would not jump on a thing like that, but I do want to point out to you that the ownership of Government—it is a harsh word to use, but I am not using it harshly, I am using it for shorthand—the ownership of the Government of the United States, by special groups of interests, centers in the tariff, and that is where the difference comes in. I have heard men say that politicians interfered too much with business. I want to say that business men interfere too much with politics. Do the statesmen of this country go to the Ways and Means Committee and the Finance Committee and beg for these favors? You know that they do not. Some Congressmen go to these committees and plead that some gentlemen back in their constituencies are pressing them hard on bills, and as public men, plead for individual interests, and their entrance into politics has been so by those who intended to control the schedules of the tariff.

"I once heard a very distinguished Member of Congress give this illustration: He was talking about a great campaign fund that had been collected. It was the paltry sum of $400,000. It was a great sum for that somewhat primitive day, and it was pointed out at the time—at any rate specified—that most of this money had been contributed by manufacturers who were the chief beneficiaries of the tariff, and those gentlemen pointed out that they certainly would want to get their money back. I may not be saying the thing properly, but it is simply this:

"Down where I live we get most of our water from pumps, and a pump, as you know, may go dry over night, and a prudent housekeeper will pump up a bucket of water at night before she goes to bed and leave it standing. Then, in the morning if the plunger will not suck she pours in that water, and that expands the plunger and it begins sending the pump water out; and the first water that comes out is the same water she

poured in. By that I mean, gentlemen, that this $400,000 was ordered poured in to make the old pump suck, and you know that that homely illustration is fair. That is what is done and that is way the control of Government comes in.

"Well, what are we going to do? I have a practical mind, and am not interested particularly in the too-long-winded discussion of the principles upon which we are going to act. Neither am I wise enough to propose a comprehensive program. I think the rule of Donnybrook Fair is good enough for me: 'Hit the heads you see.' Make sure before that your shillalahs are made of good Irish hickory. By that I mean this: Lop off the special favors whenever you are certain you have identified them; lop them off. That is a pretty good rule. You do not need to be all-wise to do that. Paint some of those favors so conspicuously that all can see them. If you do not know which they are, ask the first man you meet on the street and he will tell you. He will give you a list that will keep you busy all winter. And I might add this, if you please, not to go at them haphazard, but to go steadily through the things that have become obvious excrescences and cut them off. That is a very definite program, and, then, I might add, go into an absolutely thorough investigation of the way it may best be conducted, find out just where, in dissecting, the scalpel can be introduced, and divorce these artificial unions, because I know that you will not be cutting living tissue.

"I hear a great deal of talk about conservatism and radicalism. Now, what makes a man shiver when he hears a statement of the facts concerning it? He feels it is cold-blooded and indiscreet to state the facts, and yet he really is inclined, I must say, to think there is something in it. He says to himself, this man must be a radical, because if he sees the thing that way, what in God's name is he going to do, because, if he is going to go to work to thoroughly change those facts there is no telling where he will stop. Now, it is just there that he ought to stop being radical. If the prudent surgeon wants to save the patient he has got absolutely to know the naked anatomy of the man. He has got to know what is under his skin and in his intestines; he has got to be absolutely indecent in his scrutiny. And then he has got to say to himself: 'I know where the seat of life is; I know where my knife should penetrate; I dare not go too far for fear it should touch the fountain of vitality. In order to save this beautiful thing I must cut deep, but I must cut carefully; I must cut out the things that are decayed and rotten, the things that manifest disease, and I must leave every honest, wholesome tissue absolutely untouched.' A capital operation may be radical, but it is also conservative. There can not be life without the cutting out of the dead and decayed tissue.

"And, as to business, after a few committees like the Stanley committee have gone on a little longer we will know a good many particulars, and we will be versed in this high-finance business ourselves. These things are coming out with astonishing candor. We now know how to regulate prices. We know how to run combinations by circulars that convey intimations and instructions. We see the little artificial threads that bind these things together, threads which do not themselves contain the life, but which themselves do control the vessels in which the life blood runs. And so stage by stage we shall learn what the practical business of a Democrat is. It is to go to the root of the matter, seek out the processes of cure and restoration and rehabilitation. What a travesty it is upon the name of Democracy to see any Democrat who wishes to destroy the very thing that his principles should make him in love with, namely, the life of the people themselves. A very thoughtful preacher pointed out the other day that one of the first quotations in our Lord's Prayer is, 'Give us this day our daily bread,' which would seem, perhaps, to indicate that our Lord knew what every statesman must know that the spiritual life of the Nation can not exist unless it has physical life; that you can not be an altruist and patriot on an empty stomach. Nothing shows the utter incapacity of a man to be a Democrat so much as his incapacity to understand what we are after. He does not know that the very seeds of life are in the principles and confidence and lives and virtues of the people of this country, and so when we strike at the trusts, or, rather, I will not say strike at the trusts, because we are not slashing about us—when we move against the trusts, when we undertake the strategy which is going to be necessary to overcome and destroy monopoly, we are rescuing the business of this country, we are not injuring it, and when we separate the interests from each other and disconnect these communities of connection we have in mind a greater community of interest, a vaster community of interest, the community of interest that binds the virtues of all men together, that mankind which is broad and catholic enough to take under the sweep of its comprehension all sorts and conditions of men, and that vision which sees that no society is renewed from the top and every society is renewed from the bottom. Limit opportunity, restrict the field of originative achievement, and you have cut out the heart and root of the prosperity of the country itself.

"The only thing that can ever make a free country is to keep a free and hopeful heart under every jacket in it, and then there will be an irrepressible vitality, then there will be an irrepressible ideal which will enable us to be Democrats of the sort that when we die we shall look back and say: 'Yes; from time to time we differed with each other as to what ought to be done, but, after all, we followed the same vision, after all we worked slowly, stumbling through dark and doubtful passages onward to a common purpose and a common ideal.' Let us apologize to each other that we ever suspected or antagonized one another; let us join hands once more all around the great circle of community of counsel and of interest which will show us at the last to have been indeed the friends of our country and the friends of mankind."

ADDRESS OF GOV. WILSON AT THE JEFFERSON DAY BANQUET, WALDORF-ASTORIA, APRIL 13, 1912.

"Gov. Wilson spoke to the toast, 'What Jefferson Would Do.' He said in part:

"'The circumstances of our day are so utterly different from those of Jefferson's day that it may seem nothing less than an act of temerity to attempt to say what Jefferson would do if he were now alive and guiding us with his vision and command. The world we live in is no longer divided into neighborhoods and communities; the lines of the telegraph thread it like nerves uniting a single organism. The ends of the earth touch one another and exchange impulse and purpose. America has swung out of her one-time isolation and has joined the family of nations. She is linked to mankind by every tie of blood and circumstance. She is more cosmopolitan in her make-up than any other nation of the world; is enriched by a greater variety of energy drawn from strong peoples the world over. She is not the simple, homogeneous, rural nation that she was in Jefferson's time, making only a beginning at development and the conquest of fortune; she is great and strong; above all she is infinitely varied; her affairs are shot through with emotion and the passion that comes with strength and growth and self-confidence. We live in a new and strange age and reckon with new affairs alike in economics and politics of which Jefferson knew nothing.

"'And yet we may remind ourselves that Jefferson's mind did not move in a world of narrow circumstances; it did not confine itself to the conditions of a single race or a single continent. It had commerce with the thought of men old and new; it had moved in an age of ample air, in which men thought not only of nations but of mankind, in which they saw not only individual policies, but a great field of human need and of human fortune. Neither did he think in abstract terms, as did the men with whom he had had such stimulating commerce of thought in France. His thought was not speculation; it was the large generalization that comes from actual observation and experience. He had had contact with plain men of many kinds, as well as with philosophers and foreign statesmen. He thought in a way that his neighbors in Virginia could understand, in a way which illuminated their own lives and ambitions for them. And though he was deemed a philosopher, he was nevertheless the idol of the people, for he somehow heard and voiced what they themselves could have said and purposed and conceived. For all the largeness of his thought, it was bathed in an everyday atmosphere; it belongs to the actual, workaday world; it has its feet firmly on circumstances and fact and the footing all men are accustomed to who reflect at all on their lives and the lives of their neighbors and compatriots. He was holding up for the illumination of the things of which he spoke a light which he had received out of the hands of old philosophers. But the rays of that light as he held it fell upon actual American life; they did not lose themselves vaguely in space; they were for the guidance of men's feet every day.

"'We may be sure, therefore, that had Jefferson lived in our time he would have acted upon the facts as they are. In the first place, because he would have seen them as they actually are, and in the second place because he would have been interested in theory only as he could adjust it to the reality of the life about him. He would not have been content with a philosophy which he could fit together only within the walls of his study.

"'To determine what Jefferson would have done, therefore, requires only that we should ourselves clearly see the facts of our time as they are, whether in the field of government or in the field of our economic life, and that we should see how Jef-

ferson's principle of the rule and authority of the people stands related to those facts. We are constantly quoting Jefferson's fundamental thought: it was that no policy could last whose foundation is narrow, based upon the privileges and authority of a few, but that its foundations must be as broad as the interests of all the men and families and neighborhoods that live under it. Monopoly, private control, the authority of privilege, the concealed mastery of a few men cunning enough to rule without showing their power—he would have at once announced them rank weeds which were sure to choke out all wholesome life in the fair garden of affairs. If we can detect these things in our time; if we can see them and describe them and touch them as they are, then we know what Jefferson would have done. He would have moved against them, sometimes directly, sometimes indirectly, sometimes openly, sometimes subtly; but whether he merely mined about them or struck directly at them, he would have set systematic war against them at the front of all his purpose.

"'As regards the real influences that control our Government, he would have asked first of all: Are they determined by the direct and open contacts of opinion? He would have found that they were not; that, on the contrary, our Government as it has developed has supplied secret influences with a hundred coverts and ambushes; that the opinion of the Nation makes little noise in the committee rooms of legislatures; that it is certain large, special interests and not the people who maintain the lobby; that the argument of the lobby is oftentimes louder and more potent than the argument of the hustings and the floor of the representative body. He would have found, moreover, that until very recent years opinion had had very difficult access, if any at all, in most seasons, of the private conferences in which candidates for office were chosen, candidates for both administrative and legislative office, and that in the private conferences where it was determined who should be nominated and, therefore, of course, who should be elected, the same influences had established themselves which ruled in the legislative lobby. That money, the money that kept the whole organization together, flowed in, not from the general body of the people, but from those who wished to determine in their own private interest what governors and legislators should and should not do.

"'It is plain, in such circumstances, what he would have insisted, as we are insisting now, that if there could be found no means by which the authority and purpose of the people could break into these private places and establish their rule again, if the jungle proved too thick for the common thought to explore, if the coverts where the real power lurked were too difficult to find, the forces of genuine democracy must move around them instead of through them, must surround and beleaguer them, must establish a force outside of them by which they can be dominated or overawed. It is with the discussion of just such affairs that the public mind is now preoccupied and engrossed. Debate is busy with them from one end of the land to the other.

"'As regards the economic policy of the country it is perfectly plain that Mr. Jefferson would have insisted upon a tariff fitted to actual conditions, by which he would have meant not the interests of the few men who find access to the hearings of the Ways and Means Committee of the House and the Finance Committee of the Senate, but the interests of the business men and manufacturers and farmers and workers and professional men of every kind and class. He would have insisted that the schedules should be turned wrong side out and every item of their contents subjected to the general scrutiny of all concerned. It is plain, also, that he would have insisted upon a currency system elastic, indeed, and suited to the varying circumstances of the money market in a great industrial and trading Nation, but absolutely fortified and secured against a central control, the influence of coteries, and leagues of banks to which it is now in constant danger of being subjected. He would have known that the currency question is not only an economic question but a political question, and that, above all things else, control must be in the hands of those who represent the general interest and not in the hands of those who represent the things we are seeking to guard against.

"'In the general field of business his thought would, of course, have gone about to establish freedom, to throw business opportunity open at every point to new men, to destroy the processes of monopoly, to exclude the poison of special favors, to see that, whether big or little, business was not dominated by anything but the law itself, and that that law was made in the interest of plain, unprivileged men everywhere.

"'Jefferson's principles are sources of light because they are not made up of pure reason, but spring out of aspiration, impulse, vision, sympathy. They burn with the fervor of the heart; they wear the light of interpretation he sought to speak in, the authentic terms of honest, human ambition. And the law in his mind was the guardian of all legitimate ambition. It was the great umpire standing by to see that the game was honorably and fairly played in the spirit of generous rivalry and open the field free to every sportsmanlike contestant.

"'Constitutions are not inventions. They do not create our liberty. They are rooted in life, in fact, in circumstance, in environment. They are not the condition of our liberty but its expression. They result from our life; they do not create it. And so there beats in them always, if they live at all, this pulse of the large life of humanity. As they yield and answer to that they are perfected and exalted.

"'Indeed, the whole spirit of government is the spirit of men of every kind banded together in a generous combination seeking the common good. Nations are exalted, parties are made great as they partake of this aspiration and are permitted to see this vision of the Nation as a whole struggling toward a common ideal and a common hope.

"'We as Democrats are particularly bound at this season of expectation and of confidence to remember that it is only in this spirit and with this vision that we can ever serve either the Nation or ourselves. As we approach the time when we are to pick out a President—for I believe that is to be our privilege—we should fix our thought on this one great fact, that no man is big enough or great enough to be President alone. He will be no stronger than his party. His strength will lie in the counsel of his comrades. His success will spring out of the union and energy and unselfish cooperation of his party, and his party must be more than half the Nation. It must include, and genuinely include, men of every class and race and disposition. If he be indeed the representative of his people, there may be vouchsafed to him through them something of the vision to conceive what Jefferson conceived and understood—how the vision may be carried into reality.'"

THE TARIFF.

ADDRESS BY GOV. WOODROW WILSON AT THE NATIONAL DEMOCRATIC CLUB, NEW YORK, JANUARY 3, 1912.

"Mr. President and members of the National Democratic Club: It is with real pleasure that I find myself here again and realize as I look about me that these are familiar surroundings, for it has always been with unfailing cordiality that you have welcomed me, and I have always had the feeling that this was a place where it was worth while to say something, if one had anything to say.

"I want to begin by congratulating the club upon the program of action which it has formed under the leadership of its intelligent officers. It is very delightful that a club should see at the outset of a campaign just the most effectual way of conducting that campaign. A campaign can be conducted only by the intelligent and earnest cooperation of men. There is a singular difference, into the psychology of which I will not try to enter, between a campaign for tariff reform initiated by a professedly reform society and a campaign for tariff reform initiated by a professedly political association, for a political organization is known to exist in order to transact business. It does not exist merely for the purpose of discussing abstract ideas. You realize that when a club like this argues about tariff reform, that is the basis of a constructive program, not merely the basis of exposition. You are not merely going to send lecturers around the country, but are going to debate the affairs of the Nation with the idea of getting a sufficient number of fellow citizens to stand with you; for, in spite of what some gentlemen have stated to the contrary, I am absolutely in favor of organization, but it depends upon what the organization is for. It depends upon how the organization is controlled. If the organization is privately owned, then I am not for it, because I don't propose being owned myself; but if the organization is intended for the cooperation of men of like minds, in order to accomplish a common purpose and to advance the fortunes of a party which means to serve the Nation, then I am for it. You judge an organization by the way in which it is controlled and the objects to which it devotes itself. If it devotes itself to public objects, then every man must believe in it; if it does not, then honest men must withdraw from it—and so I congratulate you upon having the true spirit of organization—an organization which is not meant merely to associate yourselves together, but to associate yourselves together for a common purpose, a national purpose, a purpose which has for its object legislation to affect the conditions of the whole country. There is something that stirs the red blood in a man when a program of that sort is adopted.

"I deem it an honor, therefore, to be associated with such men at the beginning of this campaign; and to have been asked to speak first, is a particular honor, as if I could in some degree voice the purposes you have formed. If I do so, it will

be simply because I have had a lifelong conviction that a very great degree of wrong has been done this country by the way in which the policy of protection has been applied to its affairs. I am not going into a general discussion of the theory of protection, because, according to a very classical phrase, it is not a theory but a condition which confronts us; a condition of the country; a condition of affairs; an organization of our economic system to our business system which has risen out of a special policy; a special set of circumstances. One of the peculiarities of the tariff question is that it never seems to be settled; it is constantly recurrent, and there must be something very subtle to anybody who has studied history, in coming upon our old familiar friend in this question which has come up in every generation, to vex and perplex the American Nation again and again and again. You know it is one of the complaints of our business men that it is never settled; that Congress will not let it alone; will never let business live on any fixed schedule of duties. Now, that is generally said to be true, because there is an uneasy set of persons called politicians who must have some means by which to stir up trouble and create unfavorable opinion. The first thing I want to call to your attention—a thing that has caused a great deal of discussion up to the present time—is this: It is not the politicians who have started this business. If you want to take business out of politics, business ought voluntarily to get out of politics. The reason business is in politics now is that it has thrust itself in by going upon every occasion to Washington and insisting upon getting all that it can get from Congress. Politicians have not put the question of the tariff into politics. Business men have put the question of the tariff into politics, and there have been circumstances and situations in our politics of which they were all aware even when they could not be proven. At least one great party was going to control the business interests for fear the things they demanded of their politicians could not be got. Why has the Republican Party habitually been associated with the policy of high tariffs? Because the Republican Party consisted of a number of gentlemen of a practical turn of mind who could prove to you the economic necessity of the tariff? Not at all, but because the bills of the Republican Party were paid by business men who wanted a high tariff. Now, suppose we put the shoe on the other foot and invite the gentlemen who want business let alone to let politics alone. I for my part agree to withdraw from troubling business if business will withdraw from troubling politics. I want to know who first steps in and troubles the waters of the pool? We don't go in first, we are chased out of the pool; we are not allowed to get in first. And so I want to shift the burden of responsibility at the very beginning. Is it the politicians who rush to the hearings of the Ways and Means Committee when this question is going to be touched? Not at all. It is the gentlemen who want the tariff schedules arranged according to their interests who later state 'it is just like you politicians, you never let business alone.' I am not jesting; this is the true state of affairs, and I suggest a little reciprocity in 'letting alone.' I suggest that somebody else take the medicine they try to administer to us. Are they ready to make the bargain? They are not ready to make the bargain yet. They say, 'We don't want the trouble of having to fix this up every time with the Ways and Means Committee. It worries us. We can not calculate on to-morrow, because we do not know who are going to be members of the Ways and Means Committee. We do not know when it will happen that some men may get on that committee who know we are hampering them, and when that happens the game is going to get awkward.'

"Now, having shifted the responsibility, we are going to discuss the tariff question. We are to discuss it with the purpose of taking the tariff question out of politics. The only way to settle it is for the good of the country and not for the good of anybody in particular. Link it with special interests; let special interests have the chief interest in it, and you can not settle it and take it out of politics. But once apply the rule of general interest and you have taken it out of politics. The minute you make it a tariff for revenue you have taken it out of politics. Then you have got something to stand on. I am not saying that you must do this thing offhand without considering all the vested interests that have been built up. That is a different proposition. How you are going to do it is a different question. I am now discussing the idea you must hold in view when undertaking it. Well, then, let us realize that there is another reason we are taking up the tariff question again. The tariff question is not now what it was a generation ago. It is not the same question. We are not agitating the old question. We are taking up a question old in one sense, but which must be dealt with under circumstances so radically different that it is now a different question. There was a great deal to be said for the policy of protection. I was going to say a generation ago—but a generation and a half or two generations ago the men in favor of it defended it with the greatest success. They said:

"It does not matter how high a tariff wall you build around the country, because here is a great continent, with almost inexhaustible resources, in which initiative will build up a great many enterprises of a great many kinds and a great many enterprises of the same kind and prices will be kept down by competition. One of the things the people do not realize is that we have exhibited one of the biggest experiments in business that has ever been set up. There was once free trade within the whole area of this great country, free trade between innumerable competitors, and it was reasonable to expect then, as the earlier advocates of protection did expect, as great men later constantly believed it was reasonable to expect, that prices would be kept down by internal competition. But I don't have to argue with you. Prices are not kept down by internal competition. I don't have to point out to you gentlemen, noticing that the tariff wall was kept high and there was a snug covering behind it, that the beneficiaries consulted with one another and said, 'Now, is it really necessary that we should cut one another's throats?' These gentlemen in Washington will build this wall as high as we want it built. Let's get together. If the law is too watchful, let us have an understanding. We are men of honor. We will keep our word of honor. We can form an arrangement by which we can determine, to a very considerable extent at any rate, the price of the raw material. We can, if we will, control the sources of the raw materials by means ad libitum. We can buy mines we do not intend to use for a generation and keep them in our side pockets, and so we can cut out any automatic regulation of this kind, instead of having a price schedule that is not our own and in open competition with the market."

"Don't you realize, in short, that the great combinations of modern business have made the old theory of protection absolutely antiquated? It is a preposterous theory. It is very beautiful as theory, but it doesn't work. If it worked, I would have some respect for it, but it is moribund. It has forgot how to work. It is stiff in the joints. And so I say we are not arguing with those who were not revered when alive, but, having died, are very much revered. You know Dean Swift's cynical translation of the old latin, 'When scoundrels die let all bemoan them.' There is a great pity that encaseth the dead, but even the dead, if they were to come back to life, would not say that the theory of protection is what it was once. It has lost all signs of vitality and youth.

"Then there is another circumstance. This country was once in a process of development which has peculiarly come to an end. When Mr. REDFIELD came in this evening, the first thing I said to him was that I would not be here if I hadn't looked at his speeches. I primed myself on Mr. REDFIELD'S speeches. If he recognizes these points, he must forgive me. I really thought of some of them myself. I leave it to him to pick out which is his. But one of the things which has impressed me jibes in with what I have often thought about the sharp turning point that occurred in the year 1898, after the Spanish War. This marks the end of an epoch for America. It marks the end of a domestic epoch. After the Spanish War was over we joined the company of nations for the first time—at least for the first time since the very beginning, when we were very, very young—a child of the nations, having recently been the colony of a great trading nation. Without wealth we had many other things—a merchant marine, which we have carefully destroyed. Our flag, though a new flag, was on many seas. Our carrying trade was that of a nation young in its nationality, from whose coasts came men who could invade the seas, who could build any kind of craft, who knew the trading laws and trading ports of the round globe. But we invited this generation to forget all this and said, 'We are going to shut ourselves in until we have formed this garden of our own.' We have developed that, and an interesting thing has happened, and if I am right in my facts the dealers in grain tell me that we are reaching the point when we won't export grain, when we will need practically all the grain for our own consumption, and some men may live to see that day unless we do something for our farms. Now, the consequence is we will have no surplus grain to supply the world with at the time we reach the stage where we have a great deal of surplus manufactured product, and the whole thing has turned up by reason of this extraordinary condition.

"Do you realize the extent of the audacity of the men who created the protective system? They said, 'We are going to see to it that nothing is done for the farmers'—who at that time were producing the wealth of the Nation—'and that everything is done for the men who have not yet produced any wealth at all,' and by this process of favoritism and subsidizing of one kind or another, direct or indirect, we have altered the natural plans of life in this country.

"How does it happen that when immigrants come to this country from agricultural regions they do not go to the farms, but are caught in the meshes of our cities? For the same reason that the boys of the plow of our country have been turned away from the farms and into the factories. All the lifeblood of the country is being drained from the farms into

the factories. A great many of the morbid conditions of our society are due to this same excessive fostering of one side of national life at the expense of the other. The alterations and economic balance of our life, the artificial stimulation, have destroyed that poise and balance which have been created by this protective policy. And now see what a point we have reached. We have stimulated it so much that we have not a large enough market or the means of disposing of the surplus product. This Nation calls itself a trading Nation, and has the knowledge of other manufacturing nations as to foreign markets, but whenever you have to ship any goods you have to ship them under some other flag than the flag of the United States. How did it happen that we destroyed our own merchant marine and were associated with the policy by which we taxed the stuff out of which ships were built? We could not build them, and so, as if by deliberation, we deprived ourselves of the carrying trade of the world, which, if we had kept on our original plan, we might have had almost to the exclusion of other nations.

"It is a very rare treat, and possibly more delightful because it is so rare, in foreign waters, to see the Stars and Stripes on a great ship. I never realized what the Stars and Stripes meant to me emotionally until one day in Plymouth Harbor I saw a ship sweep past me with the Stars and Stripes at her gaff. It was an exceptionally rare sight, and I have never seen it since. I will remember that flag to my dying day. It was a rare specimen, an isolated testimonial to the spirit of a great national policy. And now we are getting very much interested in foreign markets, but the foreign markets are not particularly interested in us. We have not been very polite, we have not encouraged the intercourse with foreign markets that we might have encouraged, and have obstructed the influence of foreign competition. So these circumstances make the tariff question a new question, our internal arrangements and new combinations of business on one side and on the other our external necessities and the need to give scope to our energy which is now pent up and confined within our own borders; and yet the standpat Republican leaders remain unenlightened, uninformed, absolutely blind and stubborn. They don't know anything has happened. I wish I remembered some nonsense rhymes I once knew, the only nonsense I ever talked. I would apply them to these gentlemen who talk in the same phrases that were used 30, 40, and 50 years ago; who quote the eminent statesmen of those days, supposing they are talking about the same things then talked about, whereas they can not find those things anywhere within their range. Now, one of the things they say is that they are the guardians of prosperity, and that nothing but the protective system can bring us prosperity, and when you press them to define prosperity they will define it in terms of the bulk of business. One of their most delightful expositions of patriotic purpose is we must have new industries—if we have not got them we must acquire them at any cost. Prof. Taussig calls attention to the fact that in the debate in the Senate on the Aldrich bill Mr. Aldrich said, in defense of a duty of 50 per cent on some article, that he was just as willing to pay 300, 400, or 500 per cent, provided he could thereby bring that industry to this country. Mr. Aldrich's idea of prosperity is to get as many industries as possible established in this country at any price. Who pays the price, I would like to know? The consumer, of course; but, rather, the price is distributed in the readjustments of the whole economic system. It is impossible to find who pays it. If you could, you might make him mad. But the trouble is you can not convince anybody in particular that they are paying it. But we, let us say in general terms, we are paying 50, 100, 200, or 300 per cent in order that some gentlemen may set up and make a profit in some business that ought not to be set up in America, because America does not offer the ideal conditions. And that is prosperity! I understand prosperity to be the abundant, intelligent, economic development of resources possessed by the country itself. That is prosperity. It is using the plow, engines, mills, and water powers of this country just as you would use your own intellectual and physical resources. My prosperity consists in the best possible development of my powers. It does not consist in my loading my back with borrowed plumage that I have to pay something for and wear with an unaccustomed awkwardness. That is not prosperity. And by the same token they say you are making business, therefore you are making employment, and we must assume—we must still assume—that the American workingman is so ignorant, so unintelligent, as to suppose they are doing it for his sake. I'd like to know how he ever got into the game. I'd like to know how many gentlemen voluntarily share the profits of production with their workingmen. I know how the workingmen got their share—they got it by saying that they would not work until they did. That's the way they ever got it. They tell you, gentlemen, that you cut up the pie very well; but we are not going to supply the pie any more unless we have a piece of it. And I don't blame them. It's a grab game, anyhow. That's exactly what the manufacturers were doing—going down to Washington and saying, 'If you don't give us these things, who is going to pay the campaign expenses this year?' They were on strike; they were combined on strike. Now, it was only treating them with their own medicine when their workingmen said, 'We, too, can play at that game. We are on strike. How much are we going to get?' And the only reason they did not get it is they did not have the resources to stay out. That's the reason the heart of America really sympathizes with the combinations of labor; that's the only way they are going to prosper in what is a selfish game.

"Now, what is really the source of wages? Here I want to say explicitly that I sit at the feet of men like Mr. Redfield, who pay wages, who have handled the matter, and who know what they are talking about. Though the political economists say the same things, they don't say them in the terms of specific instance the way these gentlemen say them. Wages come from the intelligence and energy of the workingmen, made effective by the presence of natural resources and their management by efficient managers. That's where wages come from. For example, we talk about American laborers competing with the pauper labor of Europe. I heard that only last night, and I thought I was in a dream. It sounded medieval. Haven't you known a machine that cost $500 to compete successfully with a machine that cost $50? That did the same work? Haven't you known instances where it was profitable, economically profitable, to pay $500 rather than $50 for a machine, because the machine did so much more and better work that the $500 machine was cheaper than the $50 machine? Isn't that true? Do we protect expensive American machinery against European pauper machinery? What do Englishmen, Frenchmen, and Germans—not Germans, now, because they have put their unmatched studiousness onto this job—but what do Englishmen in some continental countries do? They send for Americans as experts to tell them how they can make more out of their industrial plants, and what they are told in almost every instance is that they will have to get American machinery; and that means that they have to put their pauper machinery on the junk heap. Isn't the analogy perfect? I don't see any fault in it. If they imported American machines and American laborers they would also have to import the superintendents who know how to organize labor. The high cost of production is, almost in every instance, due not to high wages but to the loss and waste in respect of bad management, poor machinery, or locating your whole plant in such a way that it is not in proximity to railroads and the other things necessary to the markets of the country. If you put your factory in in the right way, organize it right, put right machinery in, and then get the highest priced labor, you will find that you will make your profits, because in proportion as you improve the economic efficiency of your business your profits will be greater. You need more intelligent laborers, and you can not get them except at a higher price. To my mind that's rudimentary, but there are gentlemen who have never heard of it. There are manufacturers upon whom that idea has never dawned, and they may not believe it. I give their intelligence the benefit of the doubt. They will tell you that the American manufacturer has to be protected because he has to pay his laborers so much, and they will tell the laborer that protection is going to increase his wages; and now the laborer is finding out that they do not increase his wages and that there is something the matter with the working of the machinery.

"That leads me to the most beautiful theory of all—the theory of the cost of production. It took the Republican Party a long time to be absolutely frank in disclosing their ignorance of political economy. They were not perfectly frank until the last campaign, and then they said they wanted to proportion protection—proportion the rate of duty to the difference in the cost of production between American factories and the factories with which they had come into competition abroad. I wonder if those gentlemen wrote that plank with a straight face? I don't see how it was possible unless they employed some one who didn't know anything about it. The difference between whom? You say between the foreign manufacturer and the domestic manufacturer. Which foreign manufacturer and which domestic manufacturer? Where is your standard in the difference in cost of production? Suppose you wanted to find differences that, as the Tariff Commission suggests, are average differences? An average is a variable thing. It might accidentally hit somebody, but I doubt whether it would hit many of us. If reduced it might not hit persons over 40 years of age, and if you are going to protect men under 40 what would the poor devils do over 40? They are in more need of protection than the others. The men under 40 years of age can take care of themselves, and

if you are really going to do the fatherly and generous thing you propose in the theory of protection, you will take care of the least efficient. They are the ones who need looking after. If you reduce it to an average then you leave out the most helpless of the lot—the men who don't know how to organize their business, who don't know how to use their expensive laborers, who don't know how to use or assemble their expensive machinery or utilize the markets in an intelligent fashion. They are the men toward whom I feel a considerable degree of generosity, and if I was a protectionist I would go the limit and protect the least efficient, and frankly I do not see where you are going to succeed on any other basis. If you protect the least efficient you are going to protect absolutely everybody, and you have reached the ultimate goal of that kind of government—a government that is taking care of everybody and everybody is assured a reasonable profit. Is not that a very reductio ad absurdum? Otherwise, let us see. We are going to protect the most efficient who know how to do business and who use their resources when needed, to regulate it. You will protect only the trusts; that is to say, if their own account of the matter is to be accepted, because the trusts are defended by great combinations to bring about the high degree of efficiency caused by protection. I do not believe it. I believe there is a point in combination beyond which the economy is lost and there is a very great loss and waste. It is like the law of diminishing returns in agriculture. Up to a certain point an addition of fertilizers, an addition of workingmen, and additional work on the farm will bring increasing returns, but you reach a limit where you have got too much fertilizer on it and too many men. Then your returns begin to diminish, and there is the same law in industrial combinations. Then let us see: We are going to take those industrial combinations which have reached that highest point of efficiency and protect only them. They are the only fellows who can afford to sell anywhere in the world. Why be benevolent to the self-supporting? It is like reserving your charity and conferring it only on millionaires. These are the gentlemen who know how to run the world, and do run a considerable part of it, and they are going to be protected! Turn any way you please, gentlemen, it is a will-o'-the-wisp.

"Nobody deserves more sympathy than the honest gentlemen who construe the tariff question, because they are put upon this impossible quest to find the cost of production. There is not the same cost of production between any two factories unless they absolutely match each other. Then, there is not the same cost of production in the several parts of the same combination. Now you notice how the combinations meet that matter of the cost of production. Let us see: Where there are 20 mills or factories and a combination is effected they put those various properties into the combination at, let us say, a reasonable figure; that is not generally so, but we will admit it. They then put them in at the real figure of their value. I won't go on to the next step, because that is painful. They then double the whole business with a lot of manipulation, which is a delicate matter, but suppose they went no further than that and put them in at what they are really worth? Then they shut up 5 or 6 of them because, compared with the rest they are operated at a loss, and put out stocks and bonds on the face of those shut up, as well as on the basis of the other 14, and we go on paying interest on what it cost to shut those 6 up. They have eliminated those 5 or 6, but so far as the consumer is concerned they go on as ghostly mills that work while you sleep and you keep paying the price.

"Now, the Nation could just as well afford to do that as what it is doing now. I would rather have the credit of American efficiency, shut up the inefficient factories, and continue to pay out of the Public Treasury a reasonable profit. I say I would rather do that than go on letting the inefficient work and go on assuring them a reasonable profit. The newly discovered ground is quicksand, and I advise the Republican Party to move off before it disappears. They will certainly be engulfed if they stand on that theory long enough. This cost of production has no stability anywhere in it. It is a constant flux and, as Mr. REDFIELD has somewhere said, a disgrace to any concern if it is not a constantly changed quantity. The cost of production ought to be constantly reduced in a business that is making profit. It ought not to stand in the same place for 2 of 12 months.

"Now, what is the conclusion of the whole matter? There are three conclusions. In the first place, we have been doing this thing at a tremendous economic disturbance, artificially changing our whole plans of society, and I fear we will go on doing it at an enormous waste. Has this country really husbanded and used its resources properly? Hasn't it used them in a way disgracefully wasteful? Haven't we stopped working a mine the minute it began to be difficult to work? Haven't we stopped using them the minute our native virgin properties seemed difficult to manipulate? Haven't we left scrap heaps everywhere? Haven't we left off taking care of our forests, the splendid trees, ripping and tearing everywhere we have gone? Hasn't our progress been marked by scenes of devastation? Nothing looked to, nothing saved, nothing utilized to the utmost, though we did not have to utilize it to the utmost. The Government has made everybody pay this bill of wastefulness, and we have even gone to the extent of paying bills of the next generations. Don't you know the combinations bought up mines they do not intend to use while we are still alive, and we are paying the interest on what it cost them to buy those mines which the next generation is going to use? Isn't there an enormous economic waste when every generation must not alone pay its own bills, but the next generation's bills? The whole thing is an extravagant mirage of philanthropy, and this economic waste has bred in us something that is contrary to our trade genius; a sort of indulgence of looseness, a method of imperfection.

"In the second place, we have got ourselves in the habit of legislating for the few instead of for the many on an interesting theory that I am very fond of explaining:

"The theory of the Republican Party has been if a few prosper all will be given a share of their prosperity; if you make the great captains of industry rich, they will make the country rich. It isn't so; but we have been foolish enough to believe it sometimes. We have been foolish enough to settle national elections on the belief that it was so. We believed that factories would be shut up and some thousands of poor devils sent out of employment and that symptoms of distress would be established, when there was no genuine necessity for distress at all. Oh, the greed of these men, the indulgence, the eternal indulgence of selfishness! They will say you have paid the bills for us and for our fathers, and you have got to pay them again or we will know the reason why. I don't feel any bitterness about this, gentlemen; all that is buried; but it is the fact that we should have been so put upon; that we should have been so innocent as to believe the incredible—which we could demonstrate as untrue if we only took the pains and looked into the facts—what the consumers knew to be untrue at the very time they were patiently casting Republican ballots and made believe they thought it wise; this putting the advantages of legislation in the hands of the few at the constant sacrifice of the many; and the dream of America has been reversed to a Government for the privileged few and not for the many.

"There is a quotation which we have been applauding nearly every Fourth of July, as I remember, but which we have not believed since I can remember. We have applied that quotation from the Virginia bill of rights and from one of Washington's addresses, in which he lays it down as a fundamental conception of American affairs that when the people deem their Government is not serving their interests they have a right to resume it into their own hands. Haven't you heard that before, and haven't you applied it? Well, do you believe it? America has not acted upon that it my lifetime. That belief is merely intended to be engraved in golden letters upon some tablet of our memories and enshrined as a fragrant recollection.

"Now, there is another thing that this has done—and I am ashamed to see how long I have spoken—it has reversed all our natural conceptions of government. The worst feature of protection is the demoralization of our political ideas. We have based government upon patronage and privilege instead of upon justice and equality. That's the cancer that eats at the hearts of all.

"Now, what are we going to do? Are we going to turn revolutionists? Are we going to act as free traders? I wish I might hope that our grandchildren could indulge in free trade, but I am afraid even they can not, because they have to pay the bills of the Federal Government. We have a Federal system of government, and it is wise, it is good housekeeping, it is good management to leave direct taxes, for the most part, to the State governments, because they have current bills to pay. It is likely that for an indefinite period we shall have to pay our national bills by duties collected at the ports. Though I am not for drastic changes, yet I wish I saw some ultimate escape from it. At present I do not. Therefore, what we have to ask ourselves is not the principle upon which we are to act, for that is plain. We are to act upon the fundamental principle of the Democratic Party—not free trade, but tariff for revenue—and we have got to approach that by such avenues, by such stages, and at such a pace as will be consistent with the stability and safety of the business of the country. Fortunately there are some things that are plain. The very wide-awake gentlemen who constitute the Democratic majority in the lower House of Congress saw the opening in the line and carried the ball through. They saw the schedules upon which it was safe

to act, and unanimously agreed that it was safe and wise to act now, which they did; and now they may have to act again to the same effect, because all excuses, so far as I can see, for any cooperation are swept away. Many excuses were offered. The cover of the tariff bill was an excellent cover while it lasted, but the Tariff Board has uncovered the defense, and now there are certain schedules upon which our minds are fixed, with a sufficient illumination of the facts and conditions to enable us to act upon them. We can act upon them, and, feeling our way prudently here and there, not like doctrinaires, but like practical and prudent men, we can by prudent stages bring this tariff down to our children on a proper tariff basis. That's a plain program. It is a practical man's program. It is not a theoretical program; it is not a program based upon a desire to get even with anyone; it is not a program based upon patience that special privilege has exhausted; it is merely an open-minded, prudent, statesmanlike course of action.

"I congratulate you, gentlemen, upon undertaking this campaign of education, not of agitation; of demonstration, not of abuse; a campaign where the facts will be more eloquent than figures of speech, and where back of the whole thing will lie that natural impulse of public service upon which alone a permanent national policy can be founded."

[Mr. MICHAEL E. DRISCOLL addressed the committee. See Appendix.]

The CHAIRMAN. If there is no further debate, the Clerk will read the bill.

The Clerk began the reading of the bill.

Mr. MOON of Tennessee. Mr. Chairman, there is an agreement that several other speeches are to be made to-night before the bill is read under the five-minute rule.

The CHAIRMAN. The Chair asked the gentleman from Tennessee if he desired to yield any more time?

Mr. MOON of Tennessee. I must say, Mr. Chairman, that I did not hear the Chair.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the proceedings in reference to reading the bill be vacated and that general debate be continued.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the proceedings under the five-minute rule be vacated and that general debate be resumed. Is there objection?

Mr. MOON of Tennessee. I want to say, Mr. Chairman, that if the suggestion was made to me on the subject of general debate I did not hear it. The arrangement between the gentleman from Massachusetts and myself is, of course, subject to the approval of the committee, that the gentleman from Alabama [Mr. BURNETT] shall have half an hour and then two or three gentlemen five minutes, and that then we will proceed with the reading of the bill.

Mr. MANN. Will the gentleman yield?

Mr. MOON of Tennessee. Certainly.

Mr. MANN. I was perfectly willing to proceed with the reading of the bill a moment ago, although the understanding before had been that the bill would not be read to-night, with the idea that if there was any contested matter any Member could stop the proceedings; but I would like to inquire whether we can not have an understanding that at the conclusion of general debate, general debate being closed, the bill shall not be proceeded with to-night under the five-minute rule.

Mr. MOON of Tennessee. The understanding was that we should begin to read the bill under the five-minute rule and then rise.

Mr. MANN. I have no objection to reading the first paragraph. All I wanted was some understanding about it.

Mr. MOON of Tennessee. There is no objection, as far as I am concerned, to reading the first paragraph and then for the committee to rise. There are several gentlemen on the committee who have not spoken, among them the gentleman from Massachusetts [Mr. WEEKS], because of their desire to close debate and let the House proceed with the reading of the bill; but they will desire to speak when we come to the reading of certain paragraphs in the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois to vacating the proceedings under the five-minute rule?

There was no objection.

Mr. MOON of Tennessee. Mr. Chairman, I now yield 30 minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, I desire to discuss for a few minutes two questions which I think are of great importance to the material and intellectual well-being of the people of our whole country—that of good roads and the parcel post.

Although my people have for 14 years honored me with a seat in this House, this is the first good-roads speech that I have delivered here during that whole time—not because I did not believe this question one of prime importance, nor because I doubted the constitutional power of the Federal Government to build roads for the benefit of the mail service. Neither of these propositions have I ever doubted. The question of the importance of the subject needs no argument, but is self-evident. The question of the right of the Government to engage in this character of internal improvement is especially embraced in that clause of the Federal Constitution which confers upon Congress the power "to establish post offices and post roads." This power was claimed and exercised even while the Constitution was young by some of the very legislators who helped to frame it, and was upheld by the highest court of the land while it was contemporary with the men from whose fertile brain that great instrument was evolved. So the right of Congress to legislate in the interest of good roads has long since passed the stage of academic debate, and to discuss it now would be but the enunciation of a truism.

I have not heretofore introduced a bill looking to the carrying out of this right, nor spoken upon the subject, because for the past 15 years Congress and the President have been actually running wild on pensions, big armies, and a great navy. I have often spoken on good roads to my people at home, but have told them each time that I saw no hope of Government aid for them until we stopped this eternal extravagance for the Army and the Navy. If the Republican Party had continued its carnival of riotous extravagance, it would still be utterly impossible to take a single step looking to the promotion of substantial legislation in the interest of this character of internal improvement.

But at the last election the people took matters into their own hands, and with the ballot drove from the Capitol many of those who had so long made this House a den of money changers and buccaneers. When a Democratic House took charge we found a bankrupt Treasury and a tax-ridden people. This Democratic House has already cut off millions of dollars from the Army appropriations, and if not balked by a Republican Senate we will further check the rapacity of Republican cormorants.

In the Democratic caucus I offered a resolution that no appropriation for battleships should be made at this session. UNDERWOOD and CLARK and other Democratic leaders rallied to its support, and it was adopted. The Republican Secretary of the Navy and the battleship allies fairly stood on their hind legs and howled, but the second Democratic caucus strengthened the cords that fettered those who want to waste the money of the taxpayers, and now no Democrat, without bolting his party caucus, can lend his vote to this wasteful extravagance.

The Secretary of the Navy has shown that two battleships of the size demanded will cost about $15,000,000 each. Thus we have saved nearly $30,000,000 by cutting off these two items alone. Had battleships been provided for, those of us from the interior would have insisted on a public-buildings bill of some $16,000,000. I have all the time contended that both these expenditures should go over, but that if the coast cities were going to loot the Treasury for battleships, the towns in the interior must not be ignored. My contention that both should be omitted prevailed, and for the first time since I have been in Congress I feel that this Democratic economy will authorize us to start a liberal expenditure for good roads. I have therefore introduced the bill, which I insert in the RECORD, looking to that end:

A bill (H. R. 22768) providing that the United States shall in certain cases make compensation for the use of highways for carrying free rural-delivery mail.

Be it enacted, etc., That for the purposes of this act certain highways of the several States, the civil subdivisions thereof, and companies incorporated under the laws of the several States are classified as follows:

Class A shall embrace well-graded roads outside or incorporated cities, towns, and villages of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, not less than 20 feet wide between the ditches, well drained, with a wagon way or road track not less than 12 feet wide, composed of macadam not less than 6 inches thick, rolled, bonded, and maintained with a smooth, firm surface, both shoulders and roadway properly constructed and continuously cared for; and other roads equally serviceable, durable, and expensive.

Class B shall embrace well-graded roads outside of incorporated cities, towns, and villages of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, 20 feet wide between the side ditches, well drained, with a wagon way or road track 12 feet wide, composed of burnt clay, shells, sand, clay, or gravel, not less than 8 inches thick, continuously kept well compacted, and with a firm, smooth surface, with roadway well and properly crowned, so as to quickly shed water into the side ditches.

Class C shall embrace roads outside of incorporated cities, towns, and villages of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, which shall be kept well graded, crowned, and drained to a width of not less than 18 feet, with split-log drag or other proper means, so as to be reasonably passable for wheeled vehicles at all times.

SEC. 2. That whenever the United States shall use any highway of any State, or civil subdivision thereof, or of any company incorporated under the laws of any State, which falls within classes A, B, or C, for the purpose of transporting free rural-delivery mail, compensation for such use shall be made at the rate of $30 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $10 per annum per mile for highways of class C. The United States shall not pay any other compensation or toll for such use of such highways than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C.

SEC. 3. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers or persons entitled to the custody of the funds of the respective highways entitled to compensation under this act.

SEC. 4. That this act shall go into effect on the 1st day of July, 1913.

This bill I have framed in collaboration with the gentleman from Missouri, Judge SHACKLEFORD, and his bill and mine are in many essential features the same. In my opinion it is the fairest and at the same time the most efficient proposition that I have ever seen, both for the encouragement and the construction of good roads.

We all concede that it would not be right for the Federal Government to bear all the burden of road building, and this bill divides it between the Government and the counties and communities affected, and at the same time leaves the supervision and control in the hands of the local authorities, where it ought to be. The bill starts in on routes used for transporting rural free-delivery mail, because to make it apply to all mail routes, I feared, would make the expense so heavy that the present condition of the Treasury could not stand it, and as soon as it is installed on these routes it will be but a step to make it apply to all mail routes.

But since the introduction of my bill the Committee on Agriculture, after careful investigation, has found that to make it apply to all rural star routes as well as to rural free-delivery routes will cost but a few millions more and has reported a bill thus amended. I heartily indorse this amendment and hope the bill will pass as amended.

Again, under the terms of the bill the Government will not pay for the use of the routes unless they measure up to a certain standard and increase that sum as the standard becomes higher. This will so encourage the improvement of such roads that within the next year or two after its passage an impetus will be given to road improvement by the local authorities that has never before been known.

Again, it will be an encouragement to the establishment of rural mail routes, and they are the greatest educators that the Federal Government has ever provided for the people in the rural districts. Some Utopian theorists have begun to advocate a system of great highways extending across the continent or across the States. I have never taken stock in any such big notions, because these visionary schemes in the interest of automobilists put the building of roads further and further away from the great masses of the people, who will never see them and yet will bear the increased burden of taxes for their construction. If some such bill as mine were enacted into law, it would head off such chimerical schemes as these.

The cost of one battleship would more than pay the expense incurred by my bill for a whole year, and if, when the Democratic Party is placed in entire control of the Government, as it will be at the next election, we will make other savings that will warrant the further extension of this magnificent system.

If this Democratic House should pass this bill and put a check on the battleship craze it would fully justify the good judgment of the people in whipping from the House those who had for 15 years betrayed the voters who had trusted them. On the battleship proposition within the last few days my attention has been called to the fact that the great leaders in England and Germany have noted the disposition of our country to curtail its mad navy-building program and are seriously considering the propriety of following our example.

The following figures relative to our cost of armament are taken from the World's Peace Foundation, being a compilation with deductions taken from the Stateman's Year Book and the Almanach de Gotha, and are therefore to be considered authoritative.

The interest-bearing indebtedness of the United States is about $915,000,000.

In the past 30 years, since 1881, we have spent over $4,000,000,000 for military purposes, exclusive of pensions.

Had the Republican Party during that time adopted a policy of saving one-third of that amount the result would have been more than enough to extinguish the national interest-bearing indebtedness as it stands to-day. In other words, had we been blessed with a rational policy of curtailment, instead of cursed with an irrational policy of extravagance, we would have made it possible to extinguish this heavy national indebtedness and relieve our people of the burden of ever-increasing expenditures for warlike preparation in time of peace.

The average cost per man in the United States Army is about $1,900 per year, and this applies to, say, 85,000 men.

The present average cost per year of the Army and Navy of the United States for every person in the United States is about $3.07.

The United States spends per year on the Army and Navy—pensions not considered—on an average of 43 per cent of her total expenditures.

The expenditures on the Army and Navy of the United States per year comprise a larger percentage of the total expenditures of the Government than does that of any other country in the world, except Germany. Germany exceeds the United States only about two-tenths of 1 per cent—that of the United States being approximately 43.3 per cent and that of Germany 43.5 per cent. Yet from those who cry for military preponderance and supremacy we are constantly hearing the criticism that we are unprepared for war; that our Army is inefficient and insufficient; and that our battleships are obsolete and could not cope with the Dreadnaughts of other nations.

In the past 30 years our Navy alone has cost us $1,450,920,000.

Last year our naval expenditures were $120,720,000, which exceeded the naval expenditures of 30 years ago by $107,192,000.

In the past 30 years our Army has cost us $2,295,950,000.

Last year our Army expenditures were $162,357,000, which exceeded those of 30 years ago by $124,240,000.

With such an ever-increasing drain on the people for the support of a still insufficient Army and Navy, as they say, where is it to stop? Our total Army and Navy expenditures on a peaceful basis amount to the fabulous sum of $283,085,887 per annum. Added to this we have an annual drain for pensions as a result of past wars amounting to $157,980,575, or 24.1 per cent of the total expenditures of the Government.

Thus do we find our total war expenditures, including Army, Navy, and pensions, amount to $441,066,462, or 67.4 per cent of the total expenditures of the Government. In what an anomalous relation with civilization and universal peace do we find ourselves when more than two-thirds of our present total annual expenditure is for expenses incurred in past wars and in preparation for problematical future wars, leaving less than one-third for all civil constructive purposes. And yet there are those who would throw upon our shoulders an additional amount of more than $60,000,000 for pensions, and those who would mold into armor plate and Springfield rifles that parsimonious little remnant which is left to be appropriated for the promotion of those constructive and salutary projects of internal improvements of which good roads and parcel post are only two examples.

On the question of parcel post I am glad that a Democratic Committee on Post Offices and Post Roads has for the first time reported a bill taking a step toward the inauguration of a general system of parcel post. I wish the committee could have seen its way clear to make the system general at once, and would gladly have supported such a proposition. But I realize the magnitude of the question, and believe the committee has done the very best it could under present conditions.

It has given us the parcel post on rural free-delivery routes, and has authorized a commission to investigate and report to Congress the feasibility of making the system general. The express companies have sought to arouse the merchants against it, and are trying to make them believe that it will mean the ruin of the merchant in the country and the small towns. Mr. Chairman, as one interested in a mercantile establishment in the country and in a small city, I want to say that I do not believe one word of their direful prophesies.

We already have a general parcel post up to 4 pounds, and by international agreement a foreigner in nearly every country in Europe can send 11 pounds to any point in the United States, and to say that extending it to 11 pounds here will ruin the merchants is utterly absurd. On the other hand, I believe that it will be of great benefit both to the merchant and the customer. The express companies have the greatest monopoly and trust of almost any in the country, and have made their rates so exorbitant that their profits are enormous. This competition between them and the Government will force them to so reduce their rates that both the merchant and the consumer will be vastly benefited thereby.

The reduction of rates on these lighter packages will necessarily force them to reduce them on the heavier; if not voluntarily, the Interstate Commerce Commission will compel them to do so. In this way the merchant, in my opinion, will in the end be as substantially benefited as even the farmer or other consumer, and finally the Government will force some kind of an arrangement with the express companies by which it will control and regulate the cost of all shipments on their lines.

In regard to the enormous profits being made by the express companies, I desire at this point to quote from an excellent speech made on the subject a few days ago by the distinguished gentleman from Pennsylvania [Mr. GREGG]. Although a new Member, he was appointed to the great Committee on the Post Office and Post Roads. He has shown that he has given profound thought to the subject, and his speech shows that the Democratic Party made no mistake in assigning him in his first term to one of the most important committees of the House. He said:

THE EXPRESS COMPANIES AND THE PARCEL POST.

It is true that for years the express companies have been preying upon the people of the country who have had occasion and necessity to ship packages and parcels over their routes. It is also true that these express companies have made fabulous sums from their business. The revelations made in the Interstate Commerce Commission investigation into the conduct of the express business are astounding. For instance, it was discovered that the earnings of one company from the time of its formation to the time of the hearings had been $598,158,930 and in that time it had distributed dividends amounting to $43,500,000, yet it practically began business without a cent of actually invested capital. The Interstate Commerce Commission, in its second annual report on the statistics of express companies in the United States, for the year ended June 30, 1910, shows that the net operating revenue of the 13 companies covered by its report increased from $12,294,008 in 1909 to $14,508,280 in 1910, a gain of $2,214,272, or 18.01 per cent. I only offer these figures at this time for the purpose of showing that if the Federal Government undertakes to go into this business of a general parcel post—and it can do so at a profit—it will practically wipe out any deficit in the Post Office Department.

These great giants are loath to surrender any part of these enormous revenues, and with the cunning of avarice have tried to make the mail-order houses the scarecrow with which to frighten the country merchant. In this connection I will read a letter from a rural constituent who, with that splendid common-sense characteristic of the countryman, shows the fallacy of the contention of the express companies more forcibly than I could possibly do:

CULLMAN, ALA.,
R. F. D. No. 4, March 19, 1912.

Hon. JOHN L. BURNETT,
House of Representatives.

DEAR SIR: I notice that a parcel-post bill is now before Congress. As southern commercial interests seem to be making a concerted opposition to it under a misapprehension of its effects, I desire, as a farmer, to say that its benefits to the country would be as great as the rural free delivery.

You have had opportunities to see that it has not broken up the small merchant in the countries you visited in the interest of immigration.

There is another phase of the question which seems to me to be related to the tariff question. Gentlemen who are opposing parcels post lay great stress on the fact that the tariff prevents us buying in the cheaper markets of the world, yet ignore the fact that, with the passage of this bill, if the local merchant did not keep the goods needed by his customers, they could have a wider field in which to make their dealings and the revenue derived would go toward making the rural free-delivery system self-sustaining.

As a farmer, living 11 miles from Cullman, there are many times that things are needed, especially in busy times, when a call on the phone would bring it to our door at a minimum expense. Hoping you and our Senators will see fit to support this measure,

I am, sir, yours, truly,

C. J. HIGGINS.

A few days ago I received a letter on this subject from the editor of the Interstate Grocer, in which he tries to frighten and bulldoze Congressmen into opposing the parcel-post rider recommended in the bill under consideration. I will read the letter and my reply to the same:

THE INTERSTATE GROCER,
St. Louis, March 21, 1912.

DEAR SIR: The time is rapidly approaching when Congress will be called upon to vote on the general parcel-post rider to the Post Office appropriation bill. As you probably know, the retail merchants of the country are opposed to parcel post, while the mail-order catalogue houses are in favor of it. There is no need to take up your time with reasons why parcel post should or should not come into being. You have your own convictions in the matter. What we want is to have an expression from you as to whether you will or will not vote for parcel post.

You probably know the sentiment of your district and will be guided by it. You know how you will vote. If you have the courage of your convictions, if you are strong enough to give your candid and definite opinion, we want it. Please do not evade the issue. The retailers of of the country want to know your sentiments, and those Members of the Congress who do not answer one way or another will be considered as favoring parcel post. This letter to you will be published in the Interstate Grocer of March 23. Your answer will be published in the issue following its receipt, and a record will be kept of those Representatives who answer, so that the retailers will know how they stand on parcel post.

Thanking you for an early reply,

We remain,

THE INTERSTATE GROCER,
F. W. LAWSON, *Editor.*

Mr. KINKAID of Nebraska. I want to ask the gentleman from Alabama if he answered the letter.

Mr. BURNETT. I did, and will read my reply:

APRIL 10, 1912.

F. W. LAWSON, *Editor, St. Louis, Mo.*

DEAR SIR: Your bluffing letter of the 21st ultimo was received several days ago. I can answer you without any hesitation in regard to my position on the parcel post.

I am for general parcel post, rural parcel post, and, if I can get nothing better, will vote for the parcel-post rider on the Post Office appropriation bill.

I have an interest in a grocery store in my home city of Gadsden, Ala.; in a general merchandise store in Cedar Bluff, Ala.; and in a wholesale and retail hardware corporation in Gadsden, Ala.; and from the standpoint of one interested in all these, as well as a Representative of honest people, I desire in most positive terms to express my condemnation of the mendacious statements being sent out broadcast by the express companies and their allies.

I will thank you to publish this letter in full in your paper and to send me half a dozen copies and the bill for the same.

The express companies and their allies are trying to make the merchants in the small towns and the country believe that a general parcel post will drive them out of business, when they all know that it is absolutely untrue. But that is just the kind of methods which this gigantic trust is resorting to to try to bulldoze Members of Congress into doing its bidding. I am reliably informed that there are no large mail-order houses in any of the civilized countries which have parcel post, and from travel and personal observation in those countries I know it has not driven out the merchants in the country and the small towns.

In my opinion it will force the express companies to reduce their exorbitant rates and in that way benefit both the merchant and his customer. That is the real reason why the express companies are working every agency possible to arouse the merchants against the passage of the bill.

Having answered your questions, I hope you will, under oath, answer a few for me:

How long since your journal began the use of the United States mails?

Do you believe the rate of postage should be increased on the journals of the class of yours?

Are you a corporation or a copartnership?

If a corporation, who are your stockholders?

What is your capital stock?

How much paid up, and when incorporated and where?

Give me a list of your paid-up subscribers in Alabama, with their post-office addresses.

When did they become subscribers?

Who are your directors? (Give names and addresses.)

Does any express company or any officer, director, or stockholder of an express company own any stock in your company? If so, give names addresses.

If you are a copartnership, please give me names and addresses of the partners.

Is any partner an officer, director, or stockholder in any express company? If so, give name and address.

You have attempted to frighten Members of Congress by threatening to publish their letters; I now beg you to do so.

Yours, respectfully,

JOHN L. BURNETT.

[Applause.]

Mr. POWERS. Mr. Chairman, I would like to ask the gentleman if he received any reply to that letter?

Mr. BURNETT. No; I have not had time as yet. I expect a reply, and no doubt it will be in kind, and perhaps be published.

I was glad to see that almost every Member who answered him defied his brazen threats and boldly declared themselves in favor of the parcel post. It is delightful to see that so many of my colleagues in Congress so often hurl defiance in the teeth of those who would hold over them the Damocles sword of defeat if they refuse to "Crook the pregnant hinges of the knee that thrift may follow fawning." [Applause.]

My distinguished friend from Maryland [Mr. LEWIS] has forcefully presented a proposition for the Government to establish a postal express, and by purchase or condemnation to take over the business and property of the express companies to the extent necessary for this purpose. There are many excellent features in the proposition, but it is problematical at this time what the cost of acquiring the contracts and property of the express companies would be on account of the enormous outside holdings of the companies. But, Mr. Chairman, I undertake to say that if a general parcel post were established by the Government, in less than two years these properties could be acquired for millions of dollars less than if we sought to acquire them in the first instance.

The discussion here to-day of the various propositions for parcel post and for postal express brings out so many divergent opinions that it vindicates the wisdom of the committee in providing a commission to carefully investigate these different questions at once and report to Congress the result of their investigations.

However favorably I may view the suggestions of the gentleman from Maryland [Mr. LEWIS] and the gentleman from Ohio [Mr. GOEKE], yet I would be unwilling to commit the Government to the policy advocated by them without a careful investigation of those policies. Of course the express companies can have no objection to the rural parcel post, except that it is a step in the direction of a general parcel post or express post, but to me that is one of the strongest arguments in its favor.

Mr. Chairman, I can not close my remarks without commending the committee for even the slight increase of pay which they have given to the rural carriers of the country. These faithful servants of the Government are doing a great work for the rural districts, and when the Democrats at the next election secure the President and the Senate and continue their plan of an economical administration of the Government, I believe they will do further justice to those heroic public servants by fixing their salaries on a basis of $100 per month for standard routes. [Applause.]

The present Postmaster General has boastfully asserted that he has curtailed expenses in his department until the postal service has been changed from a deficit to a surplus. The Post Office Committee has found that the boast of a surplus is untrue, and be it said to the shame of the Post Office Department that the reduction of expenses has been at the expense of the great masses of the people. Not a single rural route has been installed in my district in two years, and the same is true of most other districts represented by Democrats. The Postmaster General has played cheap politics by cutting off the means of educating the people in the rural districts where there are Democratic Congressmen. This calls for the condemnation of the people, and in November they will administer their rebuke.

For years the clerks in the first and second class post offices have been clamoring for some relief from long hours and excessive work, but the Republican Party has turned a deaf ear to their just entreaties. This Democratic House has heeded their calls, and in this bill are giving them an eight-hour day, which is certainly long enough for any man to toil in that character of labor.

On the whole, the committee has done well, and deserves the approval of all who want to see Democratic principles triumph. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON of Mississippi. Mr. Chairman, second only to the tariff, the parcel post is the most important question before the American people to-day. I doubt if any question in recent years has caused such an influx of letters, petitions, and protests to Members of Congress as has the parcel post, many of them protesting against its establishment, others advocating it, some expressing themselves in favor of the Sulzer bill, which limits the package to 11 pounds, with a flat rate throughout the country, others for a general parcel post without respect to rates or weight, while many are favoring the establishment of a parcel post on a zone system.

I do not believe, Mr. Chairman, that such injury will come to the small merchant and shopkeeper as many of them in the small towns have thought. Neither do I believe that the wonderful benefits that some of the rural citizens honestly believe will come to them will ever be realized by the establishment of a parcel post. I believe that the benefits that will follow the establishment of a parcel post have been greatly exaggerated, and that the attendant injuries to the small merchant and shopkeeper have been inordinately magnified. I do not believe that the establishment of a parcel post will work to the injury of any man. It may be possible that in a few instances it will force the merchant in the country to sell his goods at a smaller profit in order to meet the prices of his competitor who may live at a distance, but no one ought to complain at this. What every good citizen ought to desire is that reasonable profits be made on honest investments, and that no monopoly should exist in business. "Competition is the life of trade," and the legitimate safeguard against monopolies.

In this connection, Mr. Chairman, I desire to insert that part of the report of Mr. John W. Garrett, minister from the United States to Venezuela, in response to the inquiry sent him by Hon. JONATHAN BOURNE, chairman of the Post Offices and Post Roads Committee of the Senate, through the Secretary of State, as to how the parcel post affected the country merchant and shopkeeper in that country. I quote:

It seems to be the opinion that the small dealers in Venezuela obtain great advantages from using the parcel post to import their merchandise wherever possible. The small dealers are thereby enabled frequently to compete with the large importers, since they can introduce into the country the same goods as the large houses without the necessity of bringing in quantities beyond their capacity to handle.

Mr. Nicolay Grevstad, minister of the United States to Uruguay, under date of December 5, 1911, in his report says:

In the country districts the service is used especially by the small merchants, who in this way receive merchandise in small lots from the wholesale houses of the capital.

Mr. Robert Bacon, ambassador of the United States to France, in his report under date of October 2, 1911, says:

It would seem that they themselves (meaning small merchants and shopkeepers) find great facilities in this service for the needs of their retail trade.

Mr. Wilson, minister of the United States to Mexico, in his report dated September 13, 1911, says:

At times these very merchants are among the first to profit from the advantage of the parcel post, to secure certain kinds of merchandise. It is for these reasons, perhaps, that they have never complained.

I could quote the reports of other representatives of the United States in foreign countries, showing the same condition, but it is useless. I shall content myself, with the consent of the committee, by inserting as a part of my remarks excerpts from the reports of our representatives in every foreign country having a parcel post, made last year at the request of Senator BOURNE, chairman of the Post Offices and Post Roads Committee of the Senate.

With the permission of the committee, I will insert in my remarks the correspondence between Senator BOURNE and Mr. Huntington Wilson, Assistant Secretary of State, in calling for this information:

PARCEL POST IN FOREIGN COUNTRIES.

In pursuance of a resolution adopted by the Senate on June 16, 1911, Hon. JONATHAN BOURNE, Jr., chairman of the subcommittee on parcel post of the Senate Committee on Post Offices and Post Roads, addressed the following letter to the State Department:

UNITED STATES SENATE,
COMMITTEE ON POST OFFICES AND POST ROADS,
August 18, 1911.

The honorable the SECRETARY OF STATE.

MY DEAR MR. SECRETARY: I inclose herewith copy of Senate resolution 56, adopted by the Senate June 16, 1911. Under authority of same I am taking preliminary steps for the collation of obtainable data in re parcel post as it is now in operation in foreign countries. I would respectfully request your cooperation in this matter and would ask you to kindly instruct the diplomatic representatives of the United States in countries operating a parcel or package post to obtain from the several countries to which they are accredited the fullest possible information with respect to such parcel or package post. Such information should consist chiefly of an abstract of the law and the rules and regulations governing the operation of the parcel post; the weight limit of parcels; the rate or rates of postage; the greatest dimensions of parcels accepted for mailing; whether delivery of parcels is made to the residence of the addressee or to some intermediate point, such as the nearest post office or railway station, and if to an intermediate point, what are the particulars concerning the rate of postage, and what means are used to notify the addressee that a package awaits him at such intermediate point; a statement of the revenue and expenditure and the amount of parcel-post business transacted during a term of 10 years; a statement showing the additional postal equipment, if any, made necessary by the establishment of a parcel post; a statement showing in what particulars the transportation of parcels differs from the handling of letter mail, and whether the operation of the parcel post has caused any delay or difficulty in the prompt and satisfactory treatment of letter mail; a schedule of the articles which may or which may not be sent by parcel post; a statement describing any opposition which may have been manifested before or since the establishment of the parcel post; information as to whether any common carriers exist similar in any way to the American express companies, and if so, a brief of their nature and their relation to the Government; whether the Government operates the railroads in whole or in part, and where it does, full information showing the bearing which this fact has on the operation of the parcel post; a statement showing the attitude of the people with reference to the parcel post, and what benefits, if any, have resulted from its operation to the people at large; where two or more rates exist dependent on speed of transportation, such as I understand exist in France, full information is desired; specific information as to whether shopkeepers in small towns claim that the parcel post militates against them and in favor of the large departmental or city stores.

I would appreciate it greatly if you would cause this information to be procured with the greatest possible dispatch, and could give me some indication as to approximately when it will be available.

Yours, very sincerely,

JONATHAN BOURNE, Jr., *Chairman.*

The State Department thereupon issued a special circular of instruction (which is herewith shown in full) to the diplomatic officers of the United States accredited to all countries in which the American Government is officially represented:

PARCEL-POST DATA.

[Important and urgent.]

DEPARTMENT OF STATE,
Washington, August 24, 1911.

To the Diplomatic Officers of the United States.

GENTLEMEN: By a resolution adopted by the Senate on June 16, 1911, the Committee on Post Offices and Post Roads is authorized and directed to inquire into and report to the Senate at the earliest date practicable what changes are necessary or desirable in the postal system of the United States or in laws relating to the postal service, and particularly with reference to the establishment of a parcel post, and for this purpose to sit during the sessions or recesses of Congress.

In connection with this resolution the Committee on Post Offices and Post Roads are taking preliminary steps for the collation of obtainable data in regard to parcel post as it is now in operation in foreign countries, and Senator BOURNE, chairman of the committee, has requested the department's cooperation in the matter to the end that the diplomatic representatives of the United States in countries operating a parcel or package post be instructed to obtain the fullest possible information with reference to such parcel or package post in the countries of their residence. The information, Senator BOURNE states, should consist chiefly of an abstract of the law and the rules and regulations governing the operation of the parcel post; the weight limit of parcels; the rate or rates of postage; the greatest dimensions of parcels accepted for mailing; whether delivery of parcels is made to the residence of the addressee or to some intermediate point, such as the nearest post office or railway station, and if to an intermediate point, what are the particulars concerning the rate of postage and what means are used to notify the addressee that a package awaits him at such intermediate point; a statement of the revenue and expenditures and the amount of parcel-post business transacted during a term of 10 years; a statement showing the additional postal equipment, if any, made nec-

essary by the establishment of a parcel post; a statement showing in what particulars the transportation of parcels differs from the handling of letter mail, and whether the operation of the parcel post has caused any delay or difficulty in the prompt and satisfactory treatment of letter mail; a schedule of the articles which may or which may not be sent by parcel post; a statement describing any opposition which may have been manifested before or since the establishment of the parcel post; information as to whether any common carriers exist similar in any way to the American express companies, and if so, a brief of their nature and their relation to the Government; whether the Government operates the railroads in whole or in part, and where it does, full information showing the bearing which this fact has on the operation of the parcel post; a statement showing the attitude of the people with reference to the parcel post and what benefits, if any, have resulted from its operation to the people at large; where two or more rates exist dependent on speed of transportation, such as it is understood exist in France, full information is desired; specific information as to whether shopkeepers in small towns claim that the parcel post militates against them and in favor of the large departmental or city stores.

If a parcel or package post is in operation by the Government to which you are accredited, it is desired that the information requested by the Committee on Post Offices and Post Roads be procured and forwarded to the department with the greatest possible dispatch—by September 20 where that is practicable.

I am, gentlemen,

Your obedient servant, HUNTINGTON WILSON,
Acting Secretary of State.

The foregoing instruction was sent to the countries shown in the following list:

Argentina,[1] Austria-Hungary,[1] Belgium,[1] Bolivia,[1] Brazil, Bulgaria, Chile,[1] China,[1] Colombia,[1] Costa Rica, Cuba, Denmark,[1] Dominican Republic, Ecuador,[1] Egypt,[1] France,[1] Germany,[1] Great Britain,[1] Greece,[1] Guatemala,[1] Haiti,[1] Honduras,[1] Italy,[1] Japan,[1] Liberia,[1] Luxemburg,[1] Mexico,[1] Montenegro, Morocco,[1] Netherlands,[1] Nicaragua,[1] Norway,[1] Panama,[1] Paraguay,[1] Persia,[1] Peru,[1] Portugal,[1] Roumania,[1] Russia,[1] Salvador,[1] Servia,[1] Siam, Spain,[1] Sweden,[1] Switzerland,[1] Turkey,[1] Uruguay,[1] and Venezuela.[1]

The replies which have been received up to this time, December 31, 1911, and the correspondence incident thereto, are given.

A. M. Beaupré, representative of the United States in Luxemburg, in his dispatch dated September 20, 1911, says:

Tradesmen of small towns do not complain that as a result of the establishment of a parcel-post service their interests suffer and large establishments of large towns or others benefit thereby.

Henry Lane Wilson, representative of the United States in Mexico, in his report dated September 13, 1911, says:

The daily increase in the work of the parcel-post service, both within and beyond the Mexican territory, is an indication of the favorable attitude of the general public toward the service.

There is no knowledge or evidence of any feeling on the part of the shopkeepers in small towns or claim that the parcel post militates against them and in favor of the large departmental or city stores.

The merchants of small localities find the greater part of their trade among persons who are not accustomed to avail themselves of the advantage of the parcel post; accordingly, they are not subjected to the competition which this service might cause them. Furthermore, they generally sell articles of immediate necessity, such as common cloths, hardware, etc., which would not bear the cost of transmission by parcel post. At times these very merchants are among the first to profit from the advantage of the parcel post, to secure certain kinds of merchandise. It is for these reasons, perhaps, that they have never complained.

N. Dominguez, representative of the United States in Morocco, writing under date of September 12, 1911, says:

So far as any attitude is observable it is one of appreciation on the part of the public for the benefits of the parcel post, but these benefits are at present confined to very few, chiefly the foreign residents in the coast towns, and the handful of officials in Fez and Morocco City.

G. von der Meulen, acting representative of the United States in the Netherlands, under date of September 14, 1911, says:

Wherever possible the parcel-post service is carried on together with the letter post. Where the amount of the work of parcel post does not permit thereof, in that case, as in large centers, the parcel-post service is intrusted to a special staff of officials. The prompt and efficient handling of the letter post has not suffered by the introduction of the parcel post.

No complaint has ever been made by shopkeepers in small places that they have suffered from the parcel post in that the people, instead of purchasing their wares, have had recourse to the large stores in the big towns through the parcel post.

The representative of the United States in Peru, under date of September, 1911, in his report says:

Attitude of the people: The people in general show greater satisfaction with the parcel-post service, but not the retail merchants, with whose interest it competes, but this has not proved to be an obstacle to the service.

J. J. Mendez, director general of the United States for Panama, in his report of October 27, 1911, says:

No opposition has been shown on the part of the public nor by commerce to the establishment of the parcel-post system; but, on the contrary, the facilities which this service lends by the interchange of merchandise, packed and sent as parcels, has become so popular that the residents in the principal cities of the Republic of different nationalities from those countries with whom Panama has celebrated conventions constantly beg the representatives of their governments to initiate negotiations in that sense, as have done, in effect, various nations, as Spain and Central and South America. This directory general is about to enter into them.

The attitude of the public with relation to the service of parcel post has been that of approbation and acceptation, and the people have approved this service on account of the facilities which it lends, bringing by this means merchandise in small quantities and at the small cost of its freight.

The proprietors of establishments in small towns, and even those which are situated in the cities of Panama, Colon, and Bocas del Toro, and in the principal towns of the interior of the Republic, who do retail trade are those who derive the greatest benefit from the parcel-post system on account of the reasons which have been given previously—that is, small cost in the freight on the merchandise, packing, and system of transportation of the postal parcels.

Edwin V. Morgan, representative of the United States in Portugal, under date of September 20, 1911, says:

The establishment of the parcel-post service has forced the railway companies to reduce their freight rates on matter under 10 kilograms (22 pounds), and the people have benefited as a result.

On account of the illiteracy of the people the method of ordering by catalogue and by post does not obtain in Portugal. Hence the parcel post can not be said to have altered conditions or relations between the small town store and the large city one.

Roland B. Harvey, representative of the United States in Roumania, under date of October 2, 1911, says that in Roumania—

there is no opposition whatsoever to the parcel-post system. It has been in use here practically since the establishment of the post office and is taken as a matter of course.

I have heard of no complaints from the shopkeepers in small towns in regard to the parcel post militating against them.

Mr. Post Wheeler, minister of the United States in Russia, in his report dated September 30, 1911, in speaking of conditions in Russia, says that—

shopkeepers in the smaller towns, as far as can be learned, do not claim to be materially injured by possible customers buying from the city stores through parcel post.

No private express or forwarding companies exist in Russia, and therefore there is no competition with the parcel post, carried on railways exclusively owned by the Government throughout the Empire; but no opposition has ever been manifested against the present system, and it is considered generally to be of great benefit to the people; the rates are cheap and delivery quick and sure.

William Heimke, minister of the United States in San Salvador, speaking of the workings of the parcel post in that country, says:

There has been no known opposition either before or after the establishment of the parcel-post service.

The people benefit by the parcel-post service in that they can provide themselves, from the principal centers, with those articles which can not be obtained in their locality; it enables them to acquire in this way those articles which could not reach them by ordinary mail, and, undoubtedly, it brings the advantages of the cheapness and the speed of their transmission.

Mr. Robert Woods Bliss, chargé d'affaires ad interim, in making report on October 5, 1911, on the workings of the parcel post in Argentina says:

Q. A statement describing any opposition which may have been manifested before or since the establishment of the parcel post?

A. There has been no opposition.

Q. What is the attitude of the people with reference to the parcel post, and what benefits, if any, have resulted from its operation to the people at large?

A. The people in general and particularly the merchants have shown themselves to be in sympathy with the parcel-post service. The benefits resulting from this service have been the possibility of interchanging small packages at reduced rates, the rapidity of transportation, and the security made possible by its service.

A proof of the favorable attitude of the people toward this service is shown by its increase since the inauguration in 1887, in which year only 10,185 parcels were carried compared with the 790,303 parcels carried in 1910.

Mr. Ethelbert Watts, consul general in Belgium, in his report dated November 14, 1911, says:

The parcel post has proven very successful in Belgium, not only with the public, but the Government has realized large profit in this department, but there are no statistics published to show details.

It is interesting to note what effect this service has on the business of the small merchants in the country villages, whether they suffer a material loss as a consequence of the larger merchants in the cities supplying their customers, and it appears they have not suffered a loss in their business, for they are the very ones who make the most use of the parcel-post service. If they do not have an article asked for, they at once order it for their customer and have it sent by parcel post.

In general, the people of the country and the small towns, except the rich, do not use the parcel post much in ordering things from the city, but buy at home, as they did before this system was started.

The richer class and the summer people who pass several weeks every year in the numerous seashore and mountain resorts of Belgium use the parcel post a great deal, but even before the advent of this service they always went to the city to do their most important shopping.

Mr. Horace G. Knowles, representative of the United States in Bolivia, in making report on October 24, 1911, of the workings of the parcel-post system in Bolivia, says:

The parcel-post service, because of its many advantages over the ordinary freight service, is considered indispensable by not only the general public, but also by all commercial houses.

The parcel-post service has never given cause for local merchants to complain or protest, but, on the contrary, they could not well do without it. They find it a quick and economical way to get their goods, and the loss by direct orders to stores in the larger cities is comparatively small.

The representative of the United States in China, in his report dated October 10, 1911, says:

Attitude of the people toward the parcel post: The attitude of the people toward the parcel post is one of great friendliness and high

[1] Information from these countries and Australia appears in the pages which follow. Replies not yet received from remaining countries in the list, Brazil, Bulgaria, Costa Rica, Cuba, Dominican Republic, Montenegro, and Siam.

appreciation of its benefits. These benefits are those which spring anywhere from a trustworthy and speedy agency for the transmission of goods.

Complaints of shopkeepers: Large department stores being unknown among the Chinese, no occasion for complaints from small-shop keepers have yet developed.

A. H. Frazier, of the American legation in Colombia, in his report of October 7, 1911, says:

No opposition has manifested itself before or since the establishment of the parcel post. No common carriers exist, since the country is too vast and the means of communication too inadequate to permit of any private agency undertaking such a service.

The parcel post, being the only means of transporting packages from one part of the Republic to another, except over the few railroads and steamship lines on the rivers of Colombia and where there are established mule trains, has resulted in great benefit to the country.

The mail-order business is as yet undeveloped in Colombia; in consequence shopkeepers in small towns do not have to compete with the department stores in the larger centers; moreover, the department store as it is known in the United States and Europe does not exist in Colombia.

The representative of the United States in Denmark, in writing from Copenhagen under date of December 14, 1911, says:

There has been no opposition against the carrying of packages by the postal service.

The postal package service is made use of by all classes of the population.

No complaints of the kind referred to have been made against the postal package service.

Mr. Evan E. Young, representative of the United States in Ecuador, in his report dated October 19, 1911, says:

No opposition has been encountered either before or after the establishment of the parcel post; on the contrary, great benefit has been observed to commerce from this service.

The people at large have been greatly benefited by the parcel post on account of the prompt service and also by the ease with which they can send their merchandise abroad.

Finally, the merchants who export in large quantities receive the same benefits as those who send out but small amounts.

Paul Knabenshue, vice consul general in Egypt, under date of October 17, 1911, says:

Q. Specific information as to whether shopkeepers in small towns claim that parcel post militates against them in favor of the large departmental or city stores.

A. No such complaint.

Joseph C. Grew, representative of the United States in Hungary, in his report dated September 21, 1911, says:

Attitude of the people: The attitude of the people toward the parcel post is very much the same as that manifested toward the letter post, i. e., that both are such long-established institutions that they are taken as a matter of course. The three classes of parcels—ordinary, special-delivery, and "urgent"—are a special benefit, inasmuch as they afford the public a variety of methods of shipment and enable them to expedite delivery at a small additional cost.

Opposition to the parcel post: The parcel post has been so long established in Hungary that if there was any opposition to its establishment it was so many years ago that it has been long forgotten, and no statement as to what it may have been is now obtainable. It may be assumed, however, that if there was any opposition it came from those companies and individuals who were engaged in the express business before the parcel post existed. Since its establishment its obvious advantages have made it a most popular institution, and nothing but praise is heard for it.

Opposition of shopkeepers in small towns: Provincial shopkeepers in Hungary consider the parcel post as a good friend rather than as a force which militates against them. This may be because the mail-order business is not well developed in Hungary, and the public, as a rule, prefers to see the article to be bought rather than buy through catalogues. The parcel post enables the small shopkeeper in some remote part of Hungary to secure supplies from the commercial centers at a cost much less than he would have to pay were they to be placed in private hands. The dispatch and cheapness of the parcel post have done great service in the development of provincial commerce, and there appears to be no opposition among the shopkeepers.

John G. A. Leishman, representative of the United States in Italy, in his report dated October 1, 1911, says:

The Italian people now accept parcel post as a matter of course and regard it as a necessity, since it not only facilitates the transportation of parcels, but also makes it possible to forward articles to parts of the Kingdom which it would be otherwise impossible to reach, owing to the fact that private companies could not afford to transact the business at rates low enough to permit the transportation of parcels to such remote localities.

As parcel post has now been successfully operated in Italy for the last 30 years, no claims are put forth by shopkeepers in small towns that it militates against them and in favor of the larger shops situated in cities. They accept parcel post as an established fact, although it is quite conceivable that in some instances business may be diverted from the smaller to the larger centers.

Montgomery Schuyler, representative of the United States in Japan, under date of October 2, 1911, says:

The parcel post has been popular ever since its inception, and its benefits are fully recognized by the people. It fills an important need in Japan, where the private forwarding business has not reached the same state of efficiency as elsewhere. The Government is receiving constant applications and petitions for the extension of the weight and size of mailable parcels.

Firms doing a mail-order business depend upon the parcel post, but do not compete with the shopkeepers in small towns. The Japanese country folk live very simply, and the variety of goods sold by local houses is very limited; special articles must be ordered from the large towns. The Government has not received any complaints from rural shopkeepers about the parcel post militating against them. I have the honor to be sir,

Mr. John C. Grew, minister to Austria, reporting under date of September 16, 1911, says:

The embassy is informed by the Austrian postal authorities that no direct complaint has ever been submitted to them to the effect that the parcel-post system causes injury to the small traders of the country towns.

In considering this question it must be borne in mind that the so-called department store is in Austria still in its infancy. While comparatively large stores exist in all the greater cities, especially in Vienna, which stores depend to a great extent on their country trade, there are but two stores in Vienna which deserve the name of "department stores" and both of them together would approximately represent the size of a very medium department store in New York.

But such large houses as there are usually send out traveling salesmen, who solicit trade among the small mechanics, shoemakers, milliners, tailors (to whom they offer especially cloth linings), etc., but do not go near the direct consumers, and as the goods ordered are delivered by parcel post, the system thus shows an injury to the small trader. Some of the consumers also order direct by mail from the larger city stores.

Yet, practically speaking, the effect of the parcel-post system upon the small trader in the country and the lesser towns can not properly be established, for the reason that the system in Austria is not a new venture, having existed as long as the mail system. Certainly its effect can not be compared to any good purpose with the probable results of the same system in America, where the number and size of the larger city stores render the circumstances quite different from those obtaining in Austria. If the small trader in this country has anything to complain of it is the great number of peddlers who swarm into the smaller towns and villages and there sell city goods to the detriment of the village shopkeepers themselves.

The representative of the United States in Chile, in his report dated September 28, 1911, says:

General observations: Mail-order business from the larger towns to the country districts has not made great strides, and conditions differ widely in this respect from those in the United States. The complaint, if there should be any, would come more likely from the Chilean merchants as against the foreign houses sending goods here by parcel post direct to customer. There is but one properly so-called department store in Santiago

Mr. Robert Bacon, ambassador of the United States in France, under date of October 2, 1911, says:

The institution of the parcel-post service has rapidly become popular owing to its simplicity and to the facilities it affords to commerce, industry, and agriculture to forward goods in small quantities at reduced rates. It is easy to realize by the ever constant progression of the business (see Doc. No. 5; translation on p. 92) the services rendered and the reception given by the people to this innovation.

The administration has not yet received any complaint from shopkeepers in small towns concerning the advantages which large departmental or city stores would reap from the parcel-post system and the prejudice which it would cause them. It would seem that they themselves find great facilities in this service for the needs of their retail trade.

Irwin Loughlin, representative of the United States in Germany, in his report of December 20, 1911, says:

The attitude of the German people with reference to parcel post would be difficult to define, since the people regard the parcel post as they do the regular letter post.

The benefits to the people which have resulted in its operation are quick and cheap transmission of parcels, and, in general, all the benefits which are claimed for such a system by its advocates in the United States.

It can not be discovered that there is any opposition by shopkeepers in small towns on the ground that the parcel post operates to their damage in favor of large department stores. The conditions governing retail trade in Germany are so different from those of the United States that it is almost impossible to draw a parallel on this point. There is comparatively little trade done by large German department stores—which in point of fact are comparatively few—outside the immediate delivery area of their respective cities.

Frederic Ogden de Billier, representative of the United States in Greece, in his dispatch dated September 26, 1911, says:

The parcel-post service has proved popular with the public, which has found a great benefit in the simplicity and ease of the service.

J. H. Stabler, representative of the United States in Guatemala, in his report of September 29, 1911, says:

Q. Has any opposition been manifested before or since the establishment of the parcel-post service?

A. No opposition has ever been raised to the parcel-post service; on the contrary, it assumes greater volume daily, showing that the public welcomes it gladly because of the benefits it confers.

Q. Do shopkeepers in small towns claim that the parcel post militates against them and in favor of the large departmental or city stores?

A. So far it has not been observed that small commercial houses of neighboring towns have made complaint that the parcel-post service has been injurious to them; in fact, this service gives them facilities for filling small mail orders with little capital.

Mr. Whitelaw Reid, United States ambassador to England, in his report of September 13, 1911, on the parcel post in the United Kingdom of Great Britain and Ireland, says:

Attitude of the people to parcel post: There is reason to think that the parcel post is much appreciated by the general public, as parcels can be posted at any post office (about 24,000 in number) for delivery at any address, however remote, for a payment in accordance with a uniform and well-known scale of charges, irrespective of distance.

Opposition from interested parties, and especially the attitude of shopkeepers in small towns toward the parcel post: There was naturally opposition (though neither widespread nor organized) on the part of some whose interests were adversely concerned to the introduction of a parcel post, but there was a preponderating body of public opinion

in its favor, and since its introduction there has been no kind of organized protest against its continuance, either from carriers or from the smaller retail traders or from others. A few years ago, however, a proposal to adopt the "cash-on-delivery" system (i. e., a system of collection from the addressee of the price of goods purchased and its remittance to the sender) excited such strong protest from shopkeepers in villages and small towns, who urged that the scheme would do them a great injury by diverting local trade to the large stores in cities, that the system has not yet been adopted in the inland service, although it has been applied to the parcel post between the United Kingdom and certain Crown colonies.

Mr. Nicolay A. Grevstad, minister of the United States to Uruguay, under date of December 5, 1911, in his report says:

In the country districts the service is used especially by small merchants, who in this way receive merchandise in small lots from the wholesale houses of the capital. In those districts the packages remain at the disposition of the interested party or parties in the office of the city or village where those parties reside, or in the nearest office to their residence in such cases where the residences are in the middle of the ranch. In any event notice is sent to the interested party to come for his package.

Roland B. Harvey, representing the United States in Servia, says, in his report dated November 17, 1911, that in that country—

The system has met with approval; the people are much satisfied with the system, and no opposition has been manifestd. The post department has the monopoly of the carrying of parcels, and no private carriers or express companies are allowed to do this business.

It is the general opinion that the establishment of the parcel post has considerably increased the trade between the country people and the merchants.

Mr. H. C. May, representative of the United States in Sweden, in his report under date of December 22, 1911, in speaking of Sweden, says:

The establishment of parcel post has been a great advantage to the public and has met with no opposition in any quarter.

The continually increasing operation of parcel post seems to prove that it enjoys the confidence of the public.

The parcel-post operation seems in a high degree to promote the interchange of goods, and as the inland fees are fixed without any regard to the distance of transportation it appears to be of great importance, especially for the distant parts of the country, which are naturally worse off in respect of means of communication.

No complaints in this respect have been made to the post-office department.

Mr. H. S. Boutell, minister to Switzerland, in his report dated September 11, 1911, speaking of the parcel post in Switzerland, says:

The people have always shown their sympathy for the parcel post, the establishment of which refers back for more than a century. Through its promptness and security it has facilitated commercial transactions and the relations in general. The fact that the parcels are admitted to the greater part of the trains, and that—according to the importance of the localities—they are distributed one, two, three, and even four times a day, sufficiently illustrates how numerous the advantages enjoyed by the people are.

There have never been complaints made in this connection; the parcel post established in cities and in the country offers the same benefits to each. The uniform rates for all Switzerland up to the weight of 20 kilograms (44 pounds) (pp. 25 and 26 of the Recueil, see pp. 258–259) do, on the contrary, constitute a real advantage for the small shopkeepers in less important cities, because they enable them to procure certain merchandise under the same conditions of transportation (cost of transportation) as the large departmental or city stores.

Mr. John W. Garrett, minister to Venezuela, in his report of September 15, 1911, says:

No opposition: It is stated that there has been and is now no opposition to the parcel post.

Attitude of public: The public appears to realize the advantages of the system and frequently has recourse to it, chiefly for the purpose of importing articles of clothing in small quantities.

In these reports from all of the foreign countries where the parcel post has been established, experimented with, and observed, the almost unanimous consensus of opinion of the people living there, judging by the reports, is that the parcel post works injury to no one, but benefits all. Out of the 34 countries where the parcel post is established these reports show that in only one or two countries does the merchant and shopkeeper offer the slightest complaint.

Now, Mr. Chairman, I realize that in most of the foreign countries the conditions are different from conditions in the United States, that in some there are no large department stores, that some own and operate their own railroads, and that hardly any of them are as large in area as the United States; but, Mr. Chairman, many of these countries do have the large department stores, and not all of them have government ownership of railroads, and if in those countries the parcel post has worked no injury to the small merchant and shopkeeper, but, on the contrary, has been beneficial to all, is it not natural to believe that the same result will follow in the United States? It is true that the great size of the United States will enter largely into the consideration of rates to be charged for transportation of the packages, and it is for this reason that I do not believe that we ought to establish a flat rate, thereby permitting packages of the same weight to be shipped from Chicago to Hattiesburg, Miss., at the same cost as from Jackson, Miss., to Hattiesburg. If the flat rate is established, there can be no doubt that the express companies will do the business on short hauls and the Government on the long hauls, the consequence being that the express companies will make large profits, while the Government will lose money.

I am not, Mr. Chairman, satisfied with the provisions for a parcel post as contained in this bill. I do not think they are broad enough. If the provisions of this bill are adopted, little is accomplished toward the establishment of a parcel post. The man who lives on a rural route—for instance, a route that runs out of Laurel, in my district—would be permitted to send an 11-pound package to Laurel or to receive an 11-pound package from Laurel, but he could not, in my opinion, under the provisions in this bill, send nor receive over a 4-pound package from his place on the rural route out of Laurel to or from Hattiesburg, and even though he desired to send a 4-pound package from his place to Hattiesburg he would have to pay 16 cents per pound, the present rate.

Mr. Chairman, the rural citizens of the country, as well as the urban population, will not be satisfied with this makeshift of a parcel post, and I hope that this committee will give to the country a parcel post that will allow at a reasonable rate, on the zone system, a package of, say, 25 pounds or any reasonable weight to be shipped not only over the rural routes, but to every place in the United States from any point on a rural or star route. The man who lives on a star route ought to be permitted to ship and receive parcels through the mails the same as the man who lives on a rural route. The man who does not live on a rural route is at enough disadvantage. Do not discriminate further against him. The parcel-post subject is a complex question, but I believe we can solve it and that the best solution to it is not a flat-rate system, but a zone system. In this connection I want to quote from the distinguished junior Senator from Mississippi [Mr. WILLIAMS]. He says:

* * * I am hoping for the passage of a parcel-post bill based upon the zone system, where charges will be approximately according to the distance that the packages are carried, with the first zone (where the minimum charge would exist) constituted of the rural free-delivery routes and the charges increasing according to the well-recognized freight rule for each succeeding zone. That recognized freight rule, which is approximately carried out in fixing freight rates, "doubles the charge as the distance quadruples." Thus to illustrate: If the charge were made one-half cent a pound up to whatever weight was fixed in the bill—say 25 pounds, just for illustration—for the rural free-delivery zone, which would be 25 miles, then the charge for the next zone would be 1 cent a pound for not more than 100 miles; and the charge for the next zone would be 2 cents per pound for not over 400 miles; and the charge for the next zone would be 4 cents a pound for not more than 1,600 miles; and the next zone would be 8 cents a pound for all distances over 1,600 miles.

The country merchant would thus have virtually a free-delivery wagon furnished by the Government of the United States for his trade upon the rural free-delivery routes. Of course it would not be absolutely free, but the charge fixed would be so small that it would not be one-fiftieth (unless he did a very large business) of what he would have to pay if he kept a man and a horse and wagon and did his own delivering.

If the country merchant would go out of existence merely because people could buy things a little cheaper away from home from the great department stores in the large cities, he would go out of business now, without any parcel post—I mean if cheapness were the sole consideration, and I mean the statement not with regard to heavy articles, but with regard to articles of small weight and comparatively cheap expressage. The truth is, however, that the farmer and the home customer want things not only because of their cheapness—they want an article quick; that is one thing; and they want certainty and safety of reclamation and exchange in case the article arrives damaged or the wrong article comes; that is another consideration. Both of these considerations operate in favor of the home merchant. In addition to that, a man likes to deal where, when it is inconvenient for him to pay cash that day, there will be no objection to charging it and letting him pay for it the next month. That operates in favor of the home merchant. In addition, men like to deal with those with whom they are acquainted.

Mr. Carter is wrong in saying that the retail stores have been put out of business in either Great Britain or Germany. I know of my own knowledge that this is not the case. It has not been long since I was over in Great Britain and went to various country towns, like Oxford, Stratford, Llangollen, etc. I have not been in Germany lately, but my assertion as to that country is based on the immense trade done in the retail business in such towns as Manheim, Dusseldorf, Heidelberg, and Bonn.

Mr. Chairman, the establishment of a scientific, general parcel post on a zone system will practically put the express companies out of business, unless they reduce their now exorbitant rates to the public. If we, by establishing a parcel-post system, cause the express companies to reduce their rates, then we have performed a great service, not only to the merchant, but to all classes of the people.

Surely no one save the express companies will object to a reduction of express charges. Surely no merchant will object to that, and yet the establishment of a genuine parcel post on the zone system will necessarily cause the express companies to reduce their rates or go out of business. In either case the great majority of people will be benefited.

Now, Mr. Chairman, one other word. I know, we all know, that this provision for a parcel post in the pending bill is subject to a point of order, and unless a special rule is brought in

and adopted by this House making this parcel-post provision not subject to a point of order that possibly no parcel-post legislation will be enacted during this session of Congress. I have heard some rumors flying around that probably the Rules Committee would not report such a rule. I sincerely trust that such is not the case, and hope that a rule will be reported and adopted giving us the right to vote on this very important question in this appropriation bill, so that a parcel-post law may be enacted at this session of Congress.

In the event, Mr. Chairman, this rule is reported and adopted, amendments will be offered that contain the views I hold on the parcel post. I shall vote for them, and I trust they will be adopted; but should these amendments be voted down, then I shall vote for the provisions embodied in this bill in the hope that it will be the entering wedge, the initiation of a movement for a more general and beneficial parcel post in the future. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from West Virginia [Mr. BROWN].

Mr. BROWN. Mr. Chairman, the postal service is older than our civilization. In Second Chronicles we read, "The posts went with the letters from the King and his princes throughout all Israel," and Job says, "Now my days are swifter than the post. They flee away." The system derives its name from the posts or relays where the couriers ended their journeys and transferred their letters or packages to their successors. In the beginning these communications were royal privileges, exercised by kings and nobles of one country in correspondence with the rulers and potentates of another, or from the king to the commanding officers of his army. They were first written in wax and subsequently on parchment, and must necessarily have been bulky.

This mail service was conducted, first by runners, and then by horsemen, and we find even where it was carried in the early days of England by oxen; and many people remember the pony express whose daring and hardy riders carried mail and express across our western plains.

For centuries the government mail service, if it can be so designated, was exclusively the prerogative of kings and the nobility. The common people were denied its use. The mail service in the early ages was carried on both by the government and by private enterprise. We are told that swift runners, with frequent relays, have covered as much as 200 miles in a day with special dispatches. Carrier pigeons have also been used for carrying dispatches, and even as late as the Battle of Waterloo a carrier pigeon took the advance news of Wellington's victory to London, and in this way the Rothschilds obtained the advance information of Napoleon's overwhelming defeat, which information they turned to commercial value and thereby laid the foundation of their subsequent colossal wealth. Thus we see that step by step, with the growth of civilization and the advance of knowledge, there has been a commensurate increase and development of the postal system.

In the early colonial days postal service was extremely high, costing $1 to send a letter from the United States to Europe or from Europe to the United States, and even throughout our own land the amount of postage was governed by the distance the letter had to travel. It was for Ben Franklin, our first Postmaster General, who enjoyed the munificent salary of $1,000 a year, to systematize our post offices and bring them into a measurably satisfactory condition.

The history of the postage stamp is also especially interesting. To a Frenchman named De Valayer, who established a private postal system of his own, belongs the credit of using the first postage stamps. These were slips of paper bearing his inscription and were sold at different places throughout France, and when attached to a letter insured its transportation over his private lines. Spain was next to use the stamp, where a letter, after being stamped by the royal seal and coat of arms, would be carried by Government post. But to Julius Cæsar must be accredited the beginning of the franking system. The impress of his signet ring in the plastic sealing wax was abundant authority throughout all the known world to secure the safe conduct and free delivery of all his sealed commands. But to England more than all the nations of the modern world is due the greatest advances toward the perfection of a comprehensive postal system. The growth of civilization, the development of the human mind, the advance in literature, science, and art have developed in perfect harmony and step by step with the postal system and each dependent upon the other, and to-day a large portion of the commerce of the world is carried on through the mails. As the business of the world advanced new demands were made upon the Post Office Department. This great portfolio of the Government has always been slow to yield to these demands, and every change that it has made has been a step in the right direction.

To-day the people of the United States are making a new demand, a demand that will place the rural and agricultural districts almost upon the same plane as the man in the city. There the express companies deliver the packages at his door. Would not, under reasonable restrictions, the parcel post do the same for the man in the country? The demand for the parcel post is universal. There is not a community within the borders of the United States that will not be benefited by it, and the increased cost to the Government will be more than made up by the increased amount in postage. The parcel post will tend largely to distribute the blessings of this world. It will increase commerce; it will save time and money to the man on the farm, and increase the comforts and advantages of country life so the comparisons can no longer be urged in favor of the city home. While the postal service originally was the exclusive right of kings and nobles, under our present system of government this right belongs to the people. Their best interests must control it. Their expressed wishes upon the subject must be the law. It is urged that it will start competition with the express companies and incur their disfavor and secure their opposition to the party in power, but as a Democrat I will say that I would be proud in this case of the enemies the Democratic Party has made.

Parcel post is but another step toward the perfection of the postal system. While it may be an innovation in this country it has been successfully tried in other nations of the world. Our Government is slow to change, and we may not get full and complete parcel post through Congress in any one bill, but certainly and surely it will come in time. The interests of the people demand it; commerce demands it; and the advancement of our civilization requires it. There is another great necessity, however, that must go hand in hand with a perfect postal system, and without it the parcel post or the rural free delivery can never become a perfect success—that is good roads. The good-roads movement is as broad as our land. Every community is crying out for increased facilities of transportation. There is no truer test of the intelligence and good citizenship of a community than the character of its roads. In nearly every community throughout the country a good-roads movement has been inaugurated. Many of the States are building State highways and conducting experimental tests for good-road building, but the cry has come up for national aid. In the interior districts, away from the rivers, the people ask: "Why should the waterways be improved at national expense and not the highways?" The objection has been made heretofore that any movement in this direction upon the part of the Government would be an interference with the rights of the State; that the theory of State rights precluded the National Government from carrying into effect any enterprise of this kind. It has been suggested, however, that this objection may be overcome by the Government paying to the several States a proper compensation for the use of the roads in carrying the United States mails, this fund to be expended by the States. It pays the railroads for this privilege. Would it not be equally just to pay the States for the use of their highways over which the United States mails are carried? A bill has been introduced to this effect and, in my opinion, it is not only generous on the part of the United States Government, but also equitable and just. In many sections of the country the rural carriers are embarrassed by bad roads, and the cost of maintaining their horses and mail wagons is greatly increased thereby and time lost in the delivery of their mails. By improving the roads you increase the effectiveness of the service and decrease the expense. There is no branch of this Government more courteous, generous, and efficient than the Rural Free Delivery, and the carriers who go out daily to face the storms of winter and the heat of summer are no less courageous, hardy, and daring than the soldiers who face cannon's mouth. A soldier may never do battle in a lifetime, but the rural carrier contends with the elements every day in the year, and yet he is one of the poorest paid employees in all the Government service. When the parcel post comes his labors will be increased. The income of the Government will also be greatly increased, and, if not before, the rural carrier's salary should then share liberally in the general advance. Every age brings new ideas, new suggestions, new theories, and a great many changes in the departments of the Government are suggested. These should be studied carefully and advances made slowly but surely. It is the duty of lawmakers in all cases like these to learn to reject the false and accept the true.

I hope to be able to vote upon the floor of this House for a general parcel-post bill—one that will carry with it more advantages, blessings, and comforts than any bill that has passed through Congress for many years.

Mr. BROWN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL. Mr. Chairman, I have no time, but I will ask the gentleman from Tennessee to yield to me long enough so that I may ask him a question.

Mr. MOON of Tennessee. I yield to the gentleman from Connecticut.

Mr. HILL. Mr. Chairman, I asked publicly on the floor yesterday a question in regard to the meaning of section 8. Since that time I have asked other members of the committee, and I find that the other members of the committee agree with my construction of that language. I would like to ask the chairman if the intention is that the 12-cent rate shall apply to a package of 11 pounds originating on a rural free-delivery route and going to another free-delivery route, or originating, for instance, in Chicago and going to a rural free-delivery route in Illinois, or does it mean that it shall go only on the rural mail routes, and that when the package is delivered to the postmaster at the starting point of such rural free-delivery route then it shall take the additional rate over and above the 12 cents? Evidently the members of the committee differ very much in their construction of that language.

Mr. MOON of Tennessee. Mr. Chairman, I do not think there is much room for division. I do not think the committee would be split up on that question if fairly presented to them. The first section deals with a general parcel-post proposition. It is general in its application.

Mr. HILL. Does it abolish the 16-cent rate?

Mr. MOON of Tennessee. It does not abolish the 16-cent rate. The existing law is an ounce law and this is a pound law. They are separate and distinct propositions, and neither conflicts with the other, in my opinion. I believe you can under this law send a package anywhere in the United States, whether you send it to a rural route from a city or from a rural route to a city, and that it will go for 12 cents a pound; but if you desire to avail yourself of the lower rate of 5 cents per pound, then it must be delivered on the rural route at the initial point or to a carrier on it for final delivery on that route.

Mr. HILL. Let me read the language of the second part of that section:

> That on each and all rural mail delivery routes of the United States the postmaster at the starting point of such route shall until June 30, 1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails by law and falling under the definition of fourth-class matter and not weighing in excess of 11 pounds, for transportation and delivery on said routes only, and the carriers shall receive at intermediate points on all rural routes such mail matter of the fourth class for delivery on their respective routes only.

Then it goes on and gives those rates. Now, does not that bar out the 12-cent clause for the rural route?

Mr. MOON of Tennessee. The 12-cent clause operates on the rural route where the matter is sent from a point not on the route. In other words, if it is sent from a city to a city or from a city not the beginning of the route to a point on a rural route, the 12-cent rate applies, but if you desire to avail yourself of the lower rate, which is intended only to the application of a particular rural route, then you must deposit the matter in the post office or give it to some carrier on the route, otherwise it does not apply. This is one exception to the general proposition of fixing the 12-cent general rate.

Mr. HILL. I will state further that I have understood that the purpose of making it in this way was to give to the country storekeeper an advantage, which members of the committee thought he ought to have, over the mail-order houses a long distance away, and if the 12-cent rate does go to the rural free delivery route without an additional rate, why, of course, that advantage is taken away.

Mr. MOON of Tennessee. This bill is not intended to give any advantage to the merchant or to the farmer or to anybody else. The section to which the gentleman refers is to equalize the domestic with the foreign rate. It has been insisted, and properly so I think, that the American people ought to have the same benefit from the use of the mails as to the pound rate that the foreigner has. The pound rate is separate and distinct from the ounce rate, and that section is primarily for that purpose. It does not give any material benefit to the merchant or farmer; it is an equalization of rates for the purpose mentioned. The other section of the bill, the second section, is intended to create a commission to investigate and look into the parcel-post proposition and report as to the feasibility and propriety of establishing such an innovation on our postal system. Now the third section provides for this low rate on a particular route. It is and was confined to a particular route as an experiment, and it is limited to two years and by provision of law it ceases at that time, and the department can ascertain the workings of the rural delivery. It costs nothing, because the machinery for its operation is already in existence.

Mr. HILL. Is not the language of the third section such as to bar out all other mail transportation except at that rate, so that that rate would be additional to the 12 cents?

Mr. MOON of Tennessee. Oh, no; it refers to the general proposition——

Mr. HILL. It seems so to me.

Mr. MURDOCK. Will the gentleman from Tennessee yield on that same question——

Mr. MOON of Tennessee. Yes.

Mr. MURDOCK. Here is where I see trouble and I want to ask how the gentleman explains it? The section begins as follows:

> That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound.

Now, note this:

> Except as herein provided.

Mr. MOON of Tennessee. Yes.

Mr. MURDOCK. Now, "except as herein provided" seems to relate necessarily only to the rural-route rates afterwards provided.

Mr. HILL. That is right.

Mr. MURDOCK. Would not that reading of the law mean this sort of interpretation and application of the law, That a package sent from a town to another town and thence out to the farmer on a rural route would take two charges, namely, the 12 cent per pound charge from town to town and the rural-route charge in addition thereto to the farmer?

Mr. MOON of Tennessee. If a package was sent from one city to another and delivered, and then it was sought to send it from there to a rural route at the lower rate, that would be true.

Mr. MURDOCK. Oh, no; if the rating of this package was continuous would it not take two rates?

Mr. MOON of Tennessee. If the rating of the package was from New York to a rural route in the State of Maryland, in my judgment, it would go straight for 12 cents.

Mr. HILL. Can not it be made clearer by any language?

Mr. MOON of Tennessee. To me it is as clear as it possibly can be.

Mr. MURDOCK. Would it not be made clearer if you strike out the words "except as herein provided"?

Mr. MOON of Tennessee. Not at all.

Mr. MURDOCK. What would happen if we would strike those words out?

Mr. MOON of Tennessee. The exception that is provided here is for the rural route at the lower rate.

Mr. HILL. Would it not be made clearer if the gentleman should make it read this way:

> That on each and all rural routes of the United States the postmaster at the starting point of such route shall, until June 30, 1914, receive and deliver all fourth-class traffic originating on such route.

Would not that make it clearer?

Mr. MOON of Tennessee. If that makes it any clearer to the gentleman I shall have no objection to it, but it is clear enough now, I think.

Mr. HILL. I want it clear to the department so that it will go into successful operation.

Mr. MOON of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. LOBECK].

Mr. LOBECK. Mr. Chairman, about a year ago I was asked by Mr. W. S. Delano, secretary of the Nebraska Farmers' Congress, of Nebraska, what position I would take on the parcel-post proposition. I answered the inquiry, and it was published on May 13 and circulated all over the country. It is as follows:

[Omaha (Nebr.) Bee.]

(Special telegram.)

WASHINGTON, D. C., *May 13.*

Representative LOBECK has written a letter to W. S. Delano, secretary of the Nebraska Farmers' Congress, in regard to his position as to the parcel-post bill. In his letter to Secretary Delano Mr. LOBECK thus defines his personal feeling on this measure:

"I agree with it in so far as it states that present postal rates are excessive, but I am not ready, if I understand the subject correctly, to place country merchants of Nebraska and the Nation at the mercy of the great mail-order houses of the large cities, who so earnestly desire the parcel post. I have had some personal experience in the general merchandise trade in the pioneer days of Iowa and Nebraska. I remember full well the commencement of the mail-order trade of Montgomery Ward & Co. and others. I have never heard of that class of business bearing a penny of local taxation for the upbuilding of local communities in Iowa or Nebraska—of local schools, churches, or anything that operates to make local communities, villages, or towns desirable places to live in or in which to raise a family.

"But I do know from personal experience and observation that when my neighbor, whether he be farmer, laborer, mechanic, or member of any professional line, is in need or desires assistance in accommodation or credit to aid him or her in the activities of home life, however

humble or great, their home merchant has, in the great majority of cases, been the man who has lent a helping hand in time of need, often to his own detriment. It may be said that he was making a profit in the merchandise trade. He should, for he has assisted in every line or avenue of improvement for the welfare of this country.

"So there are two sides to every proposition, and I am willing to be shown before I am ready to support a resolution that vitally affects my neighbors and the people of Nebraska."

I have had some experience in a village store as a boy, in the State of Illinois, when I was hardly tall enough to look over the counter. My father and the other merchants of the village stayed by the pioneer in order to help him build up that country.

My father, before he became a merchant, as a pioneer farmer had to depend upon the country merchant and help him to develop his farm, just as everyone of his neighbors did.

As a youth I commenced my life work in a country store in Iowa as a clerk, and I know from experience that the pioneer farmers who came to Iowa and Nebraska to build up that country would have been in mighty hard shape if the local merchant had not stayed with him.

The village and small town merchant is opposed to the legislation known as parcel post and which is proposed to be passed in this House at this session. He believes that it will centralize trade into the large cities. He also believes, and has good reason to believe, that the parcel-post agitation with a flat rate in this country is being backed up by, and that the farmer has been educated to the demand by, the mail-order merchants of the large cities.

Mr. Delano, secretary of the Nebraska Farmers' Congress, wrote me and said it was not so. I had written him that the mail-order merchants were back of the agitation. It so happened that at the hearings in June, 1911, I listened to the testimony of a finely dressed gentleman from New York, and he was asked by Congressman LLOYD, chairman of the subcommittee, if any of the houses he represented were mail-order houses.

He said that two of them were in the mail-order business exclusively, and all the others did a large mail-order business. He was asked, as I recall it, why they were so anxious for parcel post. He said so that the countrymen and countrywomen might have the opportunity to purchase the latest styles of wearing apparel, and so forth, from the centers of fashion; so it was evident to me the reason the firms that he was representing were in the business was for gain and desired the assistance of the General Government to hold the trade, and, as his testimony proceeded, it was a self-evident fact. Therefore I was convinced by the evidence that I was correct in my statement that the mail-order houses were backing this parcel-post agitation. The farmer has been educated to believe that a parcel-post system, if adopted by the Government in connection with the postal service, would be a panacea for all the evils, imaginary or otherwise, that now beset him. The magazine and periodical writers have been instilling this idea into his mind, telling him that he could reduce the cost of living by trading direct with the factory or first distributor, thereby saving the cost of the expense of the middle man.

One correspondent wrote me that the country merchant should go out and farm and help produce; another wrote me that we could do without the commercial traveling man. If that were so, what would become of the small town, the local consumers of the farmer's productions, and in no wise a small buyer of his products? The traveling man might go to farming, but then he would be a competitor, and he might be a very strong competitor, for many of the best traveling men we have in the country to-day were raised on farms and know something about the business. When I first commenced traveling, every village possessed a tavern; but when the traveling man came to spend his money the tavern of olden time was transformed into the modern hotel of to-day; and the modern hotel, whether in a small town or a large city, is a large consumer of farmer's products and helps to keep up the prices of what the farmer has to sell.

I know something about traveling men from personal experience. When I had grown to manhood I became a commercial traveler. I remember well the pioneer merchants of western Iowa and all of Nebraska. The first trip I made into Nebraska was in 1875. Then there were but a few small towns. I recall visiting a hamlet in the Logan Valley, one of the prettiest countries in the world, where I sold merchandise to a small pioneer merchant who struggled along for years to make a living, and in that time there was not a settler in the valley, whether he lived in a dugout, a sod house, or frame shanty, that did not come to this merchant and get credit that he might live until his crops matured. These pioneers could not send to Montgomery Ward & Co., then already commencing a mail-order business in Chicago, and get their supplies; they had no money, and nothing ever goes with Montgomery Ward & Co., or their kind, but cash. Would this mail-order house have been a help to these early settlers? They demanded cash for their merchandise and the farmer had no money to send them. These settlers would have starved to death had they been compelled to depend on the mail-order houses. Who stood by the country merchant? The traveling man and the jobber. The merchant had but small capital, the traveling man was the credit man, and on his representation the jobber and the manufacturer stood with him. So, hand in hand, the pioneer farmer and the pioneer merchant, the pioneer traveling man and the pioneer jobber have built up the Middle West. This Logan Valley that I have called attention to is now one of the best cultivated and richest valleys on the earth, dotted with splendid towns and villages, with good schoolhouses, fine churches, and offers every comfort necessary to make life happy, and this has been made possible by the working together of these pioneers. Did any mail-order house lend a helping hand in this great work? Did they ever put a dollar into a church or a school or pay a cent of local taxation? Not that anybody has ever heard of.

So I am to-day standing with the small town, the village, the traveling man, and the country merchant, prime factors in the growth of our country, and I know that when the farmer takes a second thought and recalls the part that has been taken by the traveling man and country merchant in the development of our country he is not going to take favorably to this mail-order legislation that is promised as a panacea for all his troubles. What is true of Logan Valley is also true of all Nebraska and of every Western State, and this story that I have related can be repeated practically everywhere.

The gentleman from Oregon [Mr. LAFFERTY] asks the question, "Who is this junta, working, with headquarters in Washington, against parcel post?" I think I can tell him. They are an organization of wholesale merchants in this country, representing a capital of $500,000,000 invested in every enterprise that helps to build up a country. They are assessed their full share of taxation, both for city, county, and State, wherever located. This American League of Associations, which the gentleman calls a junta, have for their special objects—

To organize, affiliate, and unite for harmonious cooperation local civic and commercial associations in the towns, villages, and small cities.

To check the absorption of trade and industry into a few great commercial and industrial centers and to guard against the evils resulting from the overgrowth of large cities.

To encourage the establishment of local industries and the investment at home of home capital, to promote good roads, and to foster all movements for educational and civic improvements.

To assist the retail merchant and to cooperate with local associations in the protection and development of home trade.

To gather and prepare data, information, and literature relating to the above subjects and to maintain a publicity and lecture bureau for the purpose of arousing civic pride and to create, foster, and maintain a right public sentiment in favor of promoting the prosperity of the home town.

I know many of these firms personally, and they are the leading merchants of New York, Chicago, Pittsburgh, Indianapolis, St. Louis, Louisville, Milwaukee, Minneapolis, Omaha, St. Joseph, Kansas City, St. Paul, Duluth, Denver, San Francisco, Birmingham, Memphis, Atlanta, and, in fact, in every State in the Union. These firms represent a class of men in this country who have done much to aid in its development.

They are opposed to parcel post on a flat rate throughout the country, because it will centralize vital business into large cities and disrupt the entire system of business that it has taken nearly half a century to build up to a high-class manner of doing business and distributing goods throughout the country, and that will work great injury both to the manufacturer and the producing interests of this country to rearrange the methods of business. This association is compelled to have a secretary here in touch was the legislation; the men that are in favor of a parcel post have their organization represented here trying to secure legislation favorable to their views, and therefore these merchants must keep a bureau of information here; and I have no doubt that many Members in Congress are glad to receive information on matters pertaining to the welfare and interests of this country. These merchants have assisted every community in this country, and I think if the gentleman from Oregon had looked over the list of names of these merchants he would not have designated them as a junta. Connected with these merchants are 500,000 commercial travelers. The commercial traveler is against parcel-post legislation. Why? Because it is intended to eliminate them by doing business through the medium of the catalogue and by mail. I do not think that the traveling man is a menace to the business of the country.

In fact, I think they have been advance couriers of prosperity and civilization in this new world. No trip has been too hard for the traveling man to take by team or train, and when he returned from these trips, my experience has been, and so has been the experience of other traveling men, those seeking new homes would inquire of them, and the traveling man would tell them where good locations could be found, and they could depend on him.

The traveling man is a walking encyclopedia of information in the territory that he travels in. They are the men that bring to the farmer, through his country merchant, the new inventions, the new tools, the new harvester, the agricultural implement. The traveling man shows the country merchant the new styles of women's wear and the qualities of goods. My first experience on the road was selling jeans and woolens for a Mississippi woolen mill just commencing business. The traveling salesman has helped make prosperity for the new South. Shortly thereafter I commenced selling hardware, and for 10 years I carried my samples to show a good hinge that some factory like the Stanley works were making; some good lock that Sargent, Corbin, or my friend HILL, of Connecticut, was manufacturing and introducing to the trade. If there was a new tool that had merit, or a new saw that had good quality of steel in it, or there was a new garden tool, I explained it to the country merchant, for we have improved in this country far above all other countries in manufacturing, as everyone knows. The implement traveling man assisted the country merchant in every way. He showed him the new harvester and the improved mower, the chilled steel plow, the cultivator, and every other article intended to help the farmer produce crops easier. These commercial traveling men have created competition among the wholesale houses. They have insisted on their buyers purchasing high-class goods at lowest prices to meet competition between themselves. The merchant has been benefited by it, and, finally, the consumer, the man who pays the bill, has been benefited by it. The traveling man, backed by his house, guarantees the quality of his wares to the country merchant; the country merchant in turn warranted them to the farmer or consumer. Does a hammer prove defective; does an ax have a flaw; the merchant makes it good to the purchaser; the merchant or the farmer can always return it because it is warranted. The commercial traveler stood by the merchant; made good to him through his house. The mail-order house of to-day has copied the work of the traveling man, advertising it and put it into print. They state that they will guarantee their goods, but what does the guaranty amount to? It costs too much for the farmer or the mechanic to return it to them. If they do, they have it inspected by some low priced or paid employee as to whether it was the fault of the farmer or the mechanic and whether he should be entitled to a new tool.

In every line of trade the commercial traveler has made good. He is also quite a consumer. He is a heavy buyer of farm products to-day, either directly or indirectly, either through his home or the hotel where he stops. It would make a good deal of difference to the farmer or gardener. If the traveling man should become a competitor in producing, he might become quite a competitor. The traveling man of to-day is opposed to parcel post, and so far as intelligence goes, they will compare favorably with any class of men. They are some of our best boys; they are the select salesmen of this country; and while they are not great money savers they are great money spenders, and that is what the farmer wants if he is going to get a good price for his products.

The gentleman from Pennsylvania [Mr. GREGG] stated the other day that it was to the benefit of the farmer to trade with the mail-order house, because the mail-order house buys goods in large lots and buys seconds to palm off on the American farmer. I do not think the Government should go into the business of assisting this mail-order house in palming off seconds on the farmer or mechanic. I do not think that is good business.

A good deal has been said here to-day about the cost of high living in the cities. May I suggest one of the causes of the high cost of living in the cities. Most of the people in cities live in flats or apartments. It is not convenient nor have they the room to lay in their supplies in such quantities as the farmer or the gardener would deliver to them, so they use the telephone—it is very handy—and they telephone to the grocery store on the corner if they want a package of yeast or a package of crackers or any other small article that they may need. It may not be worth more than a nickel, and they are in a hurry for it, and so it is delivered to them. The groceryman must have means of delivery, which consists of a vehicle of some kind, either a horse and wagon or an automobile. This adds to the cost of distribution in cities. I have no doubt that it has added 10 per cent to the cost of doing business in the small city. Before the days of the telephone, as, no doubt, the gentleman from Illinois [Mr. CANNON] well remembers, the town people and the farmers came to the stores, bought the goods, and carried the parcels away.

Now, if the local merchant has a general store in his city he has to deliver the goods all over the city or he can not maintain the trade of his customers, and what is true of Danville is also true of every city in our country. It costs the local merchant much more to carry on the business, and this adds to the cost of living.

The apartment and flat house are here to stay for reasons apparent to everyone who has any knowledge of the situation; the mechanic, the clerk, the laboring man must of necessity live as convenient and as near to their work as possible. This accounts for the crowded conditions in our cities to-day.

It has often been stated as an argument in favor of parcel post that the farmer and gardener would thereby have a convenient way of delivering his goods to the city. It does not appear to me that butter, when sent on a mail wagon over muddy or frozen roads or in the heat of summer, and carried by the rural-route carrier, would look very inviting or palatable to the housewife on its arrival. We can all imagine the appearance of a basket of eggs after coming into town on a rural wagon over rough roads. The gardener does business in a different way. He must of necessity bring his vegetables to market early in the morning if he is going to sell them, and the argument of delivering garden stuff, chickens, butter, and eggs does not appeal to anyone that has had experience in the business.

The express companies in this country, with their monopoly of trade and high charges, have had much to do with this agitation of parcel post. Their rates have been excessive, and I think it is about time the Government broke up this monopoly by taking it over and operating it with the Post Office Department. The Post Office Department is now in the parcel business, and so I am in sympathy with measures now before this House to take over the express business with its equipment and methods of distribution already formulated and operate it.

If the Government adopts a parcel-post system with a flat rate, I believe the loss to the Government the first year will amount to more than the cost of acquiring the express companies. The Government could operate the express business without a loss and, in my opinion, reduce the cost of shipping parcels and express matter throughout the country 50 per cent and still have no deficiencies.

I was told when a small lad that the best way to destroy weeds was to pull them up by the roots, and I believe the best way to destroy this monopoly is to remove the cause, and that can be done by taking over the express companies, and the Government should be able to secure as good contracts with the railroad companies for carrying parcels as the express companies are enjoying now.

In conclusion, I wish to say that I am in favor of any system, whatever name it may be called, parcel post or parcel express, with a distance rate of charge. Then the merchant in the large city or small town, the mechanic, the laboring man, the farmer, and the clerk would be on an equal basis as to the cost of transportation, and no one class of people in this country would be benefited alone, and we would continue to develop this country better than ever. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. PEPPER].

Mr. PEPPER. Mr. Chairman, the particular subject which I wish to discuss this evening has not very much to do with the Post Office appropriation bill, although it has a great deal to do with the administration of the Post Office Department. Since I have been attending this session of Congress I have received a large number of complaints relating to the belated delivery of second-class mail. During the winter months, owing to storms, and so forth, it seemed to me that there was possibly a fairly good excuse for the failure of the Post Office Department to properly deliver the newspapers and the other second-class mail that is now delivered in large quantities through the Post Office Department. But from my information on the subject I am advised that the same condition as to the delivery of second-class mail exists now as has existed during the winter months.

I have before me the statements of men, subscribers to the newspapers of the land, to the effect that their newspapers very frequently have come to them one or two or three days late. One instance in particular is that of a man who lives on the main line of a railroad about 18 miles from the county seat, where I live, who makes the complaint that his daily newspaper, that ought to reach him on the same day that it is published, comes to him two or three days late, and then a number arrive at the same time in a bundle tied up with a string.

I mention that simply as an illustration of complaints that have become very frequent among the people who are interested in the service of the post office. I have been trying to find out why this is so. I have been trying to ascertain if there is any particular reason why this complaint should come now, rather than at some other time; whether conditions at this time are any different than in the past. To do this I have read the hearings before the Committee on the Post Office and Post Roads on this bill, and have sought information from other sources, including testimony from men engaged in the postal service.

The numerous reports received of trains arriving at their terminals with large quantities of mail that the clerks were unable to distribute en route emphasizes the demoralized condition into which our postal service has been forced through a false policy of economy. From letters and other evidence in my possession it would seem that the West and Northwest have suffered most from delays in the delivery of the mails on account of this policy to reduce the force and the facilities below the needs of the service.

As an illustration I would insert in the records the following report of one crew on one train on the main line between Chicago and Minneapolis.

This crew reports carrying unworked mails into Minneapolis as follows:

December, 1910, 1,597 packages of letters, 59 sacks of papers.
January, 1911, 213 packages of letters, 113 sacks of papers.
February, 1911, 118 packages of letters, 41 sacks of papers.
March, 1911, 2,315 packages of letters, 244 sacks of papers.
April, 1911, 40 packages of letters, 17 sacks of papers.
May, 1911, 54 sacks of papers.
June, 1911, 11 sacks of papers.
July, 1911, 108 packages of letters.
August, 1911, 321 packages of letters, 35 sacks of papers.
September, 1911, 1,080 packages of letters, 40 sacks of papers.

Six crews alternate on this train so that it is reasonable to assume that the total amount of unworked mail carried into Minneapolis on this one daily train is about six times the above figures during the time indicated.

During the past month (March, 1912) this same train carried into the terminal unworked, approximately—

Pouches of letters	40
Packages of letters	1,000
Sacks of papers	1,500
Sacks of circular letters	40

It would be interesting to know the total amount of unworked mail carried into the Twin Cities by that line since this policy of economizing at the expense of efficient service was inaugurated, and what the average delay in the delivery of the mail has been.

This is the concrete example of the conditions on one line. The same conditions, according to reports received, prevail on all of the heavier lines of the country, with the resultant delay in the mails and the consequent detriment to the interests of the patrons of the service.

Local officials are obliged to impose extra-duty schedules and overtime upon the regular clerks to dispose of the accumulation, in proof of which I beg to insert the following copies of official orders in the records:

GENERAL NOTICE.

POST OFFICE DEPARTMENT,
DIVISION OF RAILWAY MAIL SERVICE,
OFFICE OF SUPERINTENDENT FIFTH DIVISION,
Cincinnati, Ohio, February 20, 1912.

Hereafter when clerks reach Cincinnati with unworked mail same will be sent to the terminal railway post office for distribution by the clerks arriving with it if they have been on duty less than 14 hours.

If they have been on duty 14 hours or more, the clerk in charge will phone his chief clerk or assistant chief clerk, who will call on clerks who are off duty to complete the distribution in the terminal.

If the unworked mail consists of letters or letter-sized circulars the distribution under such circumstances will be completed in the Cincinnati Post Office by railway postal clerks.

It is understood that if the quantity of mail at hand in the Terminal railway post office is such as will permit, the distribution will be completed by terminal railway post-office clerks.

C. M. REED, *Superintendent.*

(Little Miami Depot. Pin in the book.)

RAILWAY MAIL SERVICE,
OFFICE OF CHIEF CLERK,
Chicago, September 12, 1911.

Chicago and Minneapolis Clerks.

GENTLEMEN: All instructions relative to the dispatch of unworked mail from Chicago and Minneapolis, No. 5 at St. Paul, are hereby rescinded.

In effect at once: Clerks in No. 5 will discontinue dispatching all classes of unworked mail at St. Paul, and in lieu will take such unworked mail through to Minneapolis, send it to the Minneapolis post office and the entire crew will report at the Minneapolis post office not later than 8 a. m. the following day and work up such "stuck" or unworked mail in the Minneapolis post office for first dispatch.

They will continue on duty until such unworked mail is worked up, except that the clerk who is due to go east in No. 58 will be excused from duty at 12 noon, providing he does not finish his regular tour of duty in No. 5.

The chief transfer clerk at Minneapolis will please arrange to have any of this unworked mail sent promptly to the Minneapolis post office, and the superintendent of mails will kindly arrange space for clerks in No. 5 to do the work referred to.

In order that this office can have a record of the extra duty performed at the terminal by the clerks, the clerk in charge of No. 5 will make a special report to this office, showing the number of hours and minutes each clerk performed extra duty in the Minneapolis post office, and also show the number of packages and sacks, or both, worked by the individual members of the crew.

Trip reports should be held up by the clerk in charge of No. 5, and the information above noted should also be indicated on the trip report under the heading of "remarks." If there is not room under the heading of "remarks," a paster should be attached to the trip report showing the information required.

Respectfully, T. A. CARR, *Chief Clerk.*

(Copies to superintendent of Railway Mail Service, St. Paul; superintendent of mails, Minneapolis; James McCaulley, chief transfer clerk, Minneapolis.)

There seems to have been such a great demand for economy in the Post Office Department, such a great effort to reduce the expenses, so that they could make some sort of a showing at the end of this fiscal year, that the Postmaster General has seen fit to work the postal employees overtime, on long runs, and to cut down their force, so as to make it impossible properly to handle the business of the department.

It seems to me that the Post Office Department, if it is anything to the American people, ought to mean a department that renders service. I do not believe there is any great demand in this country for this so-called economy at the expense of efficient service. It does seem to me that if there is one department in this Government that should be close to the people, a department that should be able to render real service to the American people, it is the Post Office Department; and I believe the people are entitled to the best service, the highest kind of service, in the delivery not only of the first-class mail, but also of the second-class mail.

Take, for example, the farmers in the various communities. Oftentimes the delivery of the farmer's newspaper is of the most vital importance. It brings to him the news of the markets, and all the various items that are of vital importance to the farmers and the men who live in the smaller towns.

I say that we are entitled to the most efficient service of this department, and I am not in sympathy with any proposition that this Post Office Department, in order to make a record of economy—a fake record, I pronounce it, because it is not real economy—should sacrifice the interests of the people and impose unjust burdens on employees.

I hope that there may be found some way of reaching the administration of this department, so that the people may at least secure reasonable service in the handling and distribution of their mail. [Applause.]

Mr. MOON of Tennessee. I yield to the gentleman from South Carolina [Mr. FINLEY].

[Mr. FINLEY addressed the committee. See Appendix.]

Mr. MOON of Tennessee. I yield to the gentleman from Nebraska [Mr. LOBECK].

Mr. LOBECK. Mr. Chairman, I want to state to the Members of this House that I am in favor of the zone or distance rate in relation to the parcel post, postal express, or whatever it may be termed. That puts the merchant and the farmer on an equal basis. Any law that establishes a zone or distance rate that will lower the cost of carrying parcels I am in favor of. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I ask the Clerk to proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated for the service of the Post Office Department, in conformity with the act of July 2, 1836, as follows:

Mr. MOON of Tennessee. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

H. R. 18956. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, with Senate amendments; to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. JACKSON, for one week, beginning April 15, on account of illness in his family.

ADJOURNMENT.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House, under the order heretofore adopted, adjourned until to-morrow, Sunday, April 14, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers report of examination and survey of St. Marys River, Ga. and Fla. (H. Doc. No. 697); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce and Labor submitting estimate of appropriation required for the establishment of the Children's Bureau in the Department of Commerce and Labor (H. Doc. No. 698); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named as follows:

Mr. LEVER, from the Committee on Agriculture, to which was referred the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, reported the same with amendment, accompanied by a report (No. 546), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAIR, from the Committee on the District of Columbia, to which was referred the bill (H. R. 6083) to amend an act entitled "An act for the widening of Benning Road, and for other purposes," approved March 16, 1908, reported the same without amendment, accompanied by a report (No. 547), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," reported the same without amendment, accompanied by a report (No. 549), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 4623) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 544), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 545), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 20967) granting an increase of pension to Daniel Newell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22022) granting an increase of pension to Alonzo Sidman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16123) granting a pension to Eugene P. Twiford; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12076) granting an increase of pension to Andrew J. Ledman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21110) granting a pension to Harry J. Peck; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18212) granting a pension to Margaret Kennedy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19627) granting a pension to William N. Ruggles; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6978) granting a pension to Elizabeth L. Bayless; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23005) granting a pension to Landon G. Harper; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22189) granting a pension to James G. Kuhnert; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23135) granting a pension to Conway Applegate; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23042) granting a pension to Agnes C. Wunderligh; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23170) granting a pension to Theresa Sheidmantel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23209) granting a pension to Henry A. Ridgeway; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22293) granting an increase of pension to Della A. Cooter; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAYLOR of Colorado: A bill (H. R. 23288) to amend section 4 of an act entitled "An act to provide for an enlarged homestead"; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 23289) authorizing the Secretary of the Interior to set aside certain lands to be used as a national sanitarium by the Sovereign Grand Lodge of the Independent Order of Odd Fellows, and for other purposes; to the Committee on the Public Lands.

By Mr. PARRAN: A bill (H. R. 23290) to authorize the construction of a bridge across Mattawoman Creek, connecting the village of Marbury, Charles County, Md., with the naval proving grounds at Indianhead, for the benefit of the employees of same; to the Committee on Appropriations.

By Mr. BULKLEY: A bill (H. R. 23291) to authorize the coinage of 3-cent pieces, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. TAYLOR of Colorado: A bill (H. R. 23292) concerning the mineral springs of Colorado; to the Committee on Appropriations.

Also, a bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo.; to the Committee on the Public Lands.

By Mr. PLUMLEY: Resolution (H. Res. 492) to provide for printing pamphlet relating to action of Committee on Agriculture on bills to amend oleomargarine law; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 23294) granting an increase of pension to John J. Dairy; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 23295) for the relief of William J. Oliver; to the Committee on Claims.

Also, a bill (H. R. 23296) for the relief of the estate of John Northern; to the Committee on War Claims.

By Mr. BELL of Georgia: A bill (H. R. 23297) granting a pension to Mark E. Cooper; to the Committee on Pensions.

By Mr. BROUSSARD: A bill (H. R. 23298) granting an increase of pension to John A. Boutte; to the Committee on Invalid Pensions.

By Mr. BUCHANAN: A bill (H. R. 23299) granting a pension to Dorothea Winklehaken; to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 23300) granting an increase of pension to Isaac Smith; to the Committee on Pensions.

Also, a bill (H. R. 23301) granting an increase of pension to James M. Roberts; to the Committee on Pensions.

Also, a bill (H. R. 23302) granting an increase of pension to Henry Schwethelm; to the Committee on Pensions.

Also, a bill (H. R. 23303) granting an increase of pension to Frank W. Petnecky; to the Committee on Pensions.

By Mr. CONRY: A bill (H. R. 23304) granting a pension to Michael Collins; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 23305) granting an increase of pension to John P. Ballard; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 23306) granting an increase of pension to William Duffus; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 23307) granting a pension to Theresa Hughey Kurtz; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 23308) granting an increase of pension to Lewis S. Fuller; to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 23309) granting a pension to Benjamin F. Klippert; to the Committee on Pensions.

Also, a bill (H. R. 23310) granting an increase of pension to Frances M. Comba; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 23311) for the relief of the Southern Methodist Church of Marmet, W. Va.; to the Committee on War Claims.

By Mr. LOBECK: A bill (H. R. 23312) granting a pension to Anna Gewinner; to the Committee on Pensions.

Also, a bill (H. R. 23313) granting a pension to Michael Gaygan; to the Committee on Pensions.

By Mr. MAHER: A bill (H. R. 23314) granting an increase of pension to Anna Leonard; to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 23315) granting an increase of pension to Joel Benjamin; to the Committee on Invalid Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 23316) to establish the military record of James W. Miller; to the Committee on Military Affairs.

By Mr. MURRAY: A bill (H. R. 23317) granting a pension to Daniel O'Connell; to the Committee on Pensions.

By Mr. PAYNE: A bill (H. R. 23318) granting a pension to Mary A. Stephens; to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 23319) granting a pension to Abbie E. Farr; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 23320) to remove the charge of desertion from the record of Samuel McCullum; to the Committee on Military Affairs.

Also, a bill (H. R. 23321) to remove the charge of desertion from the record of Frederick Rhine; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 23322) for the relief of G. W. Johnson; to the Committee on War Claims.

Also, a bill (H. R. 23323) for the relief of William Taylor; to the Committee on War Claims.

Also, a bill (H. R. 23324) granting a pension to William Roark; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 23325) granting an increase of pension to William H. Dulaney; to the Committee on Invalid Pensions.

By Mr. RANDELL of Texas: A bill (H. R. 23326) for the relief of James Mack Brewer; to the Committee on War Claims.

Also, a bill (H. R. 23327) for the relief of Robert S. Philpott; to the Committee on War Claims.

Also, a bill (H. R. 23328) for the relief of W. J. Bilderback; to the Committee on War Claims.

Also, a bill (H. R. 23329) for the relief of the heirs of Robert H. Burney and C. J. Fuller, deceased; to the Committee on Claims.

Also, a bill (H. R. 23330) for the relief of the heirs of Elisha Oliver, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23331) for the relief of heirs of Rebecca James, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23332) for the relief of the heirs of Daniel S. Shipman, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23333) for the relief of the widow and the heirs of Daniel R. Wright, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23334) for the relief of the estate of Martha J. Couchman, deceased; to the Committee on War Claims.

By Mr. SELLS: A bill (H. R. 23335) granting a pension to Eugene Jobe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23336) granting a pension to John K. Bowman; to the Committee on Pensions.

Also, a bill (H. R. 23337) for the relief of Nathan H. Howard, administrator of the estate of W. G. Howard, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23338) for the relief of the estate of John H. Stout, deceased; to the Committee on War Claims.

By Mr. SHERLEY: A bill (H. R. 23339) granting a pension to Kate R. Forrester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23340) granting an increase of pension to John Burrell; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 23341) granting an increase of pension to Frank E. Conkling; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Mississippi: A bill (H. R. 23342) for the relief of the heirs of the late Peter Deel; to the Committee on Claims.

By Mr. TAGGART: A bill (H. R. 23343) for the relief of David H. Lewis; to the Committee on Claims.

Also, a bill (H. R. 23344) granting a pension to George T. Anderson; to the Committee on Pensions.

PETITIONS, ETC.

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

By the SPEAKER: Petition of residents of Rush, Colo., for amending the homestead laws; to the Committee on the Public Lands.

By Mr. ANDERSON of Minnesota: Petition of L. Whitmore and 14 others, of Wabasha, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: Petitions of E. L. Marshall and others, of Bonner Springs, and Dean S. Stuffey and others, of Ozawkie, Kans., for enactment of House bill 21225; to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of the Licking County (Ohio) Humane Society, favoring the enactment of House bill 17222; to the Committee on Interstate and Foreign Commerce.

Also, petition of Dennis White and 5 other citizens of Newark, Ohio, against the passage of interstate-commerce liquor legislation; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Petitions of Verein Ehemaliger Deutscher Soldat of Plymouth, and Frohsein Singing Society of La Crosse, Wis., remonstrating against prohibition and interstate liquor measures; to the Committee on the Judiciary.

By Mr. BURLESON: Petition of citizens of Austin, Tex., favoring passage of the Berger bill, to provide a general old-age pension for all deserving men and women over 60 years of age; to the Committee on Pensions.

By Mr. FRENCH: Petitions of residents of the State of Idaho, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of residents of the State of Idaho, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of residents of the State of Idaho, for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of residents of the State of Idaho, for old-age pensions; to the Committee on Pensions.

Also, petition of the Pleiades Club, of Moscow, Idaho, asking that a tax of not exceeding 2 cents per pound be placed on oleomargarine; to the Committee on Agriculture.

Also, petition of citizens of the city of Kellogg, State of Idaho, urging legislation regulating express rates and classification; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Idaho, favoring passage of bill for parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of members of Weiser Local of Socialists, protesting against the treatment of brother workers at Lawrence, Mass.; to the Committee on Rules.

Also, petition of citizens of Weiser, of Kimball, Bingham County, Idaho, protesting against the prosecution of the editorial staff of Appeal to Reason; to the Committee on Rules.

Also, petition of citizens of the State of Idaho, favoring passage of bill providing for building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. FULLER: Petition of the Colson Clothing Co., of Mendota, Ill., in opposition to the establishment of a parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. HAMMOND: Petition of L. M. Larson and 45 others, of Hardwick, Minn., urging investigation of certain alleged combinations of coal dealers, as requested by City Council of Two Harbors, Mich.; to the Committee on Rules.

By Mr. LINDBERGH: Petition of residents of Cass Lake, Minn., for investigation of an alleged combination existing between coal dealers; to the Committee on Rules.

Also, petition of residents of Browerville, Minn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MARTIN of Colorado: Memorial of Grand Junction Trades and Labor Assembly of Grand Junction, Colo., against Senate bill 3175, to regulate the immigration of aliens to and the residence of aliens in the United States; to the Committee on Immigration and Naturalization.

Also, petition of citizens of State of Colorado, in favor of House bill 13114, by Mr. BERGER, to provide old-age pensions; to the Committee on Pensions.

Also, petition of citizens of State of Colorado, in favor of House bill 16313, providing for the erection of an American Indian memorial and museum building in the city of Washington; to the Committee on Public Buildings and Grounds.

By Mr. MARTIN of South Dakota: Petition of residents of Reliance, S. Dak., in favor of House bill 21225 and opposing House bill 18493; to the Committee on Agriculture.

Also, petition of Black Hills Pomona Grange, No. 3, Patrons of Husbandry, for a general parcel-post system, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Leola, S. Dak., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of residents of Hot Springs, S. Dak., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. MORGAN: Petitions of residents of Oklahoma City, Okla., second congressional district, requesting that a clause be inserted in this year's naval appropriation bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions numerously signed, from the second congressional district, State of Oklahoma, asking for the passage of the Kenyon-Sheppard bill (S. 4043 and H. R. 16214); to the Committee on the Judiciary.

Also, petition of citizens of the second congressional district, State of Oklahoma, asking for the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the homesteaders of McAlister, Quay County, N. Mex., asking for the passage of the Borah homestead bill; to the Committee on the Public Lands.

Also, petition of citizens of the second congressional district of the State of Oklahoma, protesting against the passage of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. MOSS of Indiana: Petition of residents of Terre Haute, Ind., for old-age pensions; to the Committee on Pensions.

By Mr. MOTT: Petition of residents of Cape Vincent, N. Y., protesting against House bill 18788; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chamber of Commerce of the State of New York, favoring change in the navigation laws of the United States to enable us to buy ships in the cheapest market and operate them on a competitive basis with other nations; to the Committee on Interstate and Foreign Commerce.

By Mr. PLUMLEY: Petitions of the Woman's Christian Temperance Union and Methodist Episcopal Church of Benson and the Baptist Church of West Wardsboro, Vt., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Randolph, Montpelier, and Northfield, Vt., protesting against House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petitions of Vermont State Branch, Federation of Labor, and Barre (Vt.) Branch, International Granite Cutters' Association, for investigation into production, transportation, and sale of coal, etc.; to the Committee on Rules.

By Mr. RAKER: Papers to accompany House bill 23269; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Memorial of the New York delegation to the National Rivers and Harbors Congress relative to development of waterways within the State of New York; to the Committee on Rivers and Harbors.

HOUSE OF REPRESENTATIVES.

SUNDAY, *April 14, 1912.*

The House met at 12 o'clock noon, and was called to order by Mr. TAGGART as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, glorify the service which brings us together on this peaceful Sabbath day by Thy holy presence, that we may be purified, exalted, ennobled.

We thank Thee for the life, character, and achievements of the Member in whose memory we are assembled. Grant that they may be written in characters of light on the pages of history, that others may read and be inspired to useful and noble lives. We mourn his loss, but are comforted in the thought that he still lives in some higher, nobler existence. Be this the solace to the bereaved wife and to those to whom he was bound by the ties of kinship:

"For I am persuaded that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature shall be able to separate us from the love of God, which is in Christ Jesus our Lord." Amen.

The Journal of the proceedings of Saturday, April 13, 1912, was read and approved.

THE LATE REPRESENTATIVE MADISON.

Mr. CAMPBELL. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 493.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. EDMOND H. MADISON, late a Member of this House from the State of Kansas.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. CAMPBELL. Mr. Speaker, I move the adoption of the resolutions.

The resolutions were agreed to.

Mr. CAMPBELL. Mr. Speaker, I have asked that the usual business of the House be suspended to-day for the sad purpose of paying a last tribute to a former Member of this House, EDMOND H. MADISON.

Judge MADISON was born in Illinois in 1865. He came of a sturdy and religious stock. His father and mother had been pioneers in a new country. They knew by experience what it was to come in contact with plain and hard conditions. Judge MADISON inherited from his parents a rugged character. He had decisive notions about the duties of a citizen. He was plain in his tastes, honest in his beliefs, modest in his ambitions, and decidedly practical in all his methods. I have rarely known a man in public life who had a more accurate idea of the duties of a man in high station than Congressman MADISON.

He came here from the bench. There he had exercised the authority of a judge. On the bench he was in action every day. He was the central figure in the court. His opinions were announced from the time the court convened in the morning until it adjourned in the evening, and were only subject to reversal or revision by the supreme court. It is said of his judgments that they were usually right. This mode of life for a number of years gratified that ambition that most men of ability and capacity possess.

He entered the House of Representatives, as I say, after a long service on the bench. He was more or less disappointed in the first few months of his service here. There was a lack of that exercise of power and authority to which he had been accustomed on the bench. He talked about it freely. I do not violate any confidences when I say that he often talked of quitting Congress and again resuming the practice of the law, with the ultimate idea of once more ascending the bench. But, being conscientious in the performance of his duties here, as elsewhere, he devoted himself to his work, and, one step after another, he found himself becoming more and more interested in and connected with the work of the House. I do not say what I am about to say in disparagement of any man who enters this House as a new Member; but it is rare that a man with so short a service as EDMOND H. MADISON has acquired the position in this House that he had at the hour of his death.

On the 18th day of September last ED. MADISON, in his home in Dodge City, arose at the usual hour and apparently in his